

occasion may require, to enter upon any lands and tenements in the said City, on the east side of the harbour, or in the district before mentioned in the Parish of Portland, whether inhabited or otherwise, and may remain thereon as long as they may deem requisite for the proper execution of the work, and may make all such excavations on the premises as may be expedient, and take up and remove any floors, timber, planks, or any walls, fences, or erections whatsoever, doing no unnecessary damage to the same, and carefully replacing the same upon the requisite work being performed; provided that no such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or occupant, if resident on the premises, being first requested, but the refusal of such permission shall not prevent or delay the execution of the work.

15. In the event of any damage being done in the execution of the works contemplated by this Act, the Commissioners shall pay to the party sustaining the same such compensation as may be mutually agreed on; and in case the said parties and Commissioners should not agree, it shall be the duty of the Commissioners, at the request of such party, to apply to some one of Her Majesty's Justices of the Peace of the City and County of Saint John for a warrant, which warrant such Justice is hereby authorized and required to issue, commanding the Sheriff or any Constable in the said City and County to summon a jury of five disinterested freeholders or occupiers of land in the said City and County, to assess the damages to be paid to the party complaining; the jury shall be sworn, and the Sheriff or his Deputy shall preside at such inquest, and the verdict shall be binding as well on the party complaining as on the Commissioners, who shall within ten days thereafter pay to such party the amount assessed, the costs of such inquest to be taxed and allowed by the Sheriff or his deputy, at the same rate as on ordinary inquests held before him, and shall be equally borne by the Commissioners and the party complaining, whose moiety thereof shall be deducted and retained out of the amount of damages assessed.

16. Persons intending to build or erect any dwelling house or building in any street of the said City on the east side of the harbour, or within the said district in the Parish of Portland, shall, before proceeding with the work, give notice in writing to the Commissioners of such intention, in order that proper sewerage and water supply may be provided under the direction of the Commissioners during the progress of the work. In case of neglect to give such notice, the party so neglecting shall forfeit and pay a penalty of five pounds, and the Commissioners shall forthwith proceed to execute the requisite works upon the premises at his expense, the costs of which, together with the said penalty, shall be recovered in the manner hereinafter provided.

17. The Commissioners may appoint, dismiss, re-appoint, and supply from time to time as may be requisite, a Superintendent of such sewers and water supply, and such other officers, servants, or agents as may appear necessary, with such reasonable compensation to each as shall appear to such Commissioners adequate and proper.

18. The Superintendent, under the direction of the Commissioners, to have the general supervision of all the sewers in the said City, on the east side of the harbour, and in the said district of the Parish of Portland, as well when built as while in course of construction; and whenever any sewer

is ordered to be constructed or repaired, shall ascertain its depth, breadth, mode of construction, and general direction, and insert those particulars in a book to be kept by him for the purpose at the office of the Commissioners, and under their inspection, and shall also insert therein all entries made into such sewer at any time or times thereafter.

19. Whenever any vault, privy, drain, or place of deposit of offal in the said City on the east side of the harbour, or in the said district of the Parish of Portland, shall become offensive or obstructed, the same shall be cleansed, and if need be repaired, under such restrictions as the Commissioners may deem advisable, by the owner, occupant, or other person having charge of the premises, within a reasonable time after a notice in writing to that effect, given by the Superintendent or Commissioners, and in case of neglect or refusal to comply with such notice within six days thereafter, the Commissioners shall cause the same to be cleansed, repaired, or altered as they may see fit, at the expense of such owner, occupant, or person in charge, to be recovered as hereinafter provided.

20. All vaults, privies, cess pools, sewers, drains, and places of deposit of offal in the said City on the eastern side of the harbour, and in the said district of the Parish of Portland, shall be subject to the control and inspection of the Superintendent aforesaid, who, as well as the Commissioners, their servants and workmen, shall have power, and they are hereby authorized to enter upon any lands and tenements for the purpose of inspecting and regulating the same, and to do all such work in and upon the premises as may be necessary for the proper construction and laying down of sufficient conduits and pipes to convey the contents of such vaults, privies, cess pools, sewers, or drains, into any common sewer.

21. All mains, hydrants, service pipes, main and branch drains, sewers and other works, whether connected with sewerage or water supply of the said City on the east side of the harbour, and in the said district in the Parish of Portland, to be deemed and taken to be the property of the Commissioners for all legal purposes; and all wilful or malicious injuries to the same shall be deemed felony.

22. The assessments to be made under and by virtue of the ninth and thirteenth Sections of this Act, as well as the penalties which may from time to time be incurred under and by virtue of the sixteenth Section of the same, shall be binding upon the respective lands and tenements specified in the scales of assessment prescribed by this Act, as well as on the respective owners and parties therein mentioned, and the same shall be recovered with all incidental charges and expenses, by distress and sale of any goods and chattels found upon the premises, and in case of a deficiency of goods or chattels to satisfy the same, it shall be lawful for the said Commissioners to sequester and take and hold possession of the said premises until such deficiency be made good, and to collect, receive, and appropriate and apply the rents and profits of the said lands and premises in payment of the same; provided always, that no such distress or sequestration shall be made until the expiration of thirty days after a demand in writing under the hands of the said Commissioners, or any two of them, of the moneys due in such case, shall have been served upon the owner, occupant, or person appearing to be in charge of the premises for the time being, and in case the same shall be unoccupied or vacant, then no such distress or sequestration shall be made until such demand as aforesaid shall have been advertised in one or more