

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the fifth day of December 1785, in the Twenty Sixth Year of his said Majesty's Reign, and there continued by several Prorogations unto the Twenty Fifth Day of October, 1787, in the Twenty Eighth Year of his Majesty's Reign, being the Third Session of the Sixth General Assembly convened in the said Province.*

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

Whereas the fees to be taken by the different offices in this province for services by them respectively to be done are not sufficiently ascertained to regulate and establish them in future and prevent any undue exactions or exorbitant demands touching the same.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, that no officer or other person or persons whatsoever for any service or services by him or them to be done and performed in their respective offices herein after mentioned, for any fee, perquisite or other reward, shall exact, demand or receive any greater or other fee or fees, sum or sums of money, than is or are herein after set down allowed and established for the same, that is to say:

Judge of Probate Fees.

For probate and registering a will, administration or letter of guardianship, each twenty shillings.

Citation and service, three shillings.

Letters ad collegendum, ten shillings.

Decree for distribution, twenty shillings.

Warrant of appraisement, five shillings.

Register's Fees.

For probate and registering a will, administration or letter of guardianship, each twenty shillings.

Drawing bond, three shillings.

Attending execution of ditto, two shillings and six pence.

Letters ad colligendum, ten shillings.

Citation and services, three shillings.

Filing inventory, accounts, &c. one shilling.

All searches, one shilling.

Copy of will and probate, per sheet 90 words, nine pence.

Collating, five shillings.

Copying inventory accounts, per sheet 90 words, nine pence.

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Certificate and seal, six shillings and eight pence.  
Decree for distribution, twenty shillings.  
Copy of citation, three shillings and four pence.  
Warrant of appraisement, five shillings.  
Every exhibit, four pence.

#### Justices Fees Common Pleas.

Entering every cause, first justice, two shillings and six pence.  
Entering every cause, assistant justices each, one shilling.  
Every cause tried and final judgment, first justice, six shillings.  
Every cause tried and final judgment, assistant justices, each three shillings.  
Summary cause, the whole court, five shillings.  
Taxing bill of costs, one shilling.  
Taking bail at his own chambers, two shillings.

#### Justice Fees.

Issuing writ or summons, two shillings and six pence.  
Subpoena, six pence.  
Judgment, one shilling.  
Execution, one shilling.  
Every bond or recognizance, one shilling.  
Every affidavit in writing, one shilling.  
Sending proceedings to inferior or other courts, one shilling.  
Warrant in trespass, assault in battery on conviction of the offender, one shilling.  
Acknowledging instrument or deed, one shilling.  
Every examination in assault in battery on conviction of the offender, two shillings and six pence.

#### Clerk's Fees in the Supreme Court.

Entering Action, filing oath, warrant and praecipe the whole, two shillings and six pence.  
Sealing and signing every writ, execution or other process, one shilling.  
Filing every writ and entering return, six pence.  
Filing declaration and all other pleadings, six pence.  
Entering appearance, one shilling and six pence.  
Entering and filing every rule of court, six pence.  
Copy of every rule when given by clerk, six pence.  
Swearing and impannelling jury, one shilling.  
Swearing each witness or constable, six pence.  
Taking and entering verdict, one shilling.  
Entering judgment, two shillings.  
A retraxit or discontinuance, six pence.

Copies of all records or pleading each 90 words, six pence.  
Every exhibit in a cause filed in court, four pence.  
Attending striking special jury and copy of panel to be given to each party, five shillings.  
Taking affidavit in court, one shilling.  
Filing affidavit each, six pence.  
Searching the records, six pence.  
Entering every default, six pence.  
Entry confession, lease entry and ouster, one shilling.  
Taking and filing special bail piece, one shilling.  
Drawing and taking every recognizance, one shilling.  
Entering every non suit, six pence.  
Sealing and signing subpoena, one shilling.  
Continuance of every cause, one shilling.  
Filing the roll in every action, one shilling.  
Taxing every bill of costs, one shilling.  
In every summary cause not tried by a jury in lieu of all other fees including signing and sealing writ, together with the final judgment, five shillings.  
Writs of partition, writs of certioraries and writs of error the fees of the clerk to be as above stated and none other.

Clerk of the Peace his Fees.

Drawing an indictment if found, two shillings and six pence.  
Every trial and judgment, two shillings and six pence.  
Every submission, two shillings and six pence.  
Concordatum fee, one shilling and six pence.  
Every petition and proceedings 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.

Attornies Fees.

For writ, praecipe, affidavit and declaration, eleven shillings and eight pence.  
In all summary causes that do not go to a Jury, for all other proceedings until final judgment, eight shillings and four pence.  
Retaining fee in each cause above £20, ten shillings.  
Drawing affidavit of debt, one shilling and six pence.  
Every writ, summons or other original process, five shillings.  
Term fee, five shillings.

Every declaration not containing more than three sheets at 90 words each, five shillings.  
Copy for service and filing each, two shillings and six pence.  
Every common plea, replication or rejoinder, one shilling.  
Copy for service and filing each, nine pence.  
Drawing every special declaration, plea, replication, rejoinder or other necessary pleadings,  
each 90 words, one shilling.  
Copy to file and serve every 90 words, six pence.  
Drawing brief, five shillings.  
Each copy for council, two shillings and six pence.  
Notice of trial copy and service, three shillings and six pence.  
Notice of taxing costs, two shillings and six pence.  
Drawing notice of exceptions to bail copy and service, three shillings and six pence.  
Every continuance, one shilling.  
Every discontinuance or retraxit, one shilling.  
Attending, balloting, or striking special jury, ten shillings.  
Attending taking every inquisition before sheriff, ten shillings.  
Making bill of costs, two shillings and six pence.  
Attending to get same taxed, two shillings and six pence.  
Arguing a demurrer special verdict on motion for new trial or other special motions, ten  
shillings.  
Trial fee, twenty shillings.  
Drawing common rule in ejectment, three shillings.  
Copy, two shillings.  
All other rules and copies, each one shilling.  
Every subpoena, two shillings.  
Every ticket and service, two shillings and six pence.  
Travel per mile for service, the same as to sheriff.  
Every execution, vend, express, ven. fa. habeas corpus, writ of error, writ of possession, rits.  
habendo, and writ of enquiry, each six shillings.  
Making up issue every 90 words, six pence.  
Copy for service, every 90 words, six pence.  
Making up records, every 90 words, six pence.  
Engrossing the same, every 90 words, six pence.  
All other drafting and copying necessary to be done by an attorney in the conducting of a  
cause to be paid for, for every 90 words, six pence.

II. Be it further enacted, by the authority aforesaid, that in all causes wherein judgment shall hereafter be given for the plaintiff or plaintiffs, all fees which shall be paid, due, owing or payable by such plaintiff or plaintiffs by virtue of this act shall be taxed against, and shall be paid by the defendant or defendants in such cause or causes, and that in all causes which shall be instituted and not prosecuted to final judgment, or which shall be retracted or discontinued without leave of the court, where the same shall be instituted or the consent of the defendant or wherein judgment shall be given for the defendant or defendants all fees costs, and charges which shall be paid, due, owing or payable by such defendant or

defendants by virtue of this act, shall be taxed against and shall be paid by such plaintiff or plaintiffs.

III. Be it further enacted, by the authority aforesaid, that none of the fees by this act allowed for attornies shall be taxed for or allowed to any but sworn attornies regularly admitted into the court, wherein any cause shall be instituted or tryed, and in no cause or causes wherein an attorney is not really employed, and for no other services than such as he shall actually do and perform in such cause.

#### Sheriffs Fees.

Serving every original process, two shillings and six pence.

Travel per mile to be computer from the court house where the process is to be returned, three pence.

Bail bond, three shillings.

Summoning a jury in each cause, two shillings and six pence.

Execution under £40 per pound, nine pence.

From £40 to £100 do, six pence.

Above £100 four pence.

Every deed, five shillings.

Serving writ of possession, ten shillings.

Serving scire facias and return, three shillings.

Returning special jury, ten shillings.

Bringing up a prisoner by habeas corpus, five shillings.

Executing writ of enquiry, summoning jury and return, ten shillings.

Attending prisoner before judge on any special occasion, three shillings and six pence.

Every member returned duly elected to serve in general assembly in lieu of all other expenses to be paid out of the treasury, thirty shillings.

#### Jurors Fees.

For every cause tried each juror, one shilling.

Fees for attending on a view to be taxed at the discretion of the court.

#### Witnesses Fees.

For attendance per day at court, two shillings and six pence.

Travel per mile, three pence.

All clerks fees in the inferior court of common pleas to be the same as the clerks fees in the supreme court and to be taken for services actually performed and none other.

#### Cryers Fees.

For every default or non suit, four pence.

Calling jury in each cause, six pence.  
Every verdict, four pence.  
Swearing every witness, three pence.  
Every one discharged by proclamation, six pence.

#### Constables Fees

Attending a jury in each cause, one shilling.  
Serving every warrant or summons, one shilling.  
Summoning a jury by warrant from coroner and attendance per day, two shillings and six pence.  
Travelling per mile, the same as the sheriff, three pence.

#### Clerk of the Assembly's Fees in Private Affairs.

Reading and entering every petition or other instrument in writing, one shilling.  
Reading every private bill each time, six pence.  
The perusing an act or one days minutes, one shilling.  
Entering every order, six pence.  
Entering a report in the journals of the house, nine pence.  
Engrossing every private bill, per sheet 90 words, nine pence.  
The clerk of the assembly's fees to be taxed by the speaker, provided no bill be called private, which concerns counties, towns or precincts.

#### Coroners Fees.

For serving a writ, summons or execution and travelling charges, the same as allowed the sheriff.  
Taking an inquest to be paid out of the deceased's estate, twenty shillings.  
And if no estate to be paid by the several counties where the inquest is taken.

And wherever a coroner shall take an inquest and the deceased shall have left no goods or effects to discharge the expences of burying, the coroner shall bury him, and shall be paid twenty shillings for the same, out of the treasury of the province, provided the interment is certified by the justices in session to have been decently performed.

IV. And be it further enacted, by the authority aforesaid, that the clerk of the court where any cause shall be brought shall examine and compare all bills of cost, that it contains no other or greater fees than is allowed by this act, and before any such bill or bills of cost, shall be charged against the plaintiff or defendant, the said bill so certified shall be allowed and signed by one of the judges of the court in which such cause was brought.

V. And be it further enacted, by the authority aforesaid, that at all times hereafter when any attorney shall receive the costs due on any actions he shall (if thereto required by the

person paying the same) at the time of payment or at any time when demanded within six months, draw up the bill of particulars and deliver the same to the party who has paid with a receipt, and before he shall issue executions in any cause he shall file a copy of the said taxed bill of costs in the clerks office of the court out of which such execution shall issue; and in cases where executions issues out of the supreme court, he shall first file the judgment roll in the proper office and shall upon the execution endorse the real debt due.

VI. And be it further enacted, by the authority aforesaid, that if any officer or officers, person or persons whomsoever shall exact or take any greater or other fees, in respect of any of the services herein before mentioned, than are ascertained or allowed by this act, he or they so offending shall for each offence forfeit the sum of ten pounds, one half thereof to the use of our sovereign lord the king, his heirs and successors, for and towards the support of the government of this province, and the other half to any one who shall sue for the same to effect, to be recovered by action of debt, bill, plaint or information in any court of record within this province with full costs of suit, and the party so offending shall further pay double the amount of the excessive fees taken, to the party aggrieved.

VII. Provided always, that all actions, prosecutions and suits for the forfeitures and penalties incurred by virtue of this act, shall be brought and commenced in the county where the offence was committed and within six months from the time the offence or offences were committed and not otherwise.