



ANNO TERTIO

VICTORIÆ REGINÆ.

(2ND SESSION.)

CAP. III.

An ACT to establish the Fees and Costs chargeable in the several Police Offices and Courts of Session in this Colony.

[Passed 29th April, 1840.]

WHEREAS it is expedient and necessary to establish the Fees to be taken in the several Police Offices and Courts of Session in this Colony.

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, that from and after the passing of this Act the following Fees and Costs shall be chargeable and taken in the several Police Offices and in the several Courts of Session in this Colony; and a printed Table of the same shall be posted up in a conspicuous place in every Police Office and Court of Session, for public inspection, which shall be as follows:—

Fees to be taken in Police Offices and Sessions Courts according to a printed table thereof to be exhibited.

No. 1.

FEEs CHARGEABLE ON THE COLONY, FOR THE SHERIFF OF NEWFOUNDLAND.

Sheriff.

For Summoning and Empannelling every Grand Jury, One Pound One Shilling.

For Summoning and Empannelling every Petit Jury, Ten Shillings and Sixpence.

No. 2.

FEEs PAYABLE TO THE CLERK OF THE PEACE IN COURTS OF SESSION OF JUSTICES OF THE PEACE.

		£.	s.	d.
Clerks of Peace	For Precept for Quarter Session	0	7	0
—	“ Calling and Swearing Grand Jury	0	5	0
—	“ Calling and Swearing every Petty Jury	0	2	0
In Session.	“ Drawing and Engrossing Indictment or Information, and conducting Proceedings to final Judgment	1	1	0
—	“ Entering Proceedings, in Trial by Jury of a Cause, to final Judgment	0	6	8
—	“ Preparing and Engrossing Record of Conviction or Acquittal, when required	0	6	8
—	“ Every Recognizance for Sureties of the Peace (to be paid by the Party bound)	0	3	4
—	“ Attendance during each Quarter Sessions	1	0	0
—	“ Making up the Record of each Quarter Sessions, payable only when such service shall be duly certified by the Justices or Justice	1	10	0

No. 3.

FEEs PAYABLE TO THE CLERK OF THE PEACE IN CIVIL CASES, MALICIOUS MISCHIEFS, AND IN PETTY CRIMINAL CASES UNDER SUMMARY PROCEEDINGS.

		£.	s.	d.
In Summary proceedings.	For a Summons or Subpœna	0	1	0
—	“ The hearing of every Cause	0	1	0
—	“ Entering the Proceedings to Judgment	0	1	6
—	“ Every Warrant in Execution	0	1	0
—	“ Every Recognizance	0	1	0

Proviso as to amount of Fees in certain cases.

Provided nevertheless, that in any Civil Action in which the Debt or matter in dispute shall not amount to the Sum of Twenty Shillings, the Fees to be taken by the Clerk of the Peace shall not exceed in the whole the Sum of Three Shillings and Sixpence.

No. 4.

FEEs TO BE ALLOWED THE CLERK OF THE PEACE FOR THE PERFORMANCE OF MINISTERIAL DUTIES BEFORE A JUSTICE OR JUSTICES OF THE PEACE, IN CASES OF FELONY OR MISDEMEANOR.

		£.	s.	d.
Clerks of Peace.	For every Deposition or Examination taken and drawn, and made in due form, according to usual precedents in accredited Books of Practice	0	2	0
—	“ Every Summons	0	1	0
—	“ Every Subpœna	0	1	0
—	“ Every Warrant	0	1	6
—	“ Every Commitment	0	1	6
—	“ Every Recognizance for due appearance of Prosecutor to prosecute, or Witness to give evidence at Trial, the same being taken in due form as aforesaid	0	1	6

No. 5.

FEEs PAYABLE TO CONSTABLE OR BAILIFF.

		£.	s.	d.
Constables or Bailiffs.	For Service of a Summons or Subpœna	0	1	0
—	“ Executing every Warrant to arrest the Person	0	2	6

And if the due service of either of the above process shall require the Officer to travel beyond the distance of Two Miles, he shall be further allowed, for every Mile extra..... 0 0 6

For Execution of any Warrant or order of Justices or Justice for levying under Judgment, by Sale of Goods, when such Judgment and levy shall be under the Sum of Twenty Shillings 0 1 0

And when the said levy shall exceed Twenty Shillings, then there shall be furthermore five per cent allowed thereon.

II.—*And be it further enacted*, that no other Fees or Costs shall be chargeable in the said Police Offices or Courts of Session, or any of them, than the Fees or Costs hereinbefore mentioned; and that any Person charging or taking any greater amount of Fees or Costs in any such Police Office or Court of Session shall for every such offence forfeit and pay to Her Majesty, Her Heirs and Successors, the Sum of *Five Pounds*.

Penalty for exacting other Fees than those mentioned in this Act.

III.—*And be it further enacted*, that this Act shall continue and be in force for the period of Three Years and, no longer.

Limitation.