

‘ whereon to levy, you will take the body of the said A. B., and deliver to the
 ‘ Keeper of the Gaol of the said City and County, and the Keeper will take the
 ‘ said A. B., and him safely keep for — days, unless the said — and costs be
 ‘ sooner paid: and how you have executed this Precept, make return to me at
 ‘ the day and place aforesaid. Given under my hand this — day of —, one
 ‘ thousand eight hundred and —.

‘ E. F., Justice of the Peace
 ‘ for the City and County of Saint John.’

And the Constable to whom any execution as aforesaid shall be delivered, shall forthwith proceed to levy the same in the same manner as is provided for the levying executions in an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*; provided always, that no person so committed to Gaol shall be liable to be detained more than one day for every two shillings of the amount assessed, and costs required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time; and provided further, that notwithstanding the discharge of the defendant as aforesaid, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

Constable forthwith to levy as directed by 4 W. 4, c. 17.

Imprisonment not to exceed the rate of one day for each two shillings due.

Execution to remain good against property.

XV. And be it enacted, That the Fees to be taken by Justices of the Peace shall be as follows:—

Fees to be taken by Justices;

For every Affidavit of Collector, including the oath, one shilling;

For every Warrant of Distress, &c., nine pence;

And the Fees to Constables for serving each and every Warrant of Distress and Sale, the same as are now allowed to Constables under the Act to regulate proceedings before Justices in Civil Suits.

by the Constable.

XVI. Provided always, and it is hereby enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate and 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, whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the Common Clerk's Office within the said time, shall suspend further proceedings until such decision shall be had.

Parties aggrieved may appeal to the Common Council.

XVII. Provided always, and be it enacted, That in case there should be any deficiency in any one year's assessment so to be made as aforesaid, so that the wages and allowance to Watchmen, Policemen, Lamplighters, and Scavengers, and the expense of lighting the eastern side of the said City, and every other incidental charge, cannot be fully satisfied, paid and discharged that year, such deficiency shall be made up in and paid out of the next succeeding year's rate and assessment; and if there shall happen to be any overplus money collected by such rate or assessment as aforesaid in any one year, such overplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses and in such manner as the rates and assessments collected are by this Act directed to be laid out and applied, and to no other use or purpose whatsoever.

Any deficiency in one year's assessment to be made up in the next.

Any surplus to be carried to the account of next year's assessment.

XVIII. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, to appoint annually three discreet persons, being freemen of the said City, to act as Assessors under 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 the said appointment, or to become qualified, or having become qualified shall refuse to perform his duty, shall for each and every neglect or refusal, forfeit and pay the sum of five pounds, to be recovered on 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 rates and assessments collected under this Law, and for no other use whatsoever; and the said Mayor, Aldermen and Commonalty of the said City may appoint some other person or persons, being freemen, in the place or places of any person or persons refusing to act or to become qualified as required by this Act, so often as such shall be the case; which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the

City Corporation annually to appoint three Assessors, who are to be sworn.

Penalty for non-acceptance of office.

Recovery.

Another Assessor may be appointed in the place of one refusing to serve.