



SECOND SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, SEPTEMBER 10, 1869.

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THURSDAY, SEPTEMBER 16.

[1869.

FEEES IN COUNTY COURTS.

At the Executive Council Chamber, Melbourne, the fifteenth day of September, 1869.

PRESENT:

His Excellency the Governor
Mr. Paton Smith | Mr. Casey.

WHEREAS by *The County Court Statute 1869* it is amongst other things enacted that it shall be lawful for the Governor in Council to direct what amount of fees, and in respect of what steps taken, process issued, or duties performed, fees shall be taken in the County Courts: Now, therefore, His Excellency the Governor, with the advice of the Executive Council, doth by this present Order direct that the fees mentioned in the schedule hereunto annexed shall be the fees to be taken in the said courts, and that in calculating the same every fraction of a pound or mile shall be reckoned as an entire pound or mile.

FEEES AT COMMON LAW.

	£	s.	d.
For filing every plaint and issuing a summons thereon:—			
For any sum not exceeding £20	0	1	0
Above £20 and not exceeding £50	0	3	0
" £50 " £100	0	6	0
" £100 " £250	0	10	0
In actions of ejectment where the rent or annual value does not exceed £10	0	5	0
In actions of ejectment where the same exceeds £10	0	10	0
For trial by consent:—			
Above £250 and not exceeding £500	1	0	0
" £500 " £1000	3	0	0
An additional sum of £1 for every sum of £500, or part thereof, beyond the said sum of £1000.			
For plaint summons under section 56:—			
Not exceeding £20	0	5	0
Exceeding £20 and not exceeding £50	0	10	0
" £50	1	0	0
For other summonses, in addition to the bailiff's fees, where bailiff required to serve	0	2	0
Filing notice of special or equitable defence	0	2	0
Upon payment of money into court, viz:—			
Any sum not exceeding £20	0	2	0
Above £20 and not exceeding £50	0	3	0
" £50 " £100	0	5	0
" £100 " £250	0	10	0
For every notice of trial by jury, in addition to jury fees	0	10	0
For entering every judgment by consent or default:—			
For any sum not exceeding £20	0	2	0
Above £20 and not exceeding £50	0	4	0
" £50 " £100	0	6	0
" £100 " £250	0	10	0
For every new trial	0	10	0
For every certificate of the registrar, save under section 93	0	2	0

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	£	s.	d.
For a certificate under section 93	0	10	0
For every order of a court or judge	0	3	0
For every order of commitment or discharge	0	5	0
For every search	0	1	0
For filing and sealing every affidavit	0	1	0
For every affidavit or affirmation	0	1	0
Marking each exhibit	0	0	6
Office copies of any proceeding whatever, per folio of 72 words	0	0	6
For taxing every bill of costs:—			
Not exceeding three folios of 72 words	0	2	0
Exceeding three folios, per folio of 72 words additional	0	0	6
For warrant of execution or possession, in addition to the bailiff's fees:—			
Where the amount to be levied or value of property to be recovered does not exceed £20	0	3	0
Above £20 and not exceeding £50	0	6	0
" £50 " £100	0	12	0
" £100 " "	1	0	0
For warrant of replevin	0	10	0

FEEES IN EQUITY.

For every plaint or petition and summons thereon where there is no money demand	0	5	0
For any sum not exceeding £20	0	1	0
Above £20 and not exceeding £50	0	3	0
" £50 " £100	0	6	0
" £100 " £200	0	10	0
For every additional £100	0	5	0
For every suit or matter transferred to a county court	0	6	0
For a decretal order	0	5	0
For a final decree	0	10	0
For every taxation of costs	0	5	0
For filing and sealing affidavit for injunction on one only	0	10	0
For every other affidavit	0	1	0
For every search	0	1	0
For warrant of execution, the same as at common law.			
For every summons, except as above	0	2	0
For every notice to, or to be sent by, the registrar, and for every copy of same	0	2	0
On filing every admission or answer	0	5	0
On filing statement of defendant, or notice of dismissal by plaintiff	0	5	0
For sealing order under section 105	0	5	0
For sealing every other order	0	2	0
For drawing advertisements and inserting (in addition to the amount paid)	0	5	0
For every sitting of the registrar taking accounts, or evidence, or making inquiries, or acting as a special examiner	0	10	0
If for more than one hour, then for every additional hour	0	5	0
If at any place other than his office, mileage one way, per mile	0	1	0
For application to judge for further directions	0	5	0
For draft order on an <i>ex parte</i> application, and including the order afterwards made	0	10	0

	£	s.	d.
For certificate directed to be made by any decretal order	0	5	0
For sealing office copy of any document, per folio	0	0	6
For making and transmitting note of any decretal order or final decree	0	2	0
For auditing receiver's accounts, where the sum in account does not exceed £100	0	10	0
For every additional £50, or fraction thereof	0	3	0
For procuring investments in approved securities, one-fourth per cent. on the amount invested, exclusive of charges.			
For all matters respecting records for trial or other proceedings not included herein, fees according to the common law scale.			

FEES IN PROBATE AND ADMINISTRATION.

On sealing affidavits for application to judge for probate or administration, to be charged on one only	0	2	0
For sealing every other affidavit	0	1	0
On transmitting certificate of decree to Master-in-Equity	0	1	0
For every order or decree of a court or judge	0	2	0
On remitting suit or proceeding to Supreme Court under section 116	0	1	0
On lodging notice of appeal	0	5	0
On giving security or lodging money in court on appeal	0	5	0
For all other matters or things not included herein, fees according to the common law scale.			

FEES PAYABLE TO THE BAILIFF.

For the service of any summons, petition, notice, or order, if within two miles of the court house	0	2	0
If the service is required to be personal, an additional fee of	0	5	0
For affidavit of service and sealing	0	2	0
For executing every warrant on any writ or process, for each, if the distance from the court or bailiff's residence does not exceed five miles	1	0	0
For man left in possession, per day	0	6	0
For every arrest within a mile of the court house or bailiff's residence	0	15	0
If exceeding one mile and under seven miles	1	0	0
If exceeding seven miles	1	10	0
For every replevin in bond	1	0	0
For delivering the goods under the same and returning warrant	1	0	0
For executing every warrant, serving summons, delivering goods in replevin, conducting prisoners to gaol, for any distance beyond those before mentioned from the court or bailiff's residence, a reasonable amount to be fixed by the registrar, not exceeding 2s. per mile.			

And the Honorable James Joseph Casey, Her Majesty's Minister of Justice for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.

FEES IN COURTS OF MINES.

At the Executive Council Chamber, Melbourne, the fifteenth day of September, 1869.

PRESENT:

His Excellency the Governor

Mr. Paton Smith

Mr. Casey.

WHEREAS by *The Mining Statute 1865* it is amongst other things enacted that it shall be lawful for the Governor in Council to direct what fees and sums of money shall be taken in the Courts of Mines, and from time to time to lessen or increase the same: Now, therefore, His Excellency the Governor, with the advice of the Executive Council, doth by this present Order direct that on and after Tuesday the twenty-first day of September instant, the amount of fees mentioned in the schedule hereunto annexed shall be taken in Courts of Mines in lieu of the fees now taken therein, and that in calculating the same every fraction of a pound or mile shall be taken as an entire pound or mile.

SCHEDULE.

	£	s.	d.
For payment of assessors under sec. 136	6	12	0
For payment of assessors under sec. 170	6	12	0

THE LAST SCHEDULE.

For summons to answer a plaint, for any sum not exceeding £10	0	1	0
Above £10 and not exceeding £20	0	2	0
Above £20 and not exceeding £50	0	3	0
Above £50 and not exceeding £100	0	6	0
Above £100 and not exceeding £200	0	10	0
Above £200 and not exceeding £300	0	15	0
Above £300 and not exceeding £500	1	0	0
Above £500 and not exceeding £1000	3	0	0
Above £1000	4	0	0
For summons where there is no pecuniary demand	1	0	0
On lodging notice of appeal from a Warden	0	10	0
Other summonses, in addition to the bailiff's fees, where bailiff is required to serve	0	2	0
Ditto, ditto, when issued to an official agent	0	0	0
For notice on payment into court, in addition to the bailiff's fee for serving it	0	2	0
On requiring trial by assessors, in addition to the assessors' fees, where the plaint is for any sum not exceeding £50	0	5	0
Above £50 and not exceeding £100	0	10	0
Above £100	1	0	0
Filing answers to plaint (sec. 117)	0	2	0
Lodging engrossment of plaint, &c. (sec. 123)	0	2	0
Adjournment of hearing on account of error in proceedings, to be paid by party in error	0	10	0
Every re-hearing (secs. 127 and 134)	0	10	0
Sealing affidavit for injunction on one only	0	10	0
Sealing every other affidavit	0	1	0
Sealing decree	0	5	0
Order of commitment	0	5	0
Sealing order (secs. 160, 161, and 162)	0	5	0
Sealing every other order	0	1	0
For warrant of execution for every pound of the amount to be levied, in addition to the bailiff's fees	0	0	2
Warrant of commitment, in addition to bailiff's fees	0	5	0
Certificate of decree for another court	0	5	0
Certificate of discharge	0	2	0
Copy minute of proceedings (sec. 169)	0	5	0
Taxation of costs (sec. 229)	0	10	0
Taking bond or security	0	10	0
Every search	0	1	0
Taking copy of map in office	0	5	0
Upon filing petition for winding up limited company	1	0	0
Upon lodging memorial and copies for incorporation of limited company	1	0	0
On lodging notice of change of manager or increase of capital or other notice of the like nature	0	1	0

Fees to be paid through the Clerk of the Court to the Bailiff upon the performance of the duty, and which may be retained by the Bailiff for his own use.

	£	s.	d.
For executing warrant against goods, if the distance from the court house does not exceed five miles	1	0	0
For man left in possession, per day	0	7	0
For certificate (sec. 147)	0	10	0
For an arrest, not exceeding a mile from the court house or bailiff's residence	0	15	0
Not exceeding seven miles from the same place	1	0	0
Exceeding seven miles therefrom	1	10	0
For serving any summons, order, or decree, &c., or any notice of payment into court, within two miles of the court house	0	2	0
For executing every warrant, serving summons or notice, conveying prisoner to gaol, for any distance beyond those before mentioned from the court or bailiff's residence, a reasonable amount, to be fixed by the clerk, not exceeding 2s. per mile.			

And the Honorable James Joseph Casey, Her Majesty's Minister of Justice for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.