



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE
OF
THURSDAY, MARCH 1, 1894.

Published by Authority.

WELLINGTON, MONDAY, MARCH 5, 1894.

Rule for Magistrates' Courts.

GLASGOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this second day of March, 1894.

Present:

THE HONOURABLE SIR P. A. BUCKLEY, K.C.M.G., PRESIDING IN COUNCIL.

WHEREAS by "The Magistrates' Courts Act, 1893," it is enacted that the Governor may by Order in Council from time to time prescribe, alter, vary, suspend, or rescind rules or regulations for the purposes in the said Act mentioned:

And whereas by the said Act it is further enacted that all Orders in Council so made shall be gazetted, and shall take effect as from a day to be therein fixed:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and by and with the advice and consent of the Executive Council of the said colony, doth hereby prescribe the rule, charges, costs, and fees set forth in the Schedule hereto, to take effect as from the fifth day of March, one thousand eight hundred and ninety-four.

SCHEDULE.

ALLOWANCES TO WITNESSES, AND SOLICITORS' FEES.

THE expenses to be allowed to witnesses in accordance with "The Magistrates' Courts Act, 1893," and the fees to be allowed to solicitors under the said Act, shall be in accordance with the scales of such fees respectively set forth in the Appendix hereto:—

APPENDIX.

ALLOWANCES AND COSTS.

ALLOWANCES TO WITNESSES.

GENTLEMEN, merchants, bankers, and professional men, per diem .. 15s. to 20s.
 Auctioneers, accountants, clerks, farmers, and tradesmen, per diem .. 8s. " 15s.
 Artisans and journeymen, per diem 7s. " 8s.
 Labourers per diem 5s. " 7s.
 Female witnesses: One-half the above sums.
 Children: A reasonable amount for expenses, to be fixed by the Court.
 Travelling expenses: The cost of conveyance by railway, coach, or other public conveyance, or, if no such conveyance, 9d. per mile, one way. Witnesses of the artisan and labourer classes to be allowed second-class fare; the others first-class.
 If the witnesses attend in more than one action they will be entitled to a proportionate part in each action only.

ALLOWANCES TO SCIENTIFIC OR EXPERT WITNESSES.

For qualifying to give evidence, from 10s. to £5.
 Attending Court on trial, per diem 10s. " £2.
 In estimating the amount to be allowed, the character of the action, the professional standing of the witness (if a professional man), and the propriety of retaining the particular witness, are to be considered, and in no case is the maximum allowance to be exceeded. Travelling expenses to be allowed on the same scale as to an ordinary witness.
 The above allowances shall not apply to persons who prepare plans, drawings, models, &c., for the purpose of illustration, and who, if called at the hearing of the action, prove the correctness of such plans, drawings, models, &c., only, but in lieu thereof these may be allowed the sum reasonably paid for the same if prepared for the purposes of the action. Any such person shall be allowed expenses upon the scale for ordinary witnesses.
 Either party to an action may be allowed the sum reasonably expended in the conveyance of any chattel for production before the Court.

SOLICITORS' FEES.

	Under £2.	£2 and under £5.	£5 and under £20.	£20 and under £40.	Over £40.
For entering plaint	No fee	£ s. d. 0 5 0	£ s. d. 0 5 0	£ s. d. 0 10 0	£ s. d. 1 0 0
Appearance in Court to conduct action in defended cases	"	1 1 0	1 1 0	2 2 0	5 per cent.
Appearance in undefended cases	"	No fee.	0 10 6	1 1 0	2½ per cent.
Appearance in Tenement cases	£1 1s. to £2 2s.				

In case of discontinuance, payment into Court, or confession, no solicitor's fee for appearance will be allowed if the party discontinuing, paying into Court, or confessing judgment, file notice with the Clerk of the Court and serve notice upon the other party, or at the office of his solicitor, not later than noon of the day preceding the day fixed for the hearing of the case: Provided that if the day preceding the day of hearing be a Sunday, or Court holiday, the notice must be filed and served not later than noon of the next preceding business day. If notice be not so given the Court will allow half the solicitor's fee, as per scale.

No allowance will be made in cases of payment into Court or confession unless the name of the solicitor for plaintiff appears upon the bill of particulars:

Provided that a Magistrate may allow a fee not exceeding £2 2s. to the plaintiff on any amount recovered, however small, or to a defendant who successfully defends an action brought for any amount, however small, provided that the Magistrate certifies in writing in the Civil Record-book that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons, or of general or public interest. A Magistrate may further, in his discretion, award a fee not less than 5s. or more than £2 2s. for appearance either in Court or Chambers on any interlocutory proceeding or other matter within his jurisdiction under the Act.

INTERPRETERS' FEES.

Interpreter's fee for interpreting in Court, each case,—
 If engaged less than one hour £ s. d.
 0 10 6
 If engaged over one hour (but not to exceed £2 2s. a day) £1 1s. to 2 2 0
 Filling in Maori duplicate of summons and translating claim,—
 If merely a tradesman's account 2s. 6d. to 0 5 0
 If there is a statement of claim other than such account, if under fifty words .. 0 5 0
 If over fifty words, per folio of seventy-two words, after the first fifty .. 0 5 0
 Translating any document required in proceedings, per folio of seventy-two words .. 0 5 0
 In no case are numerals to count. The above fees are for the document and the duplicate thereof (if required).

An interpreter may also, where necessary, be allowed travelling-expenses on the scale allowed to witnesses.

The Magistrate may, in special cases, order higher or other fees than the above to be paid to an Interpreter. Such order shall be entered in the minute-book, and shall show the reason for making it.

J. F. ANDREWS,
 Acting Clerk of the Executive Council.