

Not removable  
by certiorari  
Proviso in spe-  
cial cases.

be final and binding upon the parties thereto ; and no such suit, action, judgment, order, or proceeding, shall be removable from such Court by *certiorari* or otherwise ; Provided that in any Action for a Rate or Assessment above Forty Dollars, it shall be competent for the Court of Sessions, upon the application of either party, to be made at the hearing, to state a case for the opinion of the Supreme Court, upon any question of law arising upon the trial, and the opinion of the Supreme Court shall govern the determination of the Court of Sessions.

### CAP. V.

#### *An Act to make further Provision for the Sewerage of the Town of St. John's.*

[Passed 12th April, 1864.]

Preamble.

**W**HEREAS it is expedient to make further provision for the Sewerage of the Town of Saint John's :

Be it therefore enacted by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows :—

Drains from  
Dwelling Houses  
to be construct-  
ed by Owners.

I.—It shall not be lawful for any person to build, or erect, or finish, within the limits of the Town of St. John's, as defined by the 15th Victoria, Cap. 4, entitled "An Act to consolidate and amend the Saint John's Rebuilding Acts," any House or Building designed for a Dwelling House, unless such Person shall, during the building or erection or finishing of such House or Building, or immediately thereafter, and before it shall be used as a Dwelling House, make and construct one or more sufficient Covered Drains or Sewers of Imperishable Materials, and not less than Eighteen Inches square, leading from such House or Building, or from the Yard, (if any,) belonging to the same, to and into some Public Drain or Sewer within the said Town, or to and into some place of deposit to be approved of by the Chairman of the Board of Works, or into the centre of the Street in or nearest to which such House shall be built.

II.—Should any Person build or erect or finish any House or Building designed and within the limits aforesaid, without making and constructing, within the time aforesaid, one or more Covered Drains or Sewers leading and constructed as aforesaid, such Person shall be subject to a Penalty not exceeding Twenty Dollars; and it shall be lawful for the Chairman of the Board of Works, after Ten Days' notice, in writing, to such Offender, to enter into and upon the said House, Building or Yard, as the case may be, and there to make and construct one or more sufficient Covered Drains or Sewers leading as aforesaid, and the Costs of such Drains or Sewers shall be paid by such Offender.

In default of Owners making drains, Chairman of Board of Works after two days notice may construct drains, &c., and recover costs and penalty from owner.

III.—Such Penalty, as aforesaid, and the Costs of such Drains or Sewers, when made or constructed by the Chairman of the Board of Works, shall be recovered by an Action or Actions to be brought, tried and determined, in a summary manner, in the name of the Chairman of the Board of Works, for the time being, before the Court of Sessions for the District of Saint John's, and shall, with Costs, be levied upon the Offender's property, by Warrant of Distress; and the proceeds of such Fine shall be applied to the Cost of the General Sewerage of the Town of St. John's.

Mode of recovery.

IV.—Every Proprietor of every such House or Building as aforesaid, who shall himself make and construct any such Drain or Sewer aforesaid, shall, before proceeding with the same, give Two Days' notice to the Chairman of the Board of Works, of his intention in that behalf; and such construction shall be subject to the supervision and control of the said Chairman, in order that it may be effectual for the purpose for which it is designed, and may not in any way damage or interfere with the construction or flow of Main Drains.

Notice to be given Chairman of Board of Works of opening drains;

To be done under supervision.