

remaining unpaid within such time and in such manner as the said Saint John Water Company may in such notice direct; and in case default shall be made in the paying in of such capital stock so directed and required to be paid in, then and in such case, all and every share and shares upon which such default shall have been made, shall be and become, and is, and are hereby declared to be forfeited to the use of the said Saint John Water Company, and it shall and may be lawful for the said Saint John Water Company thereupon to sell and dispose of the said share or shares so forfeited by public auction, first giving at least thirty days notice of the time and place of such sale in one or more of the Newspapers published in the said City, and to apply the proceeds of such sale to and for the use and benefit of the said Saint John Water Company.

In default of payment, the Stock may be sold.

II. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, and they are hereby required once in every year between the first day of April and the first day of June in each and every year, by Warrant under their Common Seal, directed to the Assessors hereinafter mentioned, to order a Rate and Assessment of a sum not to exceed the sum of three hundred pounds, together with the sum of seven pounds ten shillings per centum for assessing and collecting the same, to be made in due proportion upon the owner or owners of every Store, House, Out House, or other building situated at the Eastern side of the Harbour of the said City, which said Rate or Assessment so to be made shall be collected by a Collector to be by the said Mayor, Aldermen and Commonalty of the said City, for that purpose from time to time appointed, and the appointment of whom by such Mayor, Aldermen and Commonalty, is hereby authorized and directed to be made; and in case any person or persons so rated and assessed, shall neglect or refuse to pay the sum or sums of money rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same by action of debt or assumpsit in his own name in the Court of Common Pleas, or City Court of the said City, in like manner as any other demand can or may be sued for, prosecuted and recovered in the said Courts respectively.

Assessment to be made annually by the City Corporation,

and collected by a Collector appointed for the purpose.

III. And be it enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate or assessment to be made as aforesaid, it shall and may be lawful for them respectively within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the office of the Common Clerk within the said Term, shall suspend further proceedings until such decision shall be had.

Right of Appeal in cases of over assessment.

IV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City of Saint John, to appoint annually, during the continuance of this Act, three discreet persons, being Freemen of the said City, to act as Assessors, under the provisions of this Act, who shall be sworn to the faithful discharge of such duty before the Mayor or Recorder of the said City; and any person so appointed, who shall neglect or refuse to accept such appointment, or to become qualified, or having become qualified shall refuse or neglect to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of five pounds, to be recovered upon conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the Common Council may direct; and the said Mayor or Aldermen and Commonalty of the said City may appoint some other person or persons, being Freemen, in the stead of any person or persons so refusing to act or become qualified, so often as such shall be the case, which person or persons so to be appointed in the stead of such neglecting or refusing person or persons, shall be liable to the same and like penalties for neglect or refusal as the said neglecting or refusing person or persons, to be in like manner recovered, paid and applied, and so *toties quoties*.

Assessors under this Act to be appointed.

Penalty for non-acceptance of office.

Recovery.

V. And be it enacted, That the said Collector hereinbefore mentioned to be appointed, shall from time to time, as he shall receive the same, pay over the monies by him collected under the authority of this Act, into the hands of the President or Secretary of the Saint John Water Company for the time being, after deducting therefrom at and after the rate of seven pounds ten shillings per centum, for assessing and collecting the same as aforesaid.

Collector to pay over monies received to the President or Secretary of the Water Company.