

CHAPTER 7.

SUPREME COURT.

List of Subsidiary Legislation.

1. Assignment for the Defence of Pauper Prisoners charged with Murder.
2. Declaration of Title.
3. Legislative Council Elections. Petition Rules.
4. Legislative Council Elections (Applications to Court).
5. Prize Court (Fees).
6. Legal Practitioners and Registry Fees.

The following Rules are omitted from this Edition, as they are shortly to be revoked and replaced by new rules (Ordinance 26 of 1949, s. 7 and first schedule)—

1. Rules of Court, 1900.
2. Rules of the Supreme Court (Obtaining evidence for Foreign Tribunals).
3. Rules of the Supreme Court (Serving process for Foreign Tribunals).
4. Rules of Court, May 3rd, 1910.
5. Rules of Court, February, 1916.
6. Rules of the Supreme Court, May, 1920.
7. Rules of the Supreme Court (Poor Persons) 1925.
8. Rules of Court, 1932.
9. Rules of Court (Amendment No. 1), 1947.
10. Rules of Court (Amendment No. 1), 1948.

RULES

for the Assignment for the Defence of Pauper Prisoners charged with Murder.

On the 18th December, 1885, the Judges resolved that the rules be modified to the following extent—

1. That the list of counsel kept by the Registrar shall not include the names of such counsel as are of less than two years standing at the Bar from the dates of their call; that as soon as such counsel shall have attained a standing of two years from the date of their call the Registrar shall insert their names at the top of the list.

2. That the Registrar shall, subject to the directions of the Chief Justice, either communicate with the accused personally,

or through the medium of the Marshal, or other competent officer, explaining to the accused his situation as regards the employment of counsel in his defence, and taking his answers thereupon, according to the tenor and substance of what is contained in the several paragraphs of the annexed letter, and such other paragraphs as in any particular case the Chief Justice may consider necessary.

3. That the assignment of counsel in each case shall not necessarily be made according to the order of counsel in the list, but may be made in any order or to the effect of assigning a larger proportion of defences to one or more counsel than to others, according as the Chief Justice may think fit.

DECLARATION OF TITLE.

RULES OF THE SUPREME COURT

made by the Judges and approved by the Governor and Court of Policy on the 14th June, 1923.

Rules of
Court
14th June,
1923.

1. In these rules "property" means and includes land, or any easement, profit à prendre, or other right, connected with land.

Definition of
"property."

2. (1) Application to the court for a declaration of title under the provisions of section 4 (1) of the Title to Land (Prescription and Limitation) Ordinance shall be made by petition, intituled in the matter of the property to which it relates and in the matter of the Ordinance.

Petition for
declaration
of title.
Cap. 184.

(2) The petition shall contain a statement of all the material facts upon which it is based, and describe with particularity the property to which it relates, and state the boundaries, or the nature and extent, thereof as the case may be.

(3) A plan of the property shall be annexed to the petition, unless the court, upon the application of the petitioner in a summary manner before the petition is filed, dispenses therewith.

Plan.

(4) The petition shall be filed in the registry of court together with an affidavit or affidavits verifying the facts stated in support thereof.

3. A notice in the form given in the schedule hereto, or as nearly so as the circumstances of the case will allow, signed by the petitioner or his solicitor, shall be published simultaneously in the Gazette and a daily newspaper circulating in the county

Notice of
petition.
Schedule
form 1.

where the subject matter of the petition is situate on three consecutive Saturdays.

Service of
petition, etc.

4. (1) Within seven days after the date of the first publication of the notice prescribed in rule 3, the petitioner shall serve each owner and occupier of land adjacent to that mentioned in the petition, or of the land itself so mentioned (as the case may be), with a copy of the petition and of any affidavit in support thereof and of the notice aforesaid, and shall file in the registry of court an affidavit of that service within four days after effecting the same upon the last person to be served.

(2) The court may, on the application of the petitioner in a summary manner, dispense either wholly or in part, with the service by this rule prescribed.

Entry of
opposition.
Schedule
form 2.

5. Within the time limited by the notice prescribed by rule 3, any person intending to oppose the petition (hereafter in these rules called "respondent") shall file in the registry of court a notice of opposition in the form given in the schedule hereto, together with an affidavit or affidavits in support of the opposition, and serve a copy of the notice and of any affidavit upon the petitioner.

Entry for
hearing.

6. (1) Within one month after the expiration of the time limited in the notice prescribed by rule 3, the petitioner shall enter the petition for hearing and give notice to any respondent that he has done so.

Notice of
hearing.

(2) The Registrar of the court shall give to the petitioner and any respondent not less than ten clear days notice of the day fixed for hearing.

(3) The petition shall be heard in court, and the petitioner and any respondent may appear thereon in person or by counsel.

Attendance
for cross
examination.

(4) The court may, of its own motion, or upon the application of the petitioner or any respondent, order the attendance at the hearing for cross-examination of any deponent upon whose affidavit that respondent or the petitioner relies.

Judgment
or order in
Registry of
Deeds.

7. The Registrar of Deeds, upon production to him of an office copy of any declaratory judgment or order made by the court, either before or after these rules have come into force, under the aforesaid provisions of the Ordinance, shall, without further proceeding, convey to, or register in favour of, the person or persons whose title has been so declared and at his

or their expense the property mentioned in that judgment or order.

8. Service under these rules may be effected by delivery of the document to be served (a) to the party to be served or his attorney, or (b) to any adult inmate or employee at his, or his attorney's, last known or usual place of abode or business, or (c) to his solicitor.

Service of documents.

9. A petition under these rules if it is not opposed, may be withdrawn by the petitioner at any time after the expiration of the time limited for entry of opposition thereto and, if it is opposed, with the leave of the court, or upon the petitioner producing to the registrar of the court a consent to withdrawal signed by each respondent.

Withdrawing petition.

10. Costs of and incidental to applications under these rules shall be taxed and allowed as of applications for interlocutory orders.

Costs.

11. Nothing in these rules shall affect the right of any person to institute a suit for a declaration of title to property by prescription.

Saving suit for declaration of title.

12. Order I., Part II., of the Rules of the Supreme Court, 1900, except rule 11 thereof, shall not apply to petitions under these rules.

R.S.C. 1900 O.I., Pt. II.

13. These rules may be cited as Rules of the Supreme Court (Declaration of Title).

Short title.

SCHEDULE.

FORM 1.

r. 3.

IN THE SUPREME COURT OF BRITISH GUIANA.

DECLARATION OF TITLE.

Petition No.....of 19... .

NOTICE.

[FIRST PUBLICATION]

A.B., of, etc. (address and description) has presented a petition for a declaration of title by prescription to the property described in the schedule hereto.

Or SECOND or THIRD as the case may be.

Any person intending to oppose the said petition must, within one month after the date of the first publication of this notice, file in the registry of court in the City of Georgetown notice of his opposition and an affidavit or affidavits

in support thereof, and serve a copy of the notice and any affidavit upon the said *A.B.*

(Unless the court has dispensed with a plan add:)

The said petition is accompanied by a plan of the property which may be inspected at the said registry during office hours.

(a) Dated the.....day of.....19.....

(a)
This must be
the date of
the issue
of the Gazette
and daily
newspaper.

(Signed) *A.B.*
Petitioner.

(or Signed) *E.F.*
Solicitor for the Petitioner.

SCHEDULE.

(Here describe with particularity the land, easement, profit à prendre, or other right enjoyed therewith, and state the boundaries, or the nature and extent thereof.)

Memorandum. The address for service of the petitioner is his residence aforesaid. *Or:* The address for service of the petitioner is at the office of his said solicitor, Mr. *E.F.*, No.....Street, in the City of Georgetown.

r. 5.

FORM 2.

IN THE SUPREME COURT OF BRITISH GUIANA.

In the matter of a petition No.....of 19....., by *A.B.* for a declaration of title.

To the said *A.B.*

And to the Registrar of the Supreme Court.

Take notice that *C.D.* intends to oppose the said petition on the grounds stated in the affidavit or affidavits of (name or names of deponent or deponents) filed with this notice.

Dated the.....day of.....19.....

(Signed) *C.D.*
Respondent.

(or Signed) *E.F.*
Solicitor for the said C.D.

This notice was filed by the said *C.D.* who resides and whose address for service is at (mention city, town, or village of residence).

Or: This notice was filed by *E.F.* of (address) solicitor for the said *C.D.* who resides at (residence of petitioner as above) and whose address for service is at (address of solicitor) aforesaid.

LEGISLATIVE COUNCIL ELECTIONS.

RULES

Rules
12th Nov.,
1948.

made by the Rule-making Authority constituted under section 75 of the Supreme Court Ordinance in exercise of powers conferred by section 93 of the Legislative Council (Elections) Ordinance, 1945*.

1. These rules may be cited as the Legislative Council Election Petitions Rules. Short title.

2. In these rules, the following expressions shall, unless the context otherwise requires, have the meanings herein assigned to them— Inter-pretation.

“Court” means the election court as defined in the Ordinance;

“election expenses return,” “election expenses declaration,” “authorised excuse,” and “date of the allowance of the excuse” shall have respectively the meaning ascribed to them in the Ordinance;

“judge” and “Registrar” shall have respectively the meaning ascribed to them in the Supreme Court Ordinance; Cap. 7.

“Ordinance” means the Legislative Council (Elections) Ordinance, 1945; 13 of 1945.

“petition” means an election petition;

“petitioner” means a person who presents a petition to the Court;

“respondent” means the member whose return or election is questioned in a petition;

“returning officer” means the returning officer of an electoral district appointed by the Governor under the powers conferred by section 14 of the Ordinance;

3. (1) A petition shall be presented within twenty-one days of the date of publication in the Gazette of the notice prescribed in section 32 of the Ordinance; Time for presentation of petition.

Provided that—

(a) a petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or some other act to have been made or

*This Ordinance (No. 13 of 1945) is omitted from this Edition, but remains in force (Ordinance No. 26 of 1949, s. 7 and 1st Schedule).

done since the date aforesaid by the member whose election is questioned or by an agent of the member, or with the privity of the member or of his election agent in pursuance or in furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such payment or other act;

(b) a petition questioning the return or the election upon an allegation of an illegal practice may, so far as respects such illegal practice, be presented within the time following, that is to say—

(i) at any time before the expiration of twenty-eight days after the date of the publication as prescribed in section 54 of the Ordinance of the summary of the election expenses return of the member whose election is questioned;

(ii) if the petition specifically alleges a payment of money or other act to have been made or done since the date of such publication by the member whose election is questioned or by an agent of the member, or with the privity of the member or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

(2) For the purposes of paragraph (b) of the proviso to the preceding sub-rule, where there is an authorised excuse for non-compliance with the provisions of the Ordinance as to the election expenses return and declarations, then in such case the date of the allowance of the excuse or, if there were a failure in two or more particulars and the excuse was allowed at different times, the date of the allowance of the last excuse, shall be substituted for the date of the publication in the Gazette of the summary referred to in the aforesaid paragraph.

Amendment
of petition.

4. The Court or a judge may, at any stage of the proceedings, allow the petitioner to alter or amend his petition in such manner and on such terms as may seem just:

Provided that no amendment for the purpose of adding an allegation of a corrupt or illegal practice shall be allowed, unless made within the time within which a petition questioning the return or the election upon the allegation of such corrupt or illegal practice might have been presented under the last preceding rule.

5. A petition shall—

Contents and
form of
petition.

(a) state the right of the petitioner to petition under section 80 of the Ordinance;

(b) state the holding and the result of the election, and, briefly, the facts and grounds relied on to sustain the prayer;

(c) be divided into numbered paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject;

(d) conclude with a prayer that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced or as the case may be;

(e) be signed by the petitioner or by all the petitioners, if more than one.

6. The presentation of a petition shall be made by leaving it at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt therefor in the Form II in the schedule to these rules or to the like effect.

Manner of
presentation.

Form II.

7. On presentation of a petition the Chief Justice shall settle a notice of the fact of such presentation and of the substance of the petition and the Registrar shall forthwith publish such notice in the Gazette and one daily newspaper in the Colony.

Publication
of notice of
petition.

8. (1) Notice of the presentation of a petition and of the nature of the proposed security together with a copy of the petition shall, within ten days after the presentation of the petition, be served by the petitioner or his agent on the respondent in person.

Service on
respondent.

(2) The petitioner or his agent shall, immediately after such service, file with the Registrar an affidavit of the time and manner of the service.

9. (1) The petitioner shall in his petition give the name and address of a solicitor whom he authorises to act on his behalf or state that he acts for himself, and shall in either case give an address for service within one mile of the office of the Registrar.

Petitioner
and
respondent
to give
address for
service.

(2) A respondent shall, within ten days of the service on him of notice of the petition, lodge with the Registrar and serve on the petitioner a statement of particulars such as are required by sub-rule (1) of this rule to be given by a petitioner. A summons taken out by a respondent for the purpose of objecting to the security may include such statement.

Security by
petitioner for
costs.

10. (1) At the time of the presentation of a petition, or within five days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner either to any person summoned as a witness on his behalf, or to the respondent shall be given by or on behalf of the petitioner.

(2) The security shall be in the sum of one thousand dollars, and shall be given by deposit of money with the Registrar to abide the order of the Court or by recognisance to be entered into before the Registrar by any number of sureties not exceeding four or partly by deposit and partly by recognisance.

Form III.

(3) A recognisance shall contain the name and usual place of abode of each surety, with such description as shall suffice to enable him to be found or ascertained, and may be in the Form III prescribed in the schedule to these rules.

Objection
to sureties.

11. (1) When the security is given wholly or partly by recognisance a respondent may, within five days from the service on him of the notice under rule 8, object to such recognisance on the ground that the sureties or any of them are insufficient, or that a surety is dead, or cannot be found or ascertained from want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the same.

(2) An objection to the recognisance shall state the ground or grounds thereof, as that a surety is insufficient, or is dead, or cannot be found, or that a person named in the recognisance has not duly acknowledged the same.

Deter-
mination of
objection to
recognisance.

12. (1) An objection to the security shall be made by summons before a judge and a copy thereof shall be served on the petitioner. Such summons may be heard and decided either upon affidavit or personal examination of witnesses or both, as the judge may think fit.

(2) If an objection to the security be allowed the petitioner may, within such time as may be ordered, remove the objection by giving further security either in the form of an additional recognisance with a surety or sureties approved by the judge, or by deposit with the Registrar of such sum of money as the judge may deem sufficient.

(3) The costs of hearing and deciding objections made to the security shall be paid as ordered by the judge, and in default of such order shall form part of the general costs of the petition.

13. (1) If security as in rule 10 provided is not given by the petitioner, or if on objection made the security given is deemed to be insufficient and the objection is not removed as in rule 12 provided, no further proceedings shall be had on the petition and the respondent may apply to a judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

Dismissal of petition on failure to give security.

(2) The costs of hearing and deciding such application shall be paid as ordered by the judge and in default of such order shall form part of the general costs of the petition.

14. (1) An application for an order directing the dismissal of a petition under rule 13 shall be made by way of summons before a judge and a copy thereof shall be served on the petitioner and written notice thereof given to the Registrar.

Notice of application for dismissal.

(2) The Registrar shall forthwith publish in the Gazette and one daily newspaper of the Colony a notice in the Form IV in the schedule to these rules or to the like effect.

Form IV.

15. (1) On the hearing of the application, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the judge to be substituted as a petitioner for the original petitioner and the judge may, if he thinks fit, dismiss the original petitioner from the petition and substitute as the petitioner any such applicant on his providing security in the sum of one thousand dollars and subject to the like conditions and to the same right of objection as in the case of the original petitioner.

Substitution of petitioner on failure to give security.

(2) Such security shall be given within five days of the making of the order of substitution or within such longer period, if any, as may be allowed by the order, and on the failure of the applicant to comply with the provisions of this sub-rule the petition shall stand dismissed.

16. If no objection to the security is made within the time limited by these rules or if, on objection made, the sufficiency of the security is established, the petition shall be deemed to be at issue.

When petition to be deemed at issue.

17. Evidence shall not be stated in a petition, but where particulars have not been given in the petition or furnished after written request therefor the Court or a judge may order the petitioner to supply such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair

Evidence not to be stated, but particulars may be ordered.

and effectual trial upon such terms as to costs and otherwise as may be ordered.

Lists of votes objected to where seat claimed.

18. (1) When a petitioner claims the seat for an unsuccessful candidate alleging that such candidate had a majority of lawful votes, the party complaining of or defending the election or return shall, not less than five days before the day appointed for trial, deliver to the Registrar and also at the address for service given by the petitioner or respondent, as the case may be, a list of the votes intended to be objected to by him and of the heads of objection to each such vote, and the Registrar shall allow inspection and office copies of such lists to all parties concerned.

(2) No evidence shall be given against the validity of any vote nor upon any head of objection not specified in the list, except by leave of the Court or a judge, upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

Lists of objections in recriminatory case.

19. (1) The respondent to a petition, which complains of an undue return and claims the seat for an unsuccessful candidate, may lead evidence to prove that the Court ought not to determine that such candidate was duly returned or elected.

(2) In such case the respondent shall, not less than five days before the day appointed for trial, deliver to the Registrar and also at the address for service given by the petitioner, a list of the objections to the return or election of such candidate upon which he intends to rely, and the Registrar shall allow inspection and office copies of such lists to all parties concerned.

(3) No evidence shall be given by the respondent of any objection not specified in the list, except by leave of the Court or a judge, upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

Computation of time.

20. Where by these rules or by any order made thereunder any limited time is appointed or allowed for doing any act or taking any proceeding, the following provisions of Order XLV of the Rules of Court, 1900, shall apply, namely—

- (a) Rule 1 relating to computation of time;
- (b) Rule 4 relating to enlargement or abridgement of time;
- and
- (c) Rule 6, relating to time of day for service.

Petitions during vacation.

21. A petition, may be presented and heard and all other necessary proceedings thereunder may be taken during any period appointed as a vacation.

22. (1) Where personal service of any notice, copy petition or other document is required by these rules and it is made to appear to the Court or a judge that prompt personal service cannot be effected, the Court or judge may make such order for substituted or other service or for the substitution of notice for service by letter, public advertisement or otherwise as may be just.

Substituted
service of
petition, etc.

(2) An application for an order under this rule may be made *ex parte* on affidavit setting forth the grounds on which the application is based.

(3) Any order giving leave to the petitioner to effect such service or give such notice of the presentation of a petition shall limit a time after such service or notice within which the respondent shall lodge with the Registrar and serve on the petitioner the name and address of a solicitor whom he authorises to act on his behalf or state that he acts for himself and in either case give an address for service within one mile of the office of the Registrar.

23. (1) A petition shall not be withdrawn without the leave of the Court or a judge upon special application by motion or summons as the case may be, and such leave may be given upon such terms as to the payment of the costs of the respondent and otherwise as may be ordered.

Withdrawal
of petition.

(2) Where there are more petitioners than one no application to withdraw a petition shall be made except with the consent in writing of all the petitioners.

(3) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits as required by this rule by all the parties to the petition and their solicitors, and by the election agents of such of the parties as were candidates at the election:

Provided that the Court or judge may on cause shown dispense with the affidavit of any particular person if on special grounds it appears just so to do.

(4) Every such affidavit shall state that, to the best of the deponent's knowledge and belief, no improper agreement or terms has or have been made and no improper undertaking has been entered into in relation to the withdrawal of the petition; and if any lawful agreement or term or undertaking has been made or entered into with respect to the withdrawal of the petition, the affidavit shall set forth such agreement, term, or undertaking.

(5) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(6) No such application shall be granted if it appears to the Court or judge that any agreement or terms has or have been made or any undertaking has been entered into in relation to or for the withdrawal of a petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other petition, or that the application has been induced by any corrupt bargain, consideration or object.

Notice of application to withdraw petition.

24. (1) An application for leave to withdraw a petition shall be signed by the petitioner or petitioners or his or their solicitor or solicitors and shall state the ground on which the application is supported.

(2) A copy of such application shall be served by the petitioner on the respondent and notice of the application given to the Registrar.

Form V.

(3) The Registrar shall forthwith publish in the Gazette and one daily newspaper of the Colony a notice in the Form V in the schedule to these rules or to the like effect.

Application to be substituted as petitioner.

25. Any person who might have been a petitioner in respect of the election to which the petition relates may, within ten days after such notice is published, give notice in writing, signed by him or on his behalf, to the Registrar of his intention to apply at the hearing of the application for leave to withdraw to be substituted for the petitioner; but want of such notice shall not defeat such application if in fact made at the hearing.

Time and notice of hearing of application.

26. The time of hearing the application shall be not less than ten days after the publication of the notice by the Registrar as in rule 24 provided and notice of the time and place appointed for the hearing shall be given by the Registrar to such person or persons, if any, as shall have given him notice of an intention to apply to be substituted as petitioner or petitioners, and otherwise in such manner as the Court or a judge may direct.

Substituted petitioner.

27. (1) On the hearing of an application for leave to withdraw any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or a judge to be substituted as a petitioner for the petitioner desirous of withdrawing and the Court or judge, may, if it or he

thinks fit, substitute as a petitioner any such applicant as aforesaid.

(2) Where in the opinion of the Court or a judge the proposed withdrawal of a petition is induced by any corrupt bargain or consideration or object or is the result of any such improper agreement, term or undertaking as is referred to in rule 23, the Court or judge may order that the security given on behalf of the original petitioner shall remain as security for any costs for which security has been given under rule 10 and for any costs which may be incurred by the substituted petitioner, and that to the extent of the security given the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given by or on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and subject to the like conditions and to the same right of objection shall be given by or on behalf of the substituted petitioner within five days after the entry of the order of substitution or within such longer period, if any, as may be allowed by the order and before he proceeds with the petition. If the substituted petitioner fails to comply with the provisions of this sub-rule the petition shall stand dismissed.

(4) Subject to the foregoing provisions of this rule, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner.

28. (1) A petition shall be abated by the death of a sole petitioner or the survivor of several petitioners.

Abatement
of petition
on death of
petitioner.

(2) The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

(3) On the abatement of a petition notice of such abatement shall be given by any party or person interested to the Registrar who shall forthwith publish in the Gazette and one daily newspaper of the Colony a notice thereof in the Form VI in the schedule to these rules or to the like effect.

Form VI.

29. (1) Within twenty-eight days after publication of such notice any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or a judge to be substituted as a petitioner.

Revival by
substitution
after
abatement.

(2) The Court or a judge may, if it or he thinks fit, substitute as a petitioner any such applicant by or on whose behalf

security is given to the same amount and subject to the same conditions and to the same right of objection as is required in the case of a new petition.

(3) On the making of an order for substitution as in this rule provided, the petition shall be deemed to be revived.

Petition to continue on death, resignation, or notice not to oppose of respondent.

30. (1) If before the conclusion of the trial of a petition a respondent dies or resigns his seat or gives notice to the Registrar that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

(2) A respondent who resigns his seat or who does not intend to oppose a petition shall give notice thereof in writing signed by him at the office of the Registrar not less than five days before the day appointed for the trial of the petition, and he shall also serve a copy of such notice on the petitioner.

(3) On the death of a respondent notice thereof shall be given to the Registrar by any other party to the petition or person interested.

(4) On receiving notice of the death or resignation of a respondent or of his intention not to oppose the petition, the Registrar shall forthwith publish in the Gazette and one daily newspaper of the Colony a notice thereof in the Form VII in the schedule to these rules or to the like effect.

Form VII.

Substitution of respondent.

31. (1) Within ten days after publication of such notice, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court or a judge to be admitted as a respondent to oppose the petition.

(2) The Court or a judge may, if it or he thinks fit, substitute as a respondent any such applicant upon such terms as to costs and otherwise as may be ordered.

(3) Subject to the provisions of these rules and the terms of the order, a substituted respondent shall stand in the same position, as nearly as may be, as the original respondent.

Respondent not opposing not to appear as party.

32. A respondent who has given the prescribed notice that he does not intend to oppose a petition shall not appear or act as a party against such petition in any proceedings thereon.

Several petitions as to the same election.

33. Where more petitions than one are presented relating to the same election or return, all such petitions shall be dealt with as one petition in such manner and on such terms as the Court or a judge may direct.

34. Where a petition complains of the conduct of a returning officer, such returning officer shall for the purposes of these rules, other than rules 30 and 31, be deemed to be a respondent.

Returning officer if complained of to be respondent.

35. The following provisions shall apply to the trial of petitions—

Mode of trial of petitions.

(i) The Chief Justice shall determine which of the judges shall try a petition and direct in which county the trial shall take place.

(ii) All interlocutory matters may be heard and disposed of by a judge in chambers.

(iii) The judge who is to try a petition shall fix the day and time of the trial and at least fourteen days notice thereof shall be published by the Registrar in the Gazette and one daily newspaper of the Colony and served on the petitioner, the respondent and the returning officer.

(iv) The judge presiding at a trial may adjourn the same from time to time or, if the Chief Justice shall so direct, to another county; but the trial of every petition shall, so far as is practicable and consistent with the interests of justice, be continued *de die in diem* on lawful days until its conclusion.

(v) Where the trial of a petition has taken place wholly or partly in a county other than the county of Demerara the Court may declare its determination on the petition at a sitting in Georgetown.

(vi) Where upon the application of any party to a petition it appears to the Court or a judge that the case raised by the petition can be conveniently stated as a special case, the Court or judge may direct the same to be stated accordingly; and any such special case shall, as far as may be, be heard before the Court and the Court shall certify to the Governor its determination in reference to such special case.

36. On the trial of a petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt or illegal practice.

Evidence of corrupt and illegal practices receivable before proof of agency.

37. If it appears to the Court on the trial of a petition that any question of law requires further consideration by the Full Court of the Supreme Court the Court may adjourn the further hearing of the petition or postpone its determination thereon and reserve such question for the determination of the Full Court,

Power to reserve questions of law.

and the Full Court shall have power to hear and determine any question so reserved. The Court shall determine the petition in accordance with the decision of the Full Court on the question so reserved.

Special
report to
the Governor.

38. The Court may include in its report to the Governor under section 88 of the Ordinance a special report as to any matter arising out of the trial of a petition, an account of which ought in its opinion to be included.

Expenses
of witnesses.

39. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition on the scale allowed to witnesses on the trial of civil actions in the Supreme Court may be allowed to such person under the hand of a judge or the Registrar, and the amount to be paid to any such witness shall be ascertained and certified by the Registrar.

(2) The expenses of a witness called by a party shall be deemed to be costs of the petition.

(3) The expenses of a witness called by the Court may be deemed part of the expenses of the Court and paid, in the first instance, out of moneys provided for such expenses, and if so paid shall, unless the Court otherwise orders, be recoverable from the party ordered to pay the costs of the petition.

Costs of
publication
of notices,
etc.

40. The costs of publication in a newspaper of any notice or other matter required by these rules to be published by the Registrar shall be paid in the first instance by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

General
costs of
petition.

41. (1) All costs, charges and expenses of and incidental to the presentation of a petition, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by these rules otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or a judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Court or judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom such expense has been caused, whether such parties are or are not on the whole successful.

(2) Such costs shall be taxed by the Registrar in the same manner as in civil cases under Scale I of Appendix 1 to Order XLVI of the Rules of Court, 1900, and may be recovered by execution in the same manner as costs in civil cases, or by order of the Court or judge to the extent of the money, if any, deposited with the Registrar as security.

42. (1) Except as otherwise provided in these rules non-compliance with any of these rules shall not render any proceeding void unless the Court or a judge shall so direct; but such proceeding may be set aside either wholly or in part as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the Court or a judge shall think fit.

Effect of
non-com-
pliance
with rules.

(2) No application to set aside any proceeding for irregularity shall be allowed unless made within reasonable time, nor if the party applying has taken any fresh step after knowledge of the irregularity.

43. (1) If it appears to a party to a petition that a matter of procedure or practice has arisen or may arise which is not provided for by the Ordinance or these rules or that a doubt exists as to a matter therein provided for, such party may apply by summons to a judge for directions and the judge may give thereon such directions as appear to him to be just and necessary and not inconsistent with the provisions of the Ordinance or these rules, and upon such terms as to costs and otherwise as he thinks fit.

Application
for directions

(2) An application under this rule may be made *ex parte* by the petitioner if made before the service on the respondent of the notice and copy petition; but if made by any party subsequently to such service, a copy of the summons shall be served on the opposite party to the petition.

44. The Interpretation Ordinance shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of an Ordinance.

Application
of Inter-
pretation
Ordinance.
Cap. 5.

45. The forms set out in the schedule to these rules may be used with such variations as the circumstances of the case may require; and when no appropriate form is therein provided the form used in England in the like matter may be followed with such variations as the circumstances of the case may require.

Forms.

Rule 45.

SCHEDULE.

I.—FORM OF PETITION.

IN THE SUPREME COURT OF BRITISH GUIANA.

In the matter of the Legislative Council (Elections) Ordinance, 1945, and
 In the matter of an election for the.....Electoral District holden
 on the.....day of.....19.....

The Petition of *A.*, of.....(or of *A.* of.....
 and *B.* of....., as the case may be) whose name.....(or
 names are) subscribed.

1. Your petitioner *A.* is a person who voted (or had a right to vote,
 as the case may be) at the above election (or claims to have had a
 right to be returned at the above election, or was a candidate at the above
 election) and your petitioner *B.* (here state in like manner the right of each
 petitioner).

2. And your petitioner states that the election was holden on the
day of.....19....., when *A.B.*, *C.D.*, and *E.F.*
 were candidates and the returning officer has returned *A.B.* as being duly
 elected.

3. And your petitioner says that (here state the facts and grounds on
 which the petitioner relies).

Wherefore your petitioner prays that it might be determined that the
 said *A.B.* was not duly returned or elected and that the election was void
 (or that the said *E.F.* was duly elected and ought to have been returned, or
 as the case may be).

(Signed) *A.*
B.

Rule 6.

II.—RECEIPT FOR PETITION.

(Heading as in Form I).

Received on the.....day of.....19....., at the
 Registry of the Supreme Court, a petition touching the election of *A.B.*,
 Member for.....purporting to be signed by (insert
 the names of petitioners).

(Signed) *C.D.*

Registrar
 (or as the case may be).

Rule 10.

III.—FORM OF RECOGNISANCE.

(Heading as in Form I).

Be it remembered that on the.....day of.....in
 the year of Our Lord 19....., before me (name and description) came *A.B.* of
 (name and description of the surety or sureties) and acknowledged himself
 (or severally acknowledged themselves) to owe to our Sovereign Lady the
 Queen the sum of One Thousand Dollars current money of British Guiana
 (or the following sums, that is to say, the said.....the sum
 of....., the said.....the sum of
etc.) to be levied on his (or their respective) goods and
 chattels, lands and tenements, to the use of our Sovereign Lady the Queen,
 her heirs and successors.

The condition of this recognisance is that if (here insert the names of all the petitioners and if more than one, add or any of them) shall well and truly pay all costs, charges and expenses in respect of the said election petition signed by him (or them) relating to the..... Electoral District which shall become payable by the said petitioner (or petitioners or any of them) under the Legislative Council (Elections) Ordinance, 1945, to any person or persons then this recognisance to be void, otherwise to stand in full force.

(Signature of sureties).

Taken and acknowledged by the above-named (insert names of sureties) on the.....day of.....19.....

Before me,

(Signed).....

Registrar.

IV.—FORM OF NOTICE UNDER RULE 14.

The Legislative Council (Elections) Ordinance, 1945.

In the election petition for..... Electoral District in which..... is petitioner and..... respondent.

Notice is hereby given that the respondent herein intends to apply for an order directing that the above petition be dismissed on the ground that (here state ground for application).

And that the said application will be heard at.....on.....day of.....19....., at its..... in the forenoon.

And Take Notice that (as in rule 15 (1)).

(Signed).....

Registrar.

V.—FORM OF NOTICE UNDER RULE 24.

(Heading as in Form IV).

Notice is hereby given that the above petitioner did on the..... day of..... lodge at the office of the Registrar of the Supreme Court an application for leave to withdraw the petition on the following ground (set out the ground).

And Take Notice that (as in rule 25).

(Signed).....

Registrar.

VI.—FORM OF NOTICE UNDER RULE 28.

(Heading as in Form IV).

Notice is hereby given that the above petition has abated by reason of the death of

(here set out particulars).

And Take Notice that (as in rule 29 (1)).

(Signed).....

Registrar.

VII.—FORM OF NOTICE UNDER RULE 30.

(Heading as in Form IV).

Notice is hereby given that on the.....day of.....
19...., *A.B.*, respondent to the above petition died (or resigned his seat as
a Member of the Legislative Council or gave notice of his intention not to
oppose the petition, as the case may be).

And Take Notice that (as in rule 31 (1)).

(Signed).....
Registrar.

VIII.—FORM OF ORDER OF COURT TO COMPEL ATTENDANCE OF PERSON AS
WITNESS.

IN THE SUPREME COURT OF BRITISH GUIANA.

In the matter of the Legislative Council (Elections) Ordinance, 1945, and
In the matter of an election petition for.....Electoral
District in which.....is petitioner and.....
respondent.

To *A.B.* of (describe the person).

You are hereby required to attend before the above Court at.....
on the.....day of.....19...., at the hour of.....
(or forthwith, as the case may be), to be examined as a witness in the matter
of the said petition, and to attend the said Court until your examination shall
have been completed.

As witness my hand.

(Signed) *C.D.*
Judge.

LEGISLATIVE COUNCIL ELECTIONS.

RULES

made on the 12th November, 1948, by the Rule-making Authority constituted under section 75 of the Supreme Court Ordinance in exercise of powers conferred by section 61 and section 93 of the Legislative Council (Elections) Ordinance, 1945.*

Rules
12th Nov.,
1948.

1. These rules may be cited as the Legislative Council Elections (Applications to Court) Rules. Short title.

2. In these rules the following expressions shall, unless the context otherwise requires, have the meanings herein assigned to them— Inter-pretation.

“Ordinance” means the Legislative Council (Elections) Ordinance, 1945; 13 of 1945.

“returning officer” means the returning officer of an electoral district appointed by the Governor under the powers conferred by section 14 of the Ordinance;

“voter” means any person whose name is on the register of persons entitled to vote at the election with reference to which the expression is used;

“Court” means the Supreme Court of British Guiana.

I. PROCEEDINGS IN RESPECT OF ELECTION OFFENCES, ETC.

3. (1) All offences under the Ordinance punishable on summary conviction and all proceedings for recovery of a fine may be prosecuted and the fine recovered in manner provided by the Summary Jurisdiction (Procedure) Ordinance. Summary conviction offences.
Cap. 15.

(2) On any such prosecution it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment or hiring as the case may be within the meaning of the Ordinance, and the provisions of section 6 of the Summary Jurisdiction (Procedure) Ordinance shall apply to such charge.

II. APPLICATIONS IN RESPECT OF ELECTION EXPENSES, AND ACTS DONE IN GOOD FAITH.

4. (1) All or any of the powers conferred upon the Court by section 55, section 56 and section 57 of the Ordinance may be exercised by a judge of the Court sitting as an election court for Election court may exercise powers under sections 55, 56 & 57.

*This Ordinance (No. 13 of 1945) is omitted from this Edition, but remains in force (Ordinance No. 26 of 1949, s. 7 and 1st Schedule).

the trial of an election petition in respect of any matter arising out of the petition which he is trying.

(2) An application to the election court for an order under any of the aforementioned sections shall be made in such manner and on such terms as to notice, costs and otherwise as the election court shall think fit.

Applications to the Supreme Court.

5. (1) Every application for an order under any of the aforementioned sections to the Court, when not sitting as an election court, shall be made as in these rules provided and shall be intituled in the matter of the Ordinance and the appropriate section thereof and in the matter of the election in respect of which the application is made. Every application shall state concisely the order or relief applied for and the grounds on which the application is made.

(2) Any such application may be heard and decided either upon affidavit or upon personal examination of witnesses, or upon both as the Court or judge may think fit and if made by way of summons may, in the discretion of the judge, be adjourned into Court for hearing.

Mode of applying.

6. (1) An application for an order under subsection (1) of section 55 of the Ordinance or for an order under section 57 of the Ordinance shall be made by way of motion.

(2) An application for an order under subsection (6) of section 56 of the Ordinance shall be made by way of originating summons.

Notice of application.

7. (1) A copy of the notice of motion or summons shall be served not less than two clear days before the hearing upon each of the opposing candidates, if any, and upon the returning officer and notice thereof shall be published in two daily newspapers in the Colony.

(2) Such notice may be in the form following—

In the Supreme Court of British Guiana.

In the matter of section.....of the Legislative Council (Elections) Ordinance, 1945, and.....

In the matter of the election for the.....Electoral District holden on the.....day of.....19....

(add; if a petition has been presented: And in the matter of the election petition in which.....is petitioner and.....respondent).

Notice is hereby given that on the.....day of.....
19.....at 9.30 a.m. in the forenoon or as soon thereafter as
counsel can be heard, an application will be made to the Court
on behalf of A.B. of, a candidate at the said
election for an order

(here set out the substance of the application and of the
grounds thereof).

Dated the.....day of.....19.....

(Signed)
Applicant (or Solicitor for applicant).

(3) Service of the copy application and publication of the
notice shall be proved by affidavit.

8. On the hearing of the application any person who has been
or should have been served with a copy thereof under rule 7
and any voter may appear and apply to be heard on the appli-
cation and the Court or a judge may allow such application on
such terms as to adjournment of the hearing, costs and otherwise
as it or he thinks fit.

Appearance
at the
hearing.

9. The costs of any application made under these rules shall
be in the discretion of the Court or judge.

Costs.

PRIZE COURT (FEES).

Rules of Court. 6th Feb., 1940.

RULES OF COURT

made by the Judges on the 6th February, 1940, under section 75 of the Supreme Court Ordinance with the advice and assistance of the Committee appointed thereunder pursuant to section 7 (1) of the Colonial Courts of Admiralty Act, 1890, and to Order XLIII, Rule 2 (b), of the Rules contained in the schedule to His Majesty's Order in Council dated 2nd September, 1939, made under section of the Prize Courts Act, 1894; approved by the Royal Order in Council intituled the British Guiana Prize Court (Fees) Order in Council, 1940.

1. These Rules may be cited as the Prize Court (Fees) Rules.

2. The fees to be taken in prize matters by the Court and its officers shall be those set forth in Appendix B to the rules contained in the schedule to His Majesty's Order in Council dated 2nd September, 1939, made under Section 3 of the Prize Courts Act, 1894, and the said fees shall be collected and applied in like manner as fees are collected and applied by the Supreme Court in the exercise of its ordinary civil jurisdiction.

Appendix B referred to in rule 2 is as follows—

APPENDIX B.

FEES TO BE TAKEN IN PRIZE MATTERS BY THE COURT AND ITS OFFICERS. Summonses, Notices, Commissions and Warrants.

Table with 3 columns: Description, £, s. d. containing items 1-10 such as 'On sealing a writ for commencement of a cause'.

Appearances.

Table with 3 columns: Description, £, s. d. containing item 11: 'On entering an appearance or amending the same, for each person'.

Copies.

	£	s.	d.
12. ●n a copy of a written deposition of a witness to enable a party to print the same, for each folio	0	0	5
13. ●n examining a written or printed copy, and marking or sealing same as an office copy, for each folio	0	0	3
14. ●n making a copy and marking same as an office copy, for each folio	0	0	8
15. ●n a copy in a foreign language—the actual cost.			
16. ●n a copy of a plan, map, section, drawing, photograph, or diagram—the actual cost.			
17. ●n a printed copy of an order, not being an office or certified copy, for each folio	0	0	2

Attendances.

18. On any application, with or without a subpœna, for any officer to attend as a witness, or to produce records or documents to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office ...	2	0	0
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---	---	---

The officer may require a deposit of stamps on account of any further fees, and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application.

Oaths, etc.

19. On swearing an affidavit or making a declaration (except for the purpose of receipt of dividends from the Paymaster General), for each person making the same	0	2	0
20. And in addition thereto for each exhibit therein referred to and required to be marked	0	1	4

Filing.

21. On filing a petition of right	1	10	0
22. For every instrument or document (other than an exhibit, or any instrument or document previously issued from the Registry or marshal's office) unless otherwise provided ...	0	5	0
23. ●n an application to search for an appearance or an affidavit, and inspecting the same	0	1	0
24. ●n an application to search an index, and inspect a pleading, judgment, decree, order, minute, or other record, unless otherwise expressly provided for by any Act of Parliament or this order, for each hour or part of an hour occupied...	0	2	6
25. Not exceeding one day	0	10	0

Examination of Witnesses.

26. On the issue of an order for an examination to be taken before the Judge, Registrar, or examiner, or for letters of request	0	5	0										
27. For examining witnesses, except by the Judge or Registrar, <i>viva voce</i> , per day or part of a day	<table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 3em; vertical-align: middle;">{</td> <td style="padding-left: 5px;">From</td> <td style="text-align: right;">2</td> <td style="text-align: right;">2</td> <td style="text-align: right;">0</td> </tr> <tr> <td></td> <td style="padding-left: 5px;">to</td> <td style="text-align: right;">4</td> <td style="text-align: right;">4</td> <td style="text-align: right;">0</td> </tr> </table>			{	From	2	2	0		to	4	4	0
{	From	2	2	0									
	to	4	4	0									

	£	s.	d.
28. On an examination of witnesses by any examiner at a greater distance than three miles from the Registry, a reasonable sum for travelling and other expenses in addition... .. The officer may require a deposit of stamps on account of fees and a deposit of money on account of expenses which may probably become payable beyond any amount paid for fees and expenses upon the examination, and the officer, or his clerk taking such deposit, shall thereupon make a memorandum thereof and deliver the same to the party making the deposit. The officer may also require an undertaking, in writing, to pay any further fees and expenses which may become payable beyond the amount so paid and deposited.			
29. For the examination of witnesses by the Judge or Registrar, whether by interpretation or not, for each witness ...	1	0	0
30. For preparing affidavits as to ship papers (aircraft papers), for every folio	0	2	6
31. For sorting and numbering ship papers (aircraft papers) ...	0	10	0

Hearing.

32. On entering or setting down, or re-entering or re-setting down any cause or matter for hearing	2	0	0
33. On writing for the attendance of Trinity masters or other assessors on the hearing	0	10	0
34. On setting down any petition or a reference	0	10	0

Judgments, Decrees and Orders.

On drawing up and entering decrees and orders—			
35. If made in Court on the hearing of a cause or on the hearing of a petition	2	0	0
36. If an order of course on a petition of right	0	10	0
37. If an order for a commission on a petition of right ...	1	0	0
38. On any other order including a consent or agreement filed pursuant to Order XXIII, and filing same... ..	0	10	0
39. On a memorandum to enter an order <i>vinc pro tunc</i>	0	5	0

On References before a Registrar.

40. On any reference to the Registrar, including examination of witnesses, if any, having regard to the nature and importance of the accounts and other matters, and to the time occupied	From	1	1	0
	to	15	15	0
40A. If the reference occupies more than one day, for each additional day or part thereof a further fee not exceeding	15	15	0	
41. If the attendance of one or more merchants is required, for each merchant the same fees as to the Registrar	From	1	1	0
	to	15	15	0

In cases of great intricacy, or very large amount, occupying more than one full day, larger fees may be taken.

The fees Nos. 40—41 inclusive, shall be paid in the first instance by the party setting down the reference for hearing, as hereinafter provided:

To the notice mentioned in Order XVII, Rule 3, the party setting down shall affix the stamp for the reference, and, if the Registrar shall so require, a deposit in stamps to an amount which in the opinion of the Registrar will cover the reference fees. If any further amount becomes due in respect of the proceedings, such amount shall be paid by the said party on the report of the result of the reference, or if no report is made, on the completion of the proceedings on the reference, or if not completed, a due proportion shall be paid on so much of the proceedings as shall have taken place, the amount to be fixed by the Registrar. Such further amounts shall be paid by stamps impressed upon or affixed to a memorandum stating on what account such fees are paid.

£ s. d.

In the Marshal's Office.

- | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 42. | On the execution of a warrant or on taking possession of a ship (aircraft) in pursuance of section 16 of the Naval Prize Act | 2 | 0 | 0 |
| 43. | On the execution of an attachment, for every person attached | 1 | 0 | 0 |
| 44. | On the execution of any decree, order, commission, or other instrument, other than those herein provided for, which is required to be executed by a marshal | 1 | 0 | 0 |
| 45. | On attending, appointing, and swearing appraisers | 1 | 0 | 0 |
| 46. | On delivering up a ship (aircraft) or goods to a purchaser agreeably to the inventory | 2 | 0 | 0 |
| 47. | On attending the unlivery of cargo, or sale or removal of a ship (aircraft) or goods, per day | 2 | 0 | 0 |
| 48. | On retaining possession of a ship (aircraft) with or without cargo, the expenses per day in respect of a shipkeeper (aircraft keeper). | | | |

The marshal shall be entitled to his reasonable expenses for travelling, board and maintenance, in addition to the above fees.

- | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 49. | On the sale of any ship (aircraft) or goods sold pursuant to a decree or order of the Court, for every £100 or fraction of £100 gross proceeds realised | 1 | 0 | 0 |
| 50. | On the release of any ship (aircraft), goods, or person from arrest | 2 | 0 | 0 |

Taxation of Costs.

- | | | | | |
|-----|-------------------------------------------------------------------------|---|---|---|
| 51. | On taxing a bill of costs where the amount allowed does not exceed £4 | 0 | 2 | 0 |
| 52. | Where the amount exceeds £4, for every £2 allowed or a fraction thereof | 0 | 1 | 0 |

On Proceedings in the Pay Office of the Supreme Court.

- | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 53. | On a certificate of the amount and description of any money, funds or securities, including the request therefor | 0 | 2 | 0 |
| 54. | On a transcript of an account for each opening, including the request therefor | 0 | 2 | 0 |
| 55. | On a request to the paymaster, Bank of England, the Registrar or other official for any of the following purposes: paying, lodging, transferring, or depositing money, funds, | | | |

	£	s.	d.
or securities in Court without an order, or money in addition to the amount directed by an order to be paid in; paying out of Court any money without an order or a certificate of a taxing officer; information in writing in respect of any money, funds or securities, or any transaction in the pay office	0	2	0
56. On a request for information respecting any money, funds or securities to the credit of any cause or matter contained in any list prepared by the paymaster of causes and matters to the credit of which any money, funds or securities have not been dealt with during 13 years	0	2	6
57. On an affidavit for the purpose of paying, transferring, or depositing any money, funds, or securities in Court pursuant to the Trustee Act, 1925	0	1	0
58. On preparing a power of attorney	0	5	0
<i>Miscellaneous.</i>			
59. On a fiat of a judge	0	5	0
60. On signing, settling, or approving an advertisement	0	10	0
61. On taking a recognisance or bond whether one or more than one recognisor or obligor, and whether entered into by all at one time or not...	0	10	0
62. On assignment of a bond	0	5	0
63. By a commissioner on taking bail	1	1	0
64. On a commitment	0	5	0
65. On registering in the Registry a power of attorney for a King's ship generally and a copy thereof for the accountant general of the Navy	1	10	0
66. On registering same specially	0	10	0
67. On taking accounts by the Registrar in naval prize matters	0	5	0
68. On an inspection of the Register of Bail Bonds	0	1	0

LEGAL PRACTITIONERS AND REGISTRY FEES.

ORDER

made by the Chief Justice and a Puisne Judge on the 18th August, 1931, and amended on the 11th September, 1935, and the 1st May, 1939.

Order
18th Aug.,
1931.
11th Sept.,
1935.
1st May,
1939.

1. This order may be cited as the Legal Practitioners and Registry Fees Order.

Short title.

2. (1) In the absence of a special agreement in writing between a legal practitioner and his client, the remuneration of a legal practitioner in respect of any of the various matters specified in the first, second, third and fourth schedules to this order shall be in accordance with the tariff in the said schedules specified and shall be in lieu and place of all other professional charges and shall cover all work done and services rendered.

Remuneration allowed.
First, second,
third and
fourth
schedules.

(2) Where the same legal practitioner does not act for both or all parties to a transport, mortgage or lease, the remuneration of the practitioner who does not prepare the documents in connection with the transport, mortgage or lease shall be one-half of the remuneration in the first schedule specified.

3. The remuneration prescribed is not to include disbursements of any kind reasonably and properly paid, nor any extra work occasioned by changes occurring in the course of any business, such as the death or insolvency of a party to the transaction nor is it to include any business of a contentious character, but it shall include stationer's charges (except printing), and allowances for time of the legal practitioner and his clerks and for copying and parchment and all other similar disbursements.

Disbursements.

4. In respect of any business which is required to be, and is, by special exertion, carried through in an exceptionally short space of time, the Registrar on taxation may allow to the legal practitioner a proper additional remuneration for the special exertion, according to the circumstances.

Special exertions.

5. In extraordinary cases the Registrar on taxation may increase or diminish the remuneration prescribed if for any special reasons he shall think fit.

Extraordinary cases.

6. Notwithstanding any special agreement in writing between a legal practitioner and his client, the client shall be entitled,

Limitation on special agreements.

7. Negotiating a sale or purchase of property by private contract—
for the first \$15,000 of the consideration, one *per centum*;
for the next \$35,000, one-half of one *per centum*;
for any further amount, one-quarter of one *per centum*.
8. Negotiating a loan on mortgage—
for the first \$15,000 of the loan, one *per centum*;
for the next \$35,000, one-quarter of one *per centum*;
for any further amount, one-eighth of one *per centum*.

SECOND SCHEDULE.

Cl. 2.

ESTATE DUTY AND PROBATE.

ITEM.

1. Estate Duty inventory and declaration—	\$	c.
One <i>per centum</i> on the first \$25,000 of the net value of the estate; three-quarters of one <i>per centum</i> on the next \$25,000 of such value; and one-half of one <i>per centum</i> on the excess of such value over \$50,000:		
Provided that the minimum charge shall be \$5.00:		
Provided further that in the case of corrective Estate Duty inventory and declaration the charge shall be calculated on the additional value only.		
N.B.—Estate in this schedule means estate in British Guiana.		
2. Probate or Administration in common form or recording grant of probate—		
Where the gross value of the estate—		
(1) does not exceed \$ 250	5	00
" " " 500	15	00
" " " 1,500	20	00
" " " 2,500	30	00
" " " 3,500	40	00
" " " 5,000	50	00
(2) exceeds \$5,000—		
for first 5,000	50	00
for each succeeding 5,000 or part thereof	5	00
3. Administration bond—		
Where the amount of the bond does not exceed \$100	2	00
" " " " 500	5	00
" " " " exceeds ... 500	7	50

THIRD SCHEDULE.

Cl. 2.

OTHER NON-CONTENTIOUS BUSINESS.

In respect of all other non-contentious business the remuneration for which is not in the first or second schedule prescribed the remuneration shall be as follows—

	\$	c.
1. Instructions from	2	00
2. Drawing, per folio of 120 words	0	50
3. Fair copies, per folio of 120 words	0	12
4. Facsimile or carbon copy thereof made at the same time, per folio of 120 words (if legible)	0	06
5. Perusing, per folio of 120 words	0	12
6. Attendances from	1	00
7. Letters from	1	20

7.	For making, certifying and sealing copy of will, per folio of 120 words	\$	c.
		0	10
8.	For filing application for summons to witness to prove due execution of a will	0	48
9.	For each entry of caveat or filing any objections to the validity of a will	1	00
10.	On citation to accept or refuse grant	1	00
11.	Sealing and certifying copies thereof for service, each	0	50
12.	Settling and signing abstract of citation for advertisement	0	50
13.	For filing of consent of creditors to executor or administrator administering estate of a deceased person which is found to be insolvent	0	48
14.	On application of executor or administrator to sell property of a deceased person by private treaty instead of by public auction and to transport the same, if immovable property—		
	(a) where the value of the property does not exceed \$2,500	1	50
	(b) where the value of the property exceeds \$2,500	3	00
15.	On application by an interested party under a will or on an intestacy to subdivide or to make a division of any movable or immovable property belonging to the estate of a deceased person without proceeding to sale—		
	(a) where the gross value of the estate does not exceed \$2,500	1	50
	(b) where the gross value of the estate exceeds \$2,500	3	00
16.	For filing and advertising accounts of executors or administrators—		
	(a) where the gross value of the estate does not exceed \$2,500	2	00
	(b) where the gross value of the estate exceeds \$2,500	4	00
17.	For filing objections and reasons thereof to accounts filed by executor or administrator and consideration of objections	1	00
18.	For filing grounds or reasons why account has not been filed and making order for extension of time	0	48
19.	On application by executor or administrator to fix his commission	3	00
20.	For searching or inspection, for every period of 15 minutes or part thereof	0	24
21.	For making, certifying and sealing copies of documents, per folio of 120 words	0	10
22.	For filing any document where no other fee is prescribed	0	24