



ANNO QUINTO

# GULIELMI IV. REGIS.

(2ND SESSION.)

## CAP. XII.

*An ACT to regulate the Streets of the Town of Carbonear.*

[8th May, 1835.]

**W**HEREAS in order to guard against the destructive ravages so frequently committed by Fire in this Island of Newfoundland, it is deemed expedient, for the preservation of the Town of Carbonear, in the said Island, to regulate the width of the Streets thereof, and to make provision for the opening of Fire Breaks in the said Town: Preamble.

*Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that the Main Street of Carbonear, extending round the Harbor thereof from the House of John Buckingham, Esquire, on the South side, and round the Western side of a certain Pond on the West end of the said Harbor, and thence Eastward to Crocker's Cove Beach, shall not be less than Fifty feet in width in every part thereof, and shall be made to conform to such line, and plan, and metes, and bounds, as shall be fixed, settled or laid down, concerning the same, by such Commissioners and Appraisers as shall, under and by virtue of this Act, be hereafter for that purpose appointed; and that all and every Houses, Stores, Buildings, and Erections whatsoever, which shall at any time or times hereafter be erected or built in the said Street, whether the same be erected on any vacant spot of Ground or upon the site of any former Building, shall be made to conform to the width of the said Street, as the same is hereby established and directed: *Provided always*, that nothing herein contained shall extend to require the removal of any House or Store which hath been built or erected previously to the passing of this Act: *And provided, likewise*, that the Water-side of the present line of the said Street or Road shall remain undisturbed. Main Street of Carbonear within certain Limits and Boundaries not to be less than 50 feet wide.

**II.**—*And be it further enacted*, that for the making and regulating of Fire-Breaks in the said Town of Carbonear, as well as for laying down the line and plan of the said Main Street of Carbonear, and for remunerating Persons who may sustain loss of Land or Property by reason of the formation of the said Fire-Breaks, it shall and may be Proviso.

Persons to be chosen by Proprietors to mark out Streets &c.

lawful for any Justice of Peace, on the requisition or application in writing of Twelve or more Householders of the said Town, to convene, after Six Days' Public Notice thereof, at the least, a Public Meeting of the Householders of the said Town, and of the Proprietors of Houses and Lands therein, or their lawful Agents or Attorneys, to assemble at such time and place as the said Justice of Peace may for such purpose publicly notify and appoint, and then and there to choose Eight Persons, Four of whom are to be chosen by the Proprietors, or the majority of the Proprietors, of such portions of Ground as may be necessary for the purposes of making and widening the said Fire-Breaks and Main Street, or either of them, and the remaining Four by the Proprietors of Houses, Tenements and Ground situate at Carbo-near, within Two Hundred and Fifty Yards distance from the waters of the Harbor thereof, and the Householders or Tenants residing within the said limits, or the majority of them the said Proprietors and Householders who shall be present at the said intended Meeting; and which Eight Persons, so chosen and elected at the said intended Meeting, shall have power to elect a Ninth Person as Umpire; and such Nine Persons shall thereupon, after being duly sworn in such behalf before a Justice of Peace, be Commissioners of Roads, and Appraisers, for the purposes of this Act; and such Commissioners and Appraisers, or a majority of them, are hereby authorized to mark out and make or form Three Cross Streets or Open Spaces, to serve as Fire-Breaks; and such Cross Streets shall be at least Sixty Feet wide, and shall intersect the said Main Street, as nearly as may be, at right angles, and shall extend from the Sea Two Hundred and Fifty yards thence towards the interior of the Country; and the said Commissioners and Appraisers, or a majority of them, are hereby authorized to take and appropriate all such Ground as may be required to form the said Fire-Breaks, and also to grant to the Owner or Owners of the Ground so to be taken and appropriated, such reasonable compensation for the same as they shall deem proper, under the terms and limitations herein prescribed; and in case of the death, absence or resignation of any of such Commissioners and Appraisers, it shall and may be lawful for the Governor, or Acting Governor, for the time being, by and with the advice of His Majesty's Council, to nominate and appoint a Commissioner and Appraiser, or Commissioners and Appraisers, in his or their stead, who shall have the like power and authority conferred by this Act upon the other Commissioners and Appraisers.

Such Persons to be Commissioners of Roads and Appraisers for the purposes of this Act.

Commissioners to mark out Cross Streets and Fire breaks, and appraise ground taken for the same.

III.—*And be it further enacted*, that the said Commissioners and Appraisers, or a majority of them, shall be hereby authorized, immediately on the removal, by Fire, or otherwise, of any Buildings or Erections which may be situate on any Land which the said Commissioners or Appraisers shall deem necessary for the formation of the said intended Fire-Breaks, or any of them, to take, enter upon, and appropriate all and every or any such portions of Land as may be necessary to be taken for the purpose of forming the said intended Cross-Streets or Fire-Breaks, or any or either of them, always taking into account the additional value derived to the several Proprietors from the convenience and security afforded by the opening of the said Streets; and that such appraised value shall be deemed and considered the true value of the said portions of Ground, and shall be paid by all and every the Proprietors of Houses, Tenements and Land, lying and being within the bounds of Harbor-Rock Hill, on the East; the West end of the Pond at the end of the said Harbor, on the West; and Two Hundred and Fifty Yards North and North-West from high-water

mark of the said Harbor of Carbonar within the said limits, and the Tenants or Occupiers thereof, by a Rate or Assessment between Landlord and Tenant, agreeable to their respective interests therein, and at such valuation as the said Commissioners and Appraisers, or a majority of them, shall assess, appoint or determine, and which they are hereby authorized and required so to do.

IV.—*And be it further enacted*, that if any Ground taken for the purpose of widening the Main Street aforesaid, shall so diminish the Property of any of the said Proprietor or Proprietors of Land as not to leave him or them a space of Forty Feet in breadth fronting on the said Street, it shall then be lawful for the said Commissioners and Appraisers to compensate such Proprietor or Proprietors, and to Assess for the same in like manner as if the Ground had been taken into the Cross-streets or Fire-Breaks: *Provided always*, that if the said Commissioners and Appraisers, or a majority of them, shall be of opinion that any Proprietors of the said Ground so required for the Streets aforesaid, or any of them, may be indemnified at a less expense to the Proprietors in general, by having an equal portion of Ground assigned to them from any Ground adjoining, and that such adjoining Ground may be taken without material injury to the Proprietor or Proprietors thereof, it shall be lawful, and the said Commissioners and Appraisers, or a majority of them, are required to mark off, and in like manner to appraise, so much of the said adjoining Ground as they may think sufficient to replace the Ground required for the said Streets; and the same so marked off shall belong to the first-mentioned Proprietors, and be instead and in lieu of all and every indemnity whatsoever; and the appraised value of the same shall be paid by the Proprietors and Tenants in general to the Proprietor or Proprietors from whom the same was respectively taken, and shall be as a full satisfaction and release of the same, and of all right and title thereto.

Remunerating of Proprietors who shall have less Land left them than 40 feet in front of Streets.

Proviso.

V.—*And be it further enacted*, that all Rates and Assessments which shall be made or regulated by the said Commissioners and Appraisers, or a majority of them, by virtue of this Act, shall and may be sued for and recovered from any Person or Persons making default in the due payment thereof, in a summary way, in any of His Majesty's Courts of Record, whose decision thereon shall be final.

Recovery of Rates and Assessments.