

(No. 11.)



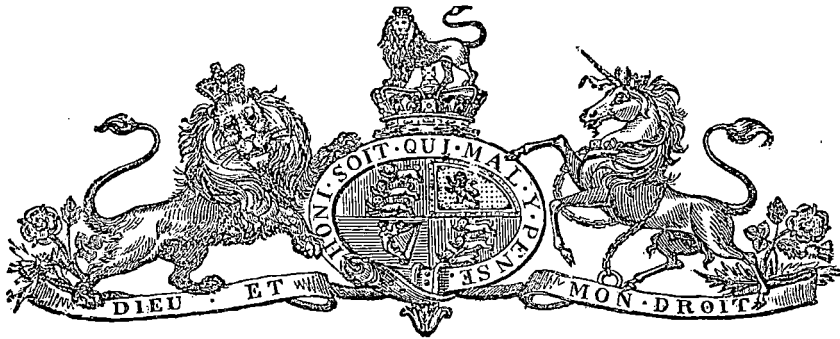
1861.

T A S M A N I A.

RULES AND ORDERS

Made by the Supreme Court under *The Matrimonial Causes Act*, laid before Parliament in pursuance of the 51st Section of the Act, 24 *Victoria*, No. 1.

Laid upon the Table by Mr. Innes, and ordered by the House to be printed,
20 August, 1861.



Registry, Supreme Court of Tasmania, 1st January, 1861.

THE following Rules and Orders of the Supreme Court, in its Matrimonial Courts Jurisdiction, are published for general information.

By Order of their Honors the Judges,

JNO. ASTON WATKINS, *Registrar.*

**In the Supreme Court }
of Tasmania.**

The Fifteenth day of December, 1860.

THE HONORABLE SIR VALENTINE FLEMING, Knight, the Chief Justice, and the Honorable FRANCIS SMITH, Esquire, the Puisne Judge of the Supreme Court, do hereby, in pursuance of *The Matrimonial Causes Act*, order and direct as follows:—

1 Proceedings under the said Act shall be commenced by filing a Petition. A Form of such Petition is given, No. 1.

2 Every such Petition shall be accompanied by an Affidavit made by the Petitioner, verifying the facts stated in the Petition of which he or she has personal cognizance, and such Affidavit shall be filed with the Petition.

3 In cases where the Petitioner is seeking a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, or a Decree in a Suit of Jacitation of Marriage, the Petitioner's Affidavit, filed with his or her Petition, shall further state that no collusion or connivance exists between the Petitioner and the party to the Marriage or alleged Marriage.

4 Every Petitioner who files a Petition and Affidavit shall forthwith issue a Citation to be served on the Respondent in the Cause, according to the Form No. 2.

5 A similar Citation shall be served upon any party whom it is intended to make a Co-Respondent in the Cause.

6 To each Respondent in the Cause shall be delivered, together with the Citation, a copy of the Petition, stamped with the Official Seal of the Registrar of the Supreme Court.

7 Every Citation shall be written or printed on paper; and the party taking out the same, or his or her Attorney, shall take it, together with a *Præcipe*, to the Registrar's Office, and there deposit the *Præcipe*, and get the Citation signed and stamped as aforesaid. The Form of *Præcipe* is given, No. 3.

8 The party applying for a Citation to be signed and stamped shall, on depositing the *Præcipe* in the Registrar's Office, write or cause to be written upon the *Præcipe* an Address within One Mile of the Court House, Hobart Town, at which it shall be sufficient to leave all Notices, Instruments, and other Proceedings not by these Rules and Orders expressly requiring personal service.

9 Before a party can proceed after the service of a Citation, unless by the express leave of the Court, an appearance must have been previously entered by or on behalf of the party or parties cited, or an Affidavit of personal service of the Citation must have been filed with the Registrar. A Form of Appearance Paper is given, No 5.

10 In cases where personal service cannot be effected, application must be made to the Court to substitute some other mode of service, or to dispense with service altogether.

11 Personal service of a Citation shall be effected by leaving a copy of the Citation with the party cited, and producing the original if required by him or her so to do.

12 Every entry of an Appearance shall be accompanied by an Address within One mile of the Court House, Hobart Town, at which it shall be sufficient to leave all Notices, Instruments, and other Proceedings.

13 After personal service of Citation has been effected, the Citation, with the Memorandum of Service endorsed thereon (see Form at the foot of Citation, No. 2), shall be forthwith returned into, and filed in, the Registrar's Office.

14 Within Twenty-four days from the service of the Citation the Respondent shall file his or her Answer in the Registrar's Office, otherwise the Petitioner shall be at liberty to proceed to proof of the Petition. A Form of Answer is given, No. 4.

15 Every Answer which contains matter other than a simple denial of the facts stated in the Petition shall be accompanied by an Affidavit made by the Respondent verifying such other or additional matter, and such Affidavit shall be filed with the Answer.

16 In cases involving a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, or a Decree in a Suit of Jacitation of Marriage, the Respondent shall, in the Affidavit filed with the Answer, further state that there is not any collusion or connivance between the Deponent and the other party to the Marriage.

17 The Respondent shall file his or her Answer in the Registrar's Office, and on the same day deliver to the Petitioner, or his or her Attorney, a copy thereof.

18 Within Fifteen days from the filing of the Answer the Petitioner may file a reply thereto; and the same period shall be allowed for bringing in, and filing, any further statement by way of answer to such replication.

19 If either party desire to amend his or her Petition, Answer, or subsequent Statement, it may be done by permission of the Court, and in such form and under such terms as the Court may approve.

20 When the proceedings have raised the questions of fact necessary to be determined, either party may, within Fifteen days from the filing of the last proceeding, apply to the Court to direct the truth of any question of fact arising in the proceedings to be tried by a Jury.

21 If neither party claim that the Cause shall be heard before a Jury, the Court shall determine whether the same shall be tried by a Jury or before the Court itself, and whether by oral evidence or upon affidavit.

22 Whenever a Case is to be tried before a Jury, the Court shall direct the questions

at issue to be stated in the Form of a Record, to be settled by the Registrar. A Form of Record is given, No. 6.

23 After the Record has been settled, either party shall be at liberty to apply to the Court to alter or amend the same.

24 The Petitioner shall file the Record, and set down the Cause as ready for trial ; and, on the day upon which it is set down, shall give notice of his or her having done so to each party for whom an appearance has been entered, which Notice shall also contain Notice of Trial in like manner as is required in the case of Actions in the Court in its Common Law jurisdiction. And if the Petitioner delay filing the Record and setting down the Cause as ready for trial for the space of One Month from the day on which the Record was finally settled, the Respondent may file the Record and set the cause down as ready for trial, and give a similar Notice to the Petitioner and the aforesaid other parties ; and the Cause, unless the Court shall otherwise direct, shall come on to be heard at the Sittings for which Notice has been given, in the ordinary course.

25 When an Affidavit establishing the *factum* of a Marriage between the parties has been filed, and the Husband has appeared in the Cause, the Wife may proceed to file a Petition for Alimony, in substance according to the Form No. 7, and a Copy of such Petition shall be served on the Husband or on his Attorney on the same day.

26 The Husband shall, within Eight days after a Petition for Alimony has been filed, file his Answer thereto upon Oath, and on the same day deliver a copy thereof to the Wife or to her Attorney.

27 The Wife, subject to any Order as to Costs, may, if not satisfied with the Husband's Answer, examine Witnesses in support of her Petition for Alimony.

28 After the Answer of the Husband has been filed, the Wife may apply to the Court to order Alimony *pendente lite* ; provided that the Wife shall, Two days at least before she so applies to the Court, give notice to her Husband, or to his Attorney, of her intention so to do.

29 A Wife who has obtained a Decree of Judicial Separation in her favour, and has previously filed her Petition for Alimony, may apply to the Court, by Motion in open Court, to decree her Permanent Alimony ; provided that she shall, Eight days at least before making any such Motion, give Notice to the Husband, or to his Attorney, of her intention so to do.

30 Where a Decree of Judicial Separation has been pronounced, it shall not be necessary for either party to enter into a Bond conditioned against marrying again.

31 Every Subpœna shall be written or printed on paper, and may include the names of any number of Witnesses. The party issuing the same, or his or her Attorney, shall take it, together with a *Præcipe*, to the Registrar's Office, and there get it signed and stamped, and there deposit the *Præcipe*. [Forms of Subpœna *ad test.* and *duces tecum*, and the respective *Præcipes* ; also Form of Notices to Admit, can readily be framed from the Forms used by the Court in the like cases in its Common Law jurisdiction.]

32 The Petitioner or Respondent may call upon the other party, by notice in writing, to admit any document, saving any just exceptions ; and in case of refusal or neglect to admit the same, the cost of proving the document shall be paid by the party so neglecting or refusing, whatsoever the result of the cause may be, unless the Court or Judge presiding at the trial shall certify that the refusal to admit was reasonable ; and when such Notice to admit has not been given, no costs of proving any document shall be given, except in cases where the omission to give the Notice is, in the opinion of the Registrar, a saving of expense.

33 The hearing of the Cause shall be conducted in Court, and the Counsel shall address the Court subject to the same Rules and Regulations as now obtain in the Court in its Common Law jurisdiction.

34 The Clerk of the Court shall, in Cases tried by a Jury, enter on the Record the finding of the Jury, and the Decree of the Court, and shall sign the same. In all cases the Registrar shall enter the Decree of the Court in the Court Book.

35 In Cases to be tried upon Affidavit, the Petitioner and Respondent shall file their Affidavits within Twelve days from the filing of the last proceeding.

36 Counter Affidavits to any facts stated in any such Affidavits may be filed by either party within Fifteen days from the filing of the Affidavit which they are intended to answer.

37 Affidavits in reply to counter Affidavits may be filed by permission of the Court, but not otherwise.

38 Applications to produce a Deponent in the Cause, for the purpose of cross-examination, shall be made to the Court.

39 Applications on the part of a Wife deserted by her Husband for an Order to protect her earnings and property, acquired since the commencement of such desertion, shall be made either to the Court or to a Judge in Chambers on summons, and be supported in either case by Affidavit. A Form of Application is given, No. 8.

40 Applications for the discharge of any Order made to protect the earnings and property of the Wife are to be founded on Affidavit.

41 Petitions to the Court for a reversal of a Decree of Judicial Separation must set out the grounds upon which the Petitioner relies, as in Form No. 9.

42 Any person desirous of prosecuting a Suit *in forma pauperis* shall lay a Case before Counsel, and obtain an opinion from such Counsel, that he or she has reasonable grounds for applying to the Court for relief.

43 No person shall be admitted to prosecute a Suit *in forma pauperis* without the Order of the Court; and to obtain such Order the Case laid before Counsel for his opinion, and his opinion thereon, with an Affidavit of the party, or of his or her Attorney, that the same Case contains a full and true statement of all the material facts to the best of his or her knowledge and belief, and an Affidavit by the party applying that he or she is not worth £25 after payment of his or her just debts save and except his or her wearing apparel, shall be produced at the time such application is made.

44 Where a Pauper omits to proceed to Trial pursuant to Notice, he or she may be called upon by Rule to show cause why he or she should not pay Costs though he or she has not been dispaupered, and why all further proceedings should not be stayed until such Costs be paid.

45 Every application for a new Trial in respect of Causes tried before a Jury is to be lodged in the Registrar's Office within a Month from the day on which the Cause was tried.

46 If the Petitioner or Respondent, unless by leave of the Court previously obtained, fail to deliver the answer, reply, or other proceeding within the time specified in these Rules, the other party shall not be compelled to receive the same unless by direction of the Court. The expense of every such application to the Court shall fall on the party causing the delay, unless the Court shall otherwise direct.

47 Where a special time is limited for filing Affidavits, no Affidavit filed after that time shall be used unless by leave of the Court.

48 Wherever it becomes necessary to give a Notice to the opposite party in the Cause such Notice shall be in writing signed by the party, or by his or her Attorney.

49 The addition and true place of abode of every person making an Affidavit is to be inserted therein.

50 In every Affidavit made by Two or more persons the names of the several persons making it are to be written in the jurat.

51 No Affidavit shall be read or made use of in any matter depending in the Court in the jurat of which there is any interlineation or erasure.

52 Where an Affidavit is made by any person who is blind, or who from his or her signature or otherwise appears to be illiterate, the person before whom such Affidavit is made is to state in the jurat that the Affidavit was read in the presence of the party making the same, and that such party seemed to, and according to the belief of such person did, understand the same; and also that the said party made his or her mark, or wrote his or her signature, in the presence of the person before whom the Affidavit was made.

53 All Affidavits shall be filed with the Registrar; and no Affidavit shall be made use of, having any erasure or alteration therein, unless the initials of the person before whom the Affidavit is sworn be affixed opposite to every such erasure or alteration.

54 Every Affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject. No costs shall be allowed for any Affidavit, or part of an Affidavit, substantially departing from this Rule.

55 Applications to the Court in all interlocutory matters may be made by Petition or upon Motion.

56 The Court shall, in every case in which a time is fixed by these Rules for the performance of any act, have power to extend the same to such time, and with such qualifications and restrictions, and on such terms, as may seem fit.

57 All Office copies, proceedings, and documents shall be counted and charged for after the rate of 72 words per folio.

58 In all cases in which any particular number of days not expressed to be clear days is prescribed by the Rules or Practice of the Court, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas-day, Good Friday, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusively of that day also.

59 When an appointment has been made by the Registrar for taxing any Bill of Costs, and one party only attends at the time appointed, the Registrar may nevertheless proceed to tax the Bill after the expiration of a quarter of an hour, upon being satisfied by Affidavit that due notice of the time appointed was served on the other party.

60 If more than one-sixth is deducted from any Bill of Costs taxed as between Practitioner and Client, the costs incurred in the Taxation thereof shall be deducted from the sum allowed on Taxation, if so much remains due, otherwise the same shall be paid by the Practitioner to the Client.

F O R M S.

THE following Forms are to be followed as nearly as the circumstances of each case will allow :—

No. 1.—*PETITION for Divorce,*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

To the Supreme Court of Tasmania.

The Petition of *A.B.* of showeth :—

1. That your Petitioner was on the day of 18 , lawfully married to *C.B.*, then *C.Z.*, Widow, at

2. That after his said Marriage your Petitioner lived and cohabited with his said Wife at and at and that your Petitioner and his said Wife have had issue of their said Marriage three children, to wit, one Son and two Daughters.

3. That on the day of 18 and other days between that day and the said *C.B.* at committed Adultery with *R.S.*

4. That in and during the months of January, February, and March, 18 , the said *C.B.*, frequently visited the said *R.S.* at and on divers occasions committed Adultery with the said *R.S.*

Your Petitioner therefore humbly prays, that Your Honors will be pleased to decree [*here set out the relief sought.*]

And that your Petitioner may have such further and other relief in the premises as to Your Honors may seem meet.

And your Petitioner will ever pray, &c.

No. 2.—*CITATION,*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To *C.B.* of

WHEREAS *A.B.* of claiming to have been lawfully married to you the said *C.B.*, has filed her Petition against you in our said Court, praying for , wherein she alleges that you have committed Adultery [*or have been guilty of cruelty towards her the said *A.B.*, or as the case may be*]. Now this is to command you, that within Twelve days of the service of this on you, inclusive of the day of such service, you do appear in our said Court, then and there to make answer to the said Petition, a Copy whereof stamped with the Official Seal of the Registrar of our said Court is herewith served upon you. And take notice that, in default of your so doing, the Judges of our said Court will proceed to hear the said charge [*or charges*] proved in due course of law, and to pronounce sentence therein, your absence notwithstanding.

(*L.S.*) (Signed) *Registrar.*

Indorsement to be made after Service.

THIS Citation was duly served by *E.F.* on the within-named *C.B.* of at
on the day of 18 ,

(Signed) *E.F.*

No. 3.—*PRÆCIPE for Citation.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

CITATION for *A. B.* of against *C. B.* of for a Judicial Separation
by reason of Adultery [*or as the case may be.*]

(Signed) *P. A.* Attorney for the said *A. B.*
[*or A. B.* in person.]

No. 4.—*FORM of Answer.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

The day of 18 .

A. B. v. C. B.

The Respondent *C. B.* by *P. A.* her Attorney (*or in person*) saith :—

1. That she denies that she committed Adultery with *R. S.* as set forth in the Petition.

2. Respondent further saith that on the day of 18 and on other days between
that day and the said *A. B.* at committed Adultery with *H. Y.*

[*In like manner Respondent is to state connivance, condonation, or other matters relied on as a
ground for dismissing the Petition.*]

Wherefore this Respondent humbly prays, that Your Honors will be pleased to reject the
prayer of the said Petition, and decree, &c.

And this Respondent will ever pray, &c.

No. 5.—*ENTRY of an Appearance.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

A. B. Petitioner *v.* *C. B.* Respondent.

THE Respondent *C. B.* appears in person [*or E. F.*, Attorney, appears for the Respondent.]

[*Here insert the Address required by Rule No. 12.*]

Entered this day of 18 .

No. 6.—*FORM of Record.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

The day of 18 .

A. B. v. C. B.

A. B. did in his Petition presented in this Cause allege that *C. B.* did, to wit, on the
day of 18 commit Adultery with *R. S.*

C. B. [*here insert the Allegations of the Petition*] did, in answer thereto deny [*insert
the Denial and any other necessary matters contained in the Answer.*] Whereupon the said *A. B.*
denied that [*here insert the substance of the Replication, if any, and so on for the further statement,
if any.*]

Therefore let a Jury come.

No. 7.—*PETITION for Alimony.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

To the Supreme Court of Tasmania,

A. B. v. C. B.

The day of 18 .

The Petition of *A.B.*, the lawful Wife of *C.B.*, showeth :—

1. That the said *C.B.* has for many years carried on the business of
at and from such business derives the nett annual income of £
2. That the said *C.B.* holds Shares in the Bank of Tasmania, amounting in value
to £ and yielding a clear annual dividend to him of £
3. The said *C.B.* is possessed of Stock-in-Trade in his business of to the value
of £ *[And so on for any other faculties which the Husband may possess.]*

Your Petitioner therefore humbly prays that Your Honors will be pleased to order or decree her such sum or sums of money by way of *Alimony pendente lite* [*or permanent Alimony*] as to Your Honors shall seem meet.

And your Petitioner will ever pray, &c.

No. 8.—*FORM of Application under Section 9.*

To

The Application of *A.B.*, of the lawful Wife of *C.B.*, showeth :—

That on the day 18 she was lawfully married to *C.B.*
at

That she lived and cohabited with the said *C.B.* for years at and also
at and hath had children issue of her said Marriage, of whom are
now living with the Applicant and wholly dependent upon her earnings.

That on or about the day of the said *C.B.*, without any reasonable cause, deserted this Applicant, and hath ever since remained separate and apart from her.

That, since the desertion of her said Husband, this Applicant hath maintained herself by her own industry [*or on her own property, as the case may be*] and hath thereby and otherwise acquired certain property.

Wherefore she prays an Order for the protection of her earnings and property acquired since the said day of from the said *C.B.* and from all Creditors and persons claiming under him.

No. 9.—*PETITION for Reversal of Decree.*

In the Supreme Court }
of Tasmania. }

Matrimonial Causes Jurisdiction.

To the Supreme Court of Tasmania.

The day of 18 .

The Petition of *A. B.* of showeth :—

1. That your Petitioner was on the day of lawfully married
to
2. That on the day of Your Honors on the Petition of
pronounced a Decree affecting this Petitioner to the effect following, to wit :—

[Here set out the Decree.]

3. That such Decree was obtained in the absence of your Petitioner, who then resided at
 [State facts to show that the Petitioner did not know of the proceedings; and further, that had he known he might have offered a sufficient defence.]

That there was reasonable ground for your ^{or} Petitioner leaving his said Wife, for that his said Wife
 [Here state any legal grounds justifying the Petitioner's separation from his Wife.]

Your Petitioner therefore humbly prays, that your Honors will be pleased to reverse the said Decree.

And your Petitioner will ever pray, &c.

TABLE OF FEES.

	£	s.	d.
On every Citation	0	10	0
On entering Appearance	0	2	6
Filing a Petition	0	5	0
Filing on Answer	0	10	0
Filing a Reply	0	5	0
Filing any further Replication to a Petition.....	0	5	0
Filing Application for an Order for the protection of a Wife's earnings and property.....	0	5	0
Filing Application for discharge of such Order.....	0	5	0
Filing Interrogatories	0	5	0
Filing Answer of each deponent to Interrogatories	0	5	0
On every Motion by Counsel, inclusive of Filing the case for Motion	0	5	0
Entering Order of the Court on Motion	0	5	0
Summons to attend in Chambers	0	2	6
For entering Order of Court on Summons	0	2	6
Filing Notice	0	1	6
On depositing the Record, exclusive of Jury Fee.....	1	0	0
For settling the Record by Registrar	1	0	0
Setting down a Cause for Hearing or Trial	0	5	0
Entering Sentence or final Decree in a Cause	1	0	0
Entering Special Verdict if 5 folios or under	0	5	0
Ditto if exceeding 5 folios, per folio	0	1	0
Entering any Decree or Order for Alimony	0	5	0
Entering Order directing how damages shall be applied.....	0	10	0
Entering Order for the production of a Wife's earnings and property	0	5	0
For the Order under the Seal of the Court	0	10	0
Entering Order providing for custody	0	10	0
Entering Order for Maintenance or Education of Children if 5 folios or under	0	5	0
Entering Order for Settlement of the Wife's Property if 5 folios or under	0	5	0
If either of the above Orders exceed 5 folios, each additional folio..	0	2	0
Entering any Minute, Order, or Decree in the Court Book, other than the Decrees or Orders before specified.....	0	2	6
On withdrawal of a Cause after the same is set down for Hearing, to be paid by the party at whose instance it is withdrawn	0	5	0
On the hearing of a Cause:—			
From the Plaintiff	1	0	0
From the Defendant or Defendants	0	15	0
If the hearing or Trial continues more than one day, for each day:—			
From the Plaintiff	0	10	0
From the Defendant or Defendants	0	10	0
Taxing every Bill of Costs:—			
If 5 folios or under	0	7	6
If exceeding 5 folios in addition. When taxed as between party and party, per folio	0	0	6
When taxed as between Practitioner and Client, per folio	0	1	0

	£	s.	d.
For administering Oaths to each Deponent	0	1	0
Examiners appointed to take Evidence under a Commissioner for examination of Witnesses, for each day's attendance, besides Travelling expenses	3	3	0
For a Rule nisi for a new Trial	0	5	0
For settling the form of Advertisements of Citations or other Advertisements	0	5	0
Entering on the Record the finding of the Jury or the decision of the Judge	0	5	0
On every Subpœna	0	2	6
On every Commission issuing under Seal of the Court	1	0	0
Writ of Attachment	0	7	6
Writ of Sequestration	1	0	0
Search in Court Books	0	2	6
Filing Exhibits, each	0	1	6
Office Copies of Minutes, Orders, or Decrees, Judge's Notes, or other Documents in a Cause of 3 folios or under	0	2	6
If exceeding 3 folios, per folio	0	0	9
In case the same are under Seal of the Court, in addition for the Seal	0	5	0
Filing every Affidavit or other Document brought into Court or deposited in the Registrar's Office, for filing which which no Fee is before specified	0	2	6
For Swearing each Affidavit	0	1	6

FEES TO BE TAKEN FOR THEIR OWN USE BY ATTORNEYS.

CITATIONS, SUBPŒNAS, WRITS, AND SERVICE OF SAME.

	£	s.	d.
Citation, including Præcipe	0	10	0
Citation to see proceedings, including Præcipe	0	10	0
Memorandum of Service	0	2	6
Subpœna ad test. and Præcipe	0	10	0
Subpœna duces tecum, if 5 folios or under, and Præcipe	0	12	6
Ditto, if exceeding 5 folios, for each additional folio	0	1	0
Writ of Attachment, including Præcipe	0	10	0
Writ of Sequestration, ditto	0	10	0
Service of Citation, Petition, or Subpœna, if within 1 mile of the place of business of the Practitioner, or of the person employed to effect service	0	7	6
If beyond that distance, and not exceeding 20 miles, for every mile each way	0	1	0
Drawing and engrossing Affidavit of Service, if 3 folios or under ..	0	7	6
If above, for every additional folio	0	1	10

In cases in which the person to be served shall avoid service, or shall reside beyond the jurisdiction, a sum to be allowed for service according to the circumstances.

INSTRUCTIONS.

	£	s.	d.
Instructions for Citations, Petitions, Answers, or other Pleadings, for Interrogatories, Special Affidavits, or Applications for an Order for Protection of a Wife's earnings and property	0	13	4
Ditto to defend Suit	0	13	4
Ditto for Brief or Case for Hearing	0	13	4

If there are several witnesses examined, and the Brief or Case is necessarily long, an additional fee will be allowed.

PLEADINGS.

	£	s.	d.
Drawing and engrossing Petition, if 10 folios or under, including a copy to file	1	6	8
If exceeding 10 folios, for every additional folio, including a copy to file	0	1	10
Drawing and engrossing Answers, Replications, and other subsequent statements, Petitions for Alimony and answers thereto, if 10 folios or under, including a copy to file	1	6	8
Ditto, if exceeding 10 folios, for every additional folio, including a copy to file	0	1	10
Copies of Petitions, Answers, and other Pleadings, also of Exhibits or other Documents, at per folio	0	0	7½
If any Exhibit or other Document to be copied, or any part thereof, contains pencil marks or writing, or the Copy thereof, or any part thereof, is required to be made fac-simile, in addition to any other fee for the Copy, for every folio of pencil marks or writing, or Copy fac-simile, or part of a folio	0	0	6
Drawing the Record, if 15 folios or under, including Copy to file	0	15	0
Ditto, if exceeding 15 folios, for every additional folio, including Copy to file	0	1	0
Engrossing Record to file, at per folio, exclusive of parchment ..	0	0	9
For Case for Motion	0	10	0
If necessarily more than 7 folios in length, for every additional folio	0	1	6
Fair Copy for each Judge, per folio	0	0	7½
Copy for adverse party, per folio	0	0	7½
Drawing and engrossing Demurrer, inclusive of the statement of any matter of Law to be argued, for 7 folios or under	0	10	0
Ditto, if exceeding 7 folios, for every additional folio	0	1	10
Copy of the Issue on Demurrer, at per folio	0	0	7½
Drawing Bill of Costs, per page	0	2	6
Copy for taxing Officer, per page	0	1	3
Copy for the adverse party, per page	0	1	3
Drawing any instrument to be filed in or issued by the Registrar's Office, for which no other fee is herein allowed, inclusive of fair Copy to be filed or issued, per folio	0	1	10
For perusing and abstracting Pleadings, Affidavits, Exhibits, and other documents, per folio	0	0	7½

NOTICES.

	£	s.	d.
All necessary Notices if 3 folios or under, inclusive of Copy and Service	0	7	6
If exceeding 3 folios, for every additional folio, including Copy and Service	0	1	10
In all cases where service of a Notice is necessary beyond One mile of the place of business of the Practitioner, or of the person employed to effect the Service, the same Fee as upon the Service of a Citation.			
Copy of a Summons or Order of the Judge or Rule <i>nisi</i> and Service	0	7	6

ATTENDANCES.

	£	s.	d.
On entering Appearance	0	6	8
To search for Appearance to Citation	0	6	8
On Counsel with Brief when Fee to Counsel is One guinea	0	3	4
When the Fee to Counsel exceeds One, and is under Five guineas	0	6	8
When the Fee is Five guineas and upwards	0	13	4
On Consultation	0	15	0
On Conference	0	7	6
In pursuance of Notice to Admit	0	6	8
For every hour after the first	0	6	8

	£	s.	d.
On Trial or Hearing when the Cause is in paper and not tried or heard, or on Motion in Court	0	13	4
On Trial or Hearing	1	1	0
If it lasts the whole day	2	2	0
On Taxation of Bill of Costs	0	13	4
If very long an additional Fee will be allowed.			
On examination of Witnesses under a Commission:—			
If in the Colony of Tasmania, per diem	2	2	0
If elsewhere	3	3	0
For all necessary attendances in Chambers or before a Commissioner or Counsel in the Registrar's Office, or upon the adverse parties or Practitioner, for which no other Fee is herein allowed, or at the discretion of the taxing Officer	0	6	8

BRIEFS, CASES FOR HEARING, LETTERS, &c.

	£	s.	d.
For drawing Brief or Case for hearing, per brief sheet	0	6	8
For each Copy, per brief sheet	0	3	4
Every necessary Letter during the dependence of the Cause, including postage	0	6	0
Term Fees, Letters, and Messengers, each Term in which any business is done	0	15	0

AFFIDAVITS.

	£	s.	d.
For drawing Affidavit, if 5 folios or under, including Copy for the Registrar	0	7	6
If above 5 folios, for each additional folio, including Copy for the Court	0	1	10

INTERROGATORIES.

	£	s.	d.
For drawing the same, at per folio	0	1	3
Copy thereof to be delivered to the Examiner and filed, at per folio	0	0	7½

If it becomes necessary for Attorneys to transact any business for which no Fee is herein specified, such Fee shall be taken by them as would be allowed for similar business in Equity.

All Counsels' Fees to be in the discretion of the Taxing Officer.

V. FLEMING, C.J.
FRANCIS SMITH, J.