

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1828. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1828.

9 George IV – Chapter 4

An Act relative to the Streets and Squares in the City of Saint John. Passed 5th April, 1828.

Whereas in consequence of the irregularities of the ground upon which the City of Saint John is laid out; it has been found expedient to make various and extensive alterations in the level of the Streets, which have rendered it necessary in many instances for the Proprietors of houses fronting on such Streets, to erect steps or stairways in order to have access to their respective houses; and it is considered that the general width of the Streets of the said City will admit the placing of such steps or stairways, without any material obstruction to the passage along such Streets; and the same have been authorized by the Corporation of the said City: And whereas doubts, have arisen whether the said Corporation is empowered by Charterer any law now in force, to permit the erection of such steps or stairways; and it is expedient that the said Corporation should be allowed to exercise such power under certain limitations and restrictions:

I. Be it therefore enacted and declared by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of St. John, or the major part of them in Common Council convened, to authorize and allow the erecting, placing, and maintaining of steps or stairways for the convenient access to the ground floor of houses adjoining any Street or Streets in such parts of the said City as they may deem proper and from time to time to make, establish, and ordain such Bye Laws, Ordinances, Rules, and Regulations, as well for the keeping, erecting, placing, or maintaining, as for the better regulating and arranging with uniformity such steps or stairways; and also for the taking down and removal, either in whole or in part, of such steps or stairways, as are now erected, or hereafter may be erected, in the said City: Provided always, that no steps or stairways shall be allowed to extend out upon such Streets, or any of them, more than four feet, or more than a tenth part of the breadth of such Streets as are less than forty feet broad. And provided also, that no steps leading to any other than the ground floor, or storey, shall be placed upon any part of the said Streets.

II. And whereas the enclosing of the two public Squares in the said City, called by the names of Kings Square, and Queen Square, with an open Fence or Railing, and planting the same with Trees, would conduce much to the ornament of the said City:

Be it further enacted, That it shall and maybe lawful for the said Mayor, Aldermen, and Commonalty, or the major part of them, in Common Council convened, to authorize and direct the said Public Squares to be enclosed, either in whole or in part or parts, with open Fences or Railings; and the same to be laid out and planted with Trees and Shrubs in such manner as they may deem expedient; and from time to lime to make such Bye Laws, Ordinances, Rulers, and Orders, for the erecting, keeping, and preserving such Fences, Railings, and Trees, in order to prevent damage or injury to the same; as also for the due regulation of such Squares, and the passage of foot passengers, in, through, and, over the same, as to them may seem necessary and

proper: Provided always, that no such enclosures shall be made so as to narrow or interfere with the passage of the public Streets, running along the sides of such Squares; nor shall any Fences, or Trees, be placed, or set out, within sixty feet of the buildings, fronting on such Squares, or either of them.

III. And whereas it would much add to the ornament and convenience of the Court House lately erected in the said City, on the East side of Kings Square, if a Portico were placed in front of the same: Be it therefore further enacted, that it shall and may be lawful for the Justices of the Peace of the said City and County of Saint John, in General Sessions assembled, with the consent of the Common Council of the said City, to erect, place, and maintain a Portico and steps in front of the said Court House; provided the same shall not extend more than fifteen feet upon the said public Square.

IV. Provided always, and be it further enacted, That no Bye Law, or Ordinance, to be made by the said Mayor, Aldermen, and Commonalty of the City of Saint John, in pursuance of this Act, shall be in force or valid, until the same shall be confirmed by His Excellency the Lieutenant-Governor, and His Majesty's Council; and that when so confirmed; the same shall not be altered, amended, or repealed, by any other Bye Law, or Ordinance, of the said Corporation; unless such other Bye Law, or Ordinance, shall likewise be confirmed in the manner aforesaid.

V. Provided also, and be it further enacted, That all Bye Laws or Ordinances, before they shall be sent up to His Excellency the Lieutenant-Governor, and Council, for their confirmation, shall be published in one of the Newspapers of the City, at least, four weeks before the same shall be so sent; which publication shall be proved to the satisfaction of the Lieutenant-Governor and Council, before such confirmation shall be given.

VI. And be it further enacted. That this Act shall continue and be in force for the term of ten years and no longer.