

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th day of May 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations, to Tuesday the Third Day of June, 1766, in the Sixth Year of His Majesty's Reign.

6 George III – Chapter 11 (Session 1)

An Act for the Establishment of Fees, as regulated by the Governor and Council, at the Request of the House of Assembly.

Be it enacted, by the Commander in Chief, the council and assembly, that the establishment of the fees belonging to the several offices in this province, be as followeth,

Justices of the Peace out of Court,

For every writ or Summons, each Justice	}	two shillings and six pence.
Entering an action,		one shilling.
Execution	}	one shilling and four pence.
Sending up papers to the inferior court,		one shilling.
Subpoena for each witness,		six pence.
Every recognizance, each person		one shilling.
Taking of affidavits, each person		one shilling.
Acknowledging an instrument or deed,		one shilling.
A warrant in trespass and assault and battery		one shilling.
Every examination in assault and battery	}	two shillings and six pence.

Clerk of the Peace

Drawing an indictment if found	} two shillings and six pence
Every tryal and judgment	five shillings
Every submission	two shillings and six pence
Concordatum fee	one shilling and six pence
Every petition and preceedings thereon,	two shillings and six pence
Every cause continued by traverse or otherwise	} one shilling.
Every presentment proceeded on, to be paid by the delinquent,	three shillings and four pence.
Certificate of administering the state oaths,	one shilling
Warrant from the court,	one shilling
Every recognizance each person	one shilling
Discharging a recognizance	one shilling

Inferior Court of Common Pleas, Judges Fees.

Entry of every action if for £10 or upwards,	ten shillings,
If above £3, and under £10,	four shillings,
Taxing bill of costs,	two shillings,
Taking a recognizance,	one shilling,
Every tryal,	three shillings and four pence,
Every judgment,	three shillings and four pence,
Every writ issued,	two shillings and six pence.

Clerks Fees in Causes for Ten Pounds or upwards.

Every writ signed and sealed,	one shilling,
Affidavit for bail if drawn by him,	one shilling,
Entry of every cause, declaration, plea, &c.	} three shillings,
Entering up judgment and where a Jury assesses damages,	} three shillings & four pence.
Ditto in defaults	two shillings,
Every execution,	one shilling and four pence,
Subpoena for each person,	six pence.

Advertising day of making up judgment each cause,	three pence,
Continuing a cause to another court,	one shilling,
Copies of all papers, every hundred words,	} one shilling,
Taking special bail at bar each person	one shilling,
Receiving returns of execution, and filing	six pence.
Searching the records,	one shilling.
Certifying a judgment under the seal of the court, if short	} two shillings and six pence
If above 200 words the same as for copying, with one shilling for the seal.	}
For every commitment from the court for contempt, or otherwise	} one shilling
For every warrant to levy fines, to be levied with the fine	} one shilling
Minuting a motion	one shilling
Drawings and taking recognizance each person,	one shilling,
For all monies tendered in court per pound,	six pence
Entering a Bond of arbitration and award and entry of judgment thereupon, and for examining costs,	} two shillings and six pence
Every writ of Habere facias possessionem,	two shillings,
For taxing costs, each cause	one shilling,
His fees in summary causes not tried by a jury, all fees,	} four shillings,

Clerks Fees in the Supreme Court.

For every writ of error and entry thereof,	} six shillings and eight pence.
Judgment thereon and recording,	} thirteen shillings & four pence.
A writ of execution,	} two shillings and six pence.
Every subpoena,	one shilling.

To have the same fees as the clerk of the peace in criminal causes; and also in all causes upwards of ten pounds on original process in the supreme court, to have the same fees as the clerk of the inferior court.

Attornies Fees.

In all causes for ten pounds, or upwards filling every writs of attachments, or summons, and copy	}	Five shillings,
Drawing affidavit and filing,	}	one shilling and six pence.
Drawing declaration, and filing,	}	two shilling and six pence.
Special declarations that are of necessity long from the nature of the case, to be taxed by the discretion of the court.		
Attending the court on tryal and arguing the cause, five shillings.		
On a default,		two shillings and six pence.
Special pleas in abatement, bar, demurer, replication, rejoinder, each	}	two shillings,
Entering an appearance,		one shilling,
Plea to the issue,		one shilling,
Warrant of attorney,		one shilling,
In summary causes not tried by a jury, for all fees,	}	eight shillings,
In real actions in ejectment or scire facias, Filling the writ or summons, declaration and copy,	}	six shilling & eight pence.
Nocie to the tenant in possession,		one shilling,
Preparing the rule &c.		three shilling and four pence.
Entering a cause on bonds of arbitration and awards,	}	two shillings and six pence.
Notice to the defendant or defendants each, one shilling.		

In the Supream Court,

Pleading a cause of tried,	ten shillings,
" if not,	five shillings,
Every writ of error,	three shillings and four pence.
Arguing a point of law on a motion,	three shillings and four pence.

Provost-Marshal's Fees.

Service of a writ or summons,	two shillings and six pence.
Of an execution and return thereon,	five shillings,
For levying, receiving and paying, all monies on execution to £40,	one shilling in the pound.
From £40 to £100,	six pence in the pound.
For every tryal,	two shillings and six pence.
For every default, nonsuit or withdrawn cause,	} one shilling & six pence.
For every deed,	five shillings,
Drawing and executing a bail bond,	two shillings and six pence.
Travel,	three pence per mile,
[To be computed from the place of service to the court where the writ or execution shall be returned, no greater travel to be allowed than he can actually make appear,]	
For inventory of all goods attached, to be tax'd by the court,	}
For every Member return'd for the House of Assembly, in lieu of all expenses, to be paid by the treasurer of the province.	} twenty shillings.

Cryer's Fees,

Calling a Jury,	one shilling,
A verdict,	one shilling,
A default or nonsuit,	eight pence.

Constable Fees,

Attending the jury each cause,	one shilling,
Serving a warrant (except in criminal cases,)	one shilling,
Summoning a jury on an inquest by warrant from the coroner and attendance per day,	two shillings.
Travel three pence per mile as to the provost-marshal.	

Petit Jurors Fees in Civil Causes.

Foreman each causes,	one shilling,
Each other juror,	ten pence,

Plaintiffs Fees

For his attendance at court, for so many days as he necessarily attended to be judged of by the court per day,	}	two shillings,
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Witnesses.

Attendance	one shilling and six pence.
if more than one day to be paid at the discretion of the court.	
Travelling charges,	three pence per mile,
To be computed from the place of his residence, to the court of place of tryal,	

Coroner's Fees,

For serving a writ, summons, or execution and travelling charges,
the same as by this table is allowed to the Provost Marshall.

Taking an inquest to be paid out of the deceased's estate.	}	Twenty five shillings.
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And if no estate to be paid by the treasurer of the province.

The foremand of the Jury	two shillings and six pence.
Every other juror	two shillings.

To be paid them by the Coroner when received, and in the same
manner as the coroner.

And if any person on whose body a coroner's inquest shall fit, have
not any goods or effects to discharge the expenses of burying that
then the coroner shall bury them, and charge ten shillings for the
same to be paid by the treasurer of the province.

And be it further enacted, that what officer or person soever shall ask, demand, and take any greater or other fees than are before-mentioned for the matters aforesaid, or any of them, shall be prosecuted as in cases of extortion, and being thereof duly convicted in any court of record within this province, shall forfeit and pay the sum of ten pounds current money of this province, one moiety whereof to be unto our sovereign Lord the King, his heirs and successors, for and towards the support of the government of this province, and the other moiety unto the informer or him that shall sue for the same in any court of record; and shall further pay unto the party grieved, double the value of the excessive fees so taken.

And it is also further enacted, that this act shall continue and remain in full force for and during the term of two years, from and after the publication thereof, and until the end of the session of the general assembly then next following.

From: British North America Legislative Database; University of New Brunswick
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