

HIGH COMMISSIONER'S NOTICE No. 3 of 1924.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve of the Rule of Court hereto appended, made by His Honour the Resident Commissioner for the Bechuanaland Protectorate, by virtue of section two of the High Commissioner's Proclamation No. 2 of 1896, providing scales of fees and charges to be taken and made by attorneys of the Courts of the Bechuanaland Protectorate in civil cases when the cause of action exceeds fifty pounds sterling, and in applications for compulsory sequestration and voluntary surrender of estates as insolvent.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 11th January, 1924.

RULE OF THE COURT OF THE RESIDENT COMMISSIONER
FOR THE BECHUANALAND PROTECTORATE.

1. In the taxation of costs in civil cases where the cause of action exceeds fifty pounds sterling, and in applications for compulsory sequestration and voluntary surrender of estates as insolvent, the taxing officer shall be guided, so far as the circumstances of each particular case will permit, by the following scales of fees and charges to be taken and made by attorneys of the Courts of the Bechuanaland Protectorate:—

TARIFF OF FEES.

Plaintiff's Costs as between party and party in a defended case,

	£	s.	d.
Attending client and conferring and advising, perusing documents (or 3s. 4d. per brief sheet if documents afterwards used on trial)	1	1	0
Instructions for demand	0	6	8
Writing same	0	5	0
Fair copy	0	2	6
Attending to deliver	0	3	4
Attending on receipt of reply from defendant's attorneys	0	3	4
Perusing and considering (per brief sheet)	9	6	8
Attending client thereon	0	6	8
Instructions to sue	0	13	4
Warrant	0	5	0
Attending signature	0	3	4
Drawing summons	1	1	0
Fair copy	0	10	6

In an important case, whenever necessary that counsel should settle summons, then after this item the following items stand as costs between party and party, viz.:—

Fair copy for counsel to settle	0	10	6
Brief to accompany	0	5	0
Attending him	0	3	4
Paid his fee			
Attending on receipt of summons as settled	0	3	4
Perusing	0	6	8
Engrossing same	0	10	6
Attending to sue out	0	3	4
Paid			
Each copy for service	0	10	6
Attending messenger	0	3	4
Attending search for return and pay charges	0	3	4
Paid			
Attending searching for appearance	0	3	4
Copy to serve, at per brief sheet	0	5	0
Attending serving	0	3	4

	#	s.	d.
Making note of service	0	5	0
Affidavit of service (where necessary)	0	5	0
Attending <i>jurat</i>	0	3	4
Attending filing	0	3	4
Paid			
Attending to search for pleas	0	3	4
Attending on receipt of pleas	0	3	4
Perusing and considering	0	13	4
or per b.s.	0	6	8
Attending client conferring on pleas	0	13	4
Instructions for replication	0	13	4
Drawing same, at per brief sheet	0	6	8
to	0	10	6
Fair copy, per brief sheet	0	3	4
Engrossing same, charges upon same scale as sum- mons—			
(a) Attending to file.			
(b) Copy to serve and copy to keep, and all further pleadings, notices, attendances, etc., on same scale.			
Sorting and arranging documents	1	1	0
Attending client and going over same, and taking names of witnesses, etc.	1	1	0
Notice to registrar setting down	0	5	0
Attending to set down	0	3	4
Paid			
Notice to defendant's attorneys	0	5	0
Copy to serve	0	2	6
Attending to serve	0	3	4
Affirmation of service, <i>jurat</i> , etc., as in service of plea			
Instructions for subpoenas	0	6	8
Drawing same (<i>duces tecum</i>)	0	7	6
Drawing same (ordinary)	0	5	0
Fair copy (subpoenas <i>duces tecum</i> only)	0	3	9
Each copy to serve (half)	0	1	9
Attending to sue out	0	3	4
Attending messenger. Paid stamps			
Searching for return and paid, etc., same as for suing out summonses.			
Looking out and arranging documents called for, at per brief sheet of notice	0	6	8
Copies to serve if required by opposite attorney, at per brief sheet	0	5	0
Instructions to minute evidence	0	6	8
Attending client to arrange	0	6	8
Minuting evidence, at per brief sheet	0	6	8
to	0	10	6
Instructions for conference with witnesses	0	13	4
Attending conference of witnesses	1	1	0
Attending Court, case on roll but not called	0	13	4
Same charge for every subsequent day (but not to be more than two attendances to bespeak trial).			
Attending Court all day (per diem)	5	5	0
(Minimum)			
Clerk's attendance	1	1	0
Attending Court, case concluded, judgment deferred (same as above).			
Attending receipt notice that judgment would be given	0	6	8
Attending Court, judgment for—with costs	1	1	0
Attending record	0	3	4
Copying order for original	0	2	6
Attending to pay fees	0	3	4
Paid			
Attending client informing him	0	6	8
Copy order for service on other side, at per brief sheet	0	5	0
Attending serving	0	3	4
Attending on receipt of memo. of professional witness' expenses	0	3	4
Attending to pay each witness and take receipt	0	3	4
Attending to fix taxation	0	3	4

	£	s.	d.
Drawing notice same	0	5	0
Fair copy	0	2	6
Attending taxation, not less than 10s. 6d. per hour ...	1	11	6
Bill of costs, first sheet	0	5	0
Every subsequent sheet	0	2	6
Copy for service	0	1	3
Attending to serve copy thereof	0	3	4
Attending to make note	0	5	0

(If defendant or his attorney does not appear at the taxation, then charges for affidavit service shall be allowed.)

Letters, papers, messages, at per brief sheet	0	1	0
Letter demanding costs	0	5	0
Copy	0	2	6
Delivery	0	3	4
Attending on settlement	0	3	4

(The defendant's bill of costs as between party and party to be on the same principle as plaintiff's, the following preliminary charges being also allowed.)

Attending defendant on receipt of letter of demand ...	0	3	4
Conferring thereon	0	10	6
Instructions for reply	0	6	8
Writing same (same as plaintiff's).			
Attending defendant on receipt of summons, perusing and considering thereon	1	1	0
Instructions to defend	0	6	8
to	0	13	4

Costs on Exceptions—Respondent's Costs.

Attending on receipt of exceptions and pleas	0	6	8
Perusing and considering	0	13	4
Attending client on receipt of exception and pleas, conferring	0	13	4
Instructions for reply	0	6	8
Drawing same, at per brief sheet	0	6	8
to	0	10	6
Fair copy	0	3	4
Attending on receipt of replication or rejoinder (as case may be)	0	3	4
Perusing and considering	0	6	8
or per b.s.	0	3	4
Engrossing same, at per brief sheet	0	5	0
Attending to file	0	3	4
Attending on receipt of notice setting down exceptions for argument	0	3	4
Perusing	0	6	8
Attending Court, case on roll but not heard	0	13	4
Attending record	0	3	4
Attending on receipt of notice that judgment would be given	0	3	4
Attending Court and arguing (per diem)	5	5	0
(Minimum)			
Attending Court on judgment (if reserved)	1	1	0
Attending client, advising	0	6	8
Attending to record	0	3	4
Paid			
Copy order for original	0	2	6
Copy order to serve	0	5	0
Attending serving	0	3	4
Making note of service	0	5	0
Subsequent charges same as in actions.			

Model Bill in Illiquid Cases by Default.

Attending on receipt of letter from client enclosing documents	0	3	4
Perusing and considering same	0	6	8
or per b.s.	0	3	4
Instructions for Demand	0	6	8
Writing letter of demand	0	5	0

	£	s.	d.
Fair copy	0	2	6
Attending to deliver	0	3	4
Instructions to sue	0	6	8
Drawing power	0	5	0
Paid stamp and filing			
Drawing summons	1	1	0
Fair copy	0	10	6
Copy to serve and copy to keep	1	1	0
Attending to sue out	0	3	4
Paid stamps and signing			
Attending messenger therewith	0	6	8
Attending to search for return	0	3	4
Paid service			
Drawing setting-down paper	0	5	0
Attending to file	0	3	4
Paid stamp and filing			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending to record	0	3	4
Attending to pay fees	0	3	4
Paid same			
Making copy of order	0	2	6
Instructions for writ	0	6	8
Drawing same	0	5	0
Fair copy	0	2	6
Copy for messenger	0	2	6
Attending to sue out	0	3	4
Paid			
Attending messenger therewith	0	3	4
Attending to search for return	0	3	4
Drawing bill of costs	0	7	6
Fair copy	0	3	9
Attending taxation	0	10	6
Letters, papers, messages, etc.	0	5	0
Attending on settlement	0	3	4
<i>Costs on Commission De Bene Esse.</i>			
Attending client, conferring, and instructions to apply for commission to examine	0	13	4
Instructions for affidavit in support	0	6	8
or per b.s.	0	3	4
Drawing same, at per brief sheet	0	10	6
Fair copy	0	5	3
Copy to serve	0	5	3
Instructions for notice of motion	0	6	8
or per b.s.	0	3	4
Drawing same	0	10	6
Fair copy and copy to serve (each)	0	5	3
Attending to serve and attending to set down, etc., same as charges for filing and serving summons			
Attending on receipt of affidavit opposing	0	3	4
Perusing (at per brief sheet)	0	6	8
or	0	13	4
Instructions for reply (or 3s. 4d. per b.s.)	0	6	8
Drawing same, at per brief sheet	0	10	6
Fair copy, etc.	0	10	6
(Costs of all subsequent affidavits same as usual.)			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending for order, etc. (same as in actions).			
Drawing commission	0	13	4
Fair copy	0	6	8
Attending to issue	0	3	4
Stamps			
Attending commissioner with order, etc., and arrang- ing time of sitting	0	6	8
Drawing notice to other side	0	5	0
Copy, 2s. 6d. Copy to serve, 2s. 6d.			
Serving note of service	0	3	4
Attending commission, etc., and all subsequent atten- dances, same as in trial cases.			

Costs on Arrest.

	£	s.	d.
Conferring and instructions to arrest defendant	0	13	4
Drawing and engrossing warrant to sue	0	5	0
Paid stamps and filing			
Instructions for affidavit to hold bail	0	6	8
Drawing same, at per brief sheet	0	10	6
Engrossing fair copy for signature	0	5	3
Attending to swear same	0	3	4
Attending to file	0	3	4
Paid stamps and filing			
Paid stamps (document annexed to affidavit)			
Drawing writ of arrest	1	1	0
Engrossing fair copy for signature	0	10	6
Attending to sue out and pay charges	0	3	4
Paid stamps and signing			
Copy of writ for defendant	0	10	6
Attending to leave same with messenger and instructions	0	6	8
Paid registration of writ	0	1	0
Paid registration to messenger			
Attending to search for return	0	6	8
Attending thereafter on messenger to settle	0	3	4
Bill of costs.			
Copy for taxation.			
Attending Master to tax.			
Letters, papers, messages, etc.			
Attending on settlement.			

Usual charges.

Costs on Compulsory Sequestration.

Attending client on return of unsatisfied judgment, advising thereon, and taking instructions for compulsory sequestration	0	13	4
Attending Registrar's Office to inspect return to writ and copying writ and return	0	6	8
Making copy	0	7	6
Paid office fees			
Paid messenger			
Instructions for petition	0	6	8
Drawing warrant	0	5	0
Stamps			
Drawing petition, at per brief sheet	0	10	6
Fair copy	0	5	3
Drawing verifying affidavit	0	5	0
Attending client therewith for signature	0	3	4
Thereafter attending receipt, same signed	0	3	4
Attending to file	0	3	4
Paid stamps and filing			
Drawing security bond	0	5	0
Fair copy	0	2	6
Stamps			
Attending master for approval	0	3	4
Drawing Master's certificate	0	7	6
Fair copy	0	3	9
Stamps			
Paid filing			
Drawing notice of setting down	0	5	0
Attending to file	0	3	4
Paid fees			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending to record	0	3	4
Copy order for original	0	2	6
Attending to pay fees and take out order	0	3	4
Paid same			
Attending filing same with Master	0	3	4
Paid filing			
Instructions for summons	0	6	8
Drawing same	1	1	0
	or per b.s.		
	0	10	6

	£	s.	d.
Fair copy	0	10	6
Each copy for service	0	10	6
Attending to sue out	0	3	4
Paid stamps and signing			
Attending messenger therewith	0	3	4
Attending search for return	0	3	4
Paid messenger			
Drawing notice of setting down	0	5	0
Attending filing	0	3	4
Paid fees			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending to record	0	3	4
Attending to pay fees and take out order	0	3	4
Paid same			
Copy order for original	0	2	6
Attending serving same on Master	0	3	4
Stamps			
Drawing bill of costs for first sheet	0	5	0
And for each subsequent sheet	0	2	6
Copy	0	1	3
Attending Master to fix taxation	0	3	4
Attending taxation	0	13	4
			or per hour
Letters, papers, messages, etc., at per brief sheet	0	1	0
Attending on settlement and granting receipt	0	3	4

Costs on Motion.

Attending on client, conferring on acts of respondent, and advising	0	13	4
Warrant (where necessary)	0	5	0
Attending signature (where necessary)	0	3	4
Instructions for each affidavit	0	6	8
Drawing same, at per brief sheet	0	10	6
Fair copy	0	5	3
Copy to serve	0	5	3
Attending <i>jurat</i>	0	3	4
(Same charges upon every additional affidavit.)			
Drawing notice motion, at per brief sheet	0	10	6
Fair copy	0	5	3
Copy to serve	0	5	3
Service affidavit, etc. (same as usual).			
Notice to registrar	0	5	0
Attending to filing	0	3	4
Paid filing and stamps on affidavit			
Attending on receipt of respondent's affidavit	0	3	4
Perusing, at per brief sheet	0	6	8
Attending client thereon and conferring	0	10	6
(Same charges on all subsequent affidavits if served.)			
Instructions for reply	0	6	8
Drawing same (charges on same principle as on former affidavits.)			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending to record, etc., same as in bills in defended action.			

Bill for Drawing Schedules.

Attending insolvent, conferring, and advising as to his position	0	10	6
Instructions for notice in <i>Gazette</i>	0	6	8
Drawing same	0	5	0
Fair copy	0	3	9
Letter to Government Printer therewith, 5s.; copy, 2s. 6d.			
Attending on receipt of <i>Gazette</i> with notice	0	3	4
Paid for insertion			
Letter enclosing cheque, 5s.; copy, 2s. 6d.			
Attending insolvent taking detailed list of assets and liabilities for purpose of framing schedules	1	1	0

	£	s.	d.
Attending to obtain services of appraiser	0	3	4
Drawing schedules, petition, affidavits, attending jurat, attending appraiser (except in very special cases)	3	3	0
to	7	7	0
Attending to file schedules	0	3	4
Paid			
Attending Court (per diem)	5	5	0
	(Minimum)		
Attending to uplift order	0	3	4
Drawing bill of costs	0	5	0
Fair copy	0	2	6
Attending taxing	0	6	8
Papers, messages, etc.	0	5	0
Attending trustee with taxed bill of costs	0	3	4
Attending on settlement	0	3	4

Provisional Case.

Attending on receipt of documents and perusing... ..	0	6	8
Paid noting			
Writing letter of demand and postage	0	5	0
Copy letter to keep	0	2	6
Delivery	0	3	4
Instructions to sue	0	6	8
Attending to bespeak	0	3	4
Paid for same			
Drawing warrant	0	5	0
Paid fees and stamp			
Drawing summons	1	1	0
Attending to sue out	0	3	4
Paid fees			
Drawing and engrossing fair copy of summons (half original)	0	10	6
Copy summons to serve	0	10	6
Engrossing copy of document to serve	0	10	6
Attending messenger therewith	0	3	4
Attending to search for return	0	3	4
Paid him			
Attending settling with him	0	3	4
Stamp on document			
Copy messenger's return	0	5	0
Attending him therewith	0	3	4
Paid him			
Drawing notice setting down cause	0	5	0
Attending filing same	0	3	4
Paid fees			
Attending Court—provisional sentence granted with costs (per diem)	5	5	0
	(Minimum)		
Attending to record and pay charges	0	3	4
Paid same			
Making copy of judgment	0	2	6
Instructions for writ	0	6	8
Drawing same	0	5	0
Copy for messenger	0	2	6
Stamp			
Attending to sue out	0	3	4
Paid fees			
Attending messenger therewith	0	3	4
Drawing bill of costs	0	5	0
Fair copy	0	2	6
Attending taxation	0	3	4
Letters, papers, messages, etc.	0	5	0
Attending on settlement and granting receipt	0	3	4
Paid taxing fees			