

VIII. And whereas it is expedient to allow Constables charged with the execution of warrants of distress for levying of any penalties, damages, sums of money and costs payable under summary convictions or orders, after they shall have seized any goods and chattels under any such warrant of distress, to permit the defendant to retain possession of the goods and chattels seized upon his furnishing a proper and responsible person to become security for the safe-keeping of such goods and chattels and for their production on the day and at the place appointed for the sale thereof: Be it therefore enacted, that when any Constable charged with the execution of any warrant of distress, shall seize any goods or chattels in the possession of the person upon whose goods and chattels he is commanded to levy any sum of money in such warrant mentioned, he shall draw out a minute or *procès-verbal* of such seizure, stating the authority under which the seizure is made, the amount to be levied and the time and place of the sale of the goods and chattels seized, and stating also the name and residence of him the said Constable: and the Constable shall also deliver a copy of such minute or *procès verbal* to the persons whose goods and chattels have been seized, and if the said person then and there offer and procure a good responsible person to become responsible for the safe-keeping and production, on the day and at the place appointed for the sale, of the goods and chattels seized, a minute thereof shall be reduced to writing and signed by the person becoming security therefor, if such person can write, and the Constable shall then allow the goods and chattels to remain in the possession of the owner.

Resital.

Constables executing warrant of distress may allow the goods to remain in possession of defendant until the sale, on his giving security.

IX. If at the time and place appointed for the sale of any goods or chattels seized, and allowed to remain in the owner's possession, under the provisions of the previous section, the goods and chattels, and the whole of them, are not produced by either the owner or the person who became security for the safe-keeping and production thereof; then the Constable shall make a return of his proceedings and of the said facts, to the Justice of the Peace issuing the warrant of distress, and the said return shall have the same effect against the person against whose goods and chattels the warrant was issued, as a return of no goods and chattels whereon to levy the distress; and such further proceedings may thereafter be adopted against him, as may be authorized by law; the said Justice, or any other Justice, shall also have power to issue a warrant of distress, and to levy by distress and sale of the goods and chattels of the person who became security for the safe-keeping and production of no goods and chattels seized as aforesaid, and not produced as aforesaid, the amount contained in the first warrant of distress and all costs incurred, and this whether any further proceedings against the person for whom he was surety, shall be taken or not.

Proceedings if the goods are not forthcoming on the day of sale.

X. The forms annexed to this Act, or others to the same effect, shall be sufficient and valid.

Forms in schedule to be valid.

XI. The Justice or Justices hearing and trying any case in which a summary conviction, order for payment, or other summary proceeding, shall be rendered, given, or had, shall have power to tax and allow persons examined as witnesses in any such case, a reasonable compensation for their expenses and loss of time, occasioned by their attendance as such witnesses, provided always, that no person shall be so allowed or taxed at more than *three shillings and nine pence* currency for each day's attendance, unless such person be a physician, advocate, notary, or land surveyor, in

Justices may tax witnesses and at what rates.