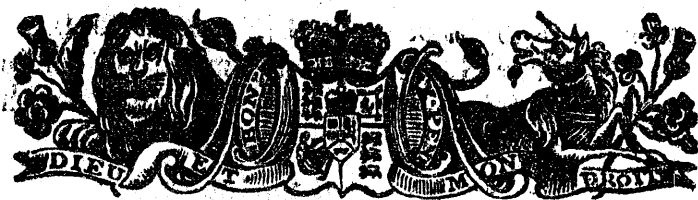


Court of Sessions
Fortune Bay



ANNO TERTIO

GULIELMI IV. REGIS.

CAP. V.

*An ACT to Regulate the Streets of the Town of
Harbour Grace.*

[17th April, 1833.]

WHEREAS, in consequence of the destructive ravages committed by Fire in the Town of Harbour Grace, it is deemed expedient, for the future preservation of the said Town, to regulate the width of the Streets thereof, and to make provision for the opening of Fire Breaks and an additional Street in the said Town: *Be it therefore enacted*, by the Governor, Council, and Assembly, that the main or lower Street in the Town of Harbour Grace, extending from the Premises of Peter Brown, Esquire, to the Premises of James Cawley, Esquire, shall not be less than fifty feet in width in every part thereof, and shall be and remain, as nearly as may be, according to the line and plan, and metes and bounds, laid down by Messieurs Pack, Lilly, Kough, Ridley, and Anderson, Persons appointed by certain of the Inhabitants of Harbour Grace for that purpose, so far as the line and plan made by them extend; and that all and every Houses, Stores, Erections and Buildings whatsoever, built or erected since the eighteenth day of August in the year of our Lord one thousand eight hundred and thirty-two, or which shall at any time or times hereafter be erected 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 any House, Store, Erection or Building, which may at any time hereafter, be erected in the said Street, the same being built or made entirely of Stone or Bricks, and covered with Slates or Tiles, and always leaving a clear width in the said Street of not less than forty feet.

Preamble.

Width of the lower street.

II.—*And be it further enacted*, that the aforesaid lower or main Street of Harbour Grace, from the Dwelling House occupied by Peter Brown, Esquire, to the Premises occupied by Thorne, Hooper and Company, shall be thirty feet wide in every part thereof; and from the said Premises occupied by Thorne, Hooper and Company, to River Head, the said Street or Road shall not be less than fifty feet wide in every part thereof; and that the said Street or Road,

from the Premises of James F. Cawley, Esquire, to Bear's Cove Brook, shall not be less than fifty feet wide in every part thereof, and that all and every Houses, Stores, and Erections whatsoever, which shall hereafter be built or erected in or near to the said lower or main Street of Harbour Grace, shall be made to conform to the width of the said Street in each part respectively, as the same is hereby established.

Commissioners
to be appointed;

III.—*And be it further enacted*, that for the regulating and making of Fire Breaks in the said Town of Harbour Grace, and also for laying down the line of a new Street, and forming the same to run in a parallel course, as near as may be, with the aforesaid main Street of Harbour Grace, and for remunerating Persons who may sustain loss of property by reason of the formation of the said Fire Breaks and Street, it shall and may be lawful for the Chief Magistrate at Harbour Grace, for the time being, on the application or requisition of twelve or more Householders of the said Town, to convene a Public Meeting of the Proprietors of Houses and Lands, or their lawful Attornies, and of the Householders of the said Town, to assemble at such time and place as the said Chief Magistrate 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 have been, or may be, necessary for the purposes of making and widening the said Fire Breaks and Streets or either of them, and the remaining four by the Proprietors of Houses, Tenements and Ground lying and being at Harbour Grace between Bear's Cove Brook and Ship's Head, 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 shall have power to elect a ninth Person as Umpire, and such nine Persons shall thereupon, after being duly sworn in such behalf before the Chief Magistrate of the said Town, be Commissioners of Roads and Appraisers, and such Commissioners and Appraisers, or a majority of them, are hereby authorized to mark out the line and extent of, and to form, at their discretion, if they think proper, a new Street at Harbour Grace aforesaid, to be forty feet wide, and to run and extend from the Harbour Grace and Carbonear new Road to Ship's Head, at a convenient distance from, and as nearly parallel as may be with, the main or lower Street at Harbour Grace aforesaid, and also to mark out and make and form such and so many Cross Streets or open Spaces, to serve as Fire Breaks, as the said Commissioners and Appraisers, or a majority of them, shall think or deem proper; and such Cross Streets shall be at least sixty feet wide, and shall intersect the said main Street and intended new Street, as nearly as may be, at right angles, and extend into the Harbour of Harbour Grace; 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 Streets and 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.

With powers to
form a new street
and make fire-
breaks;

and award com-
pensation to per-
sons whose ground
is taken.

IV.—*And be it further enacted*, that the said Commissioners and Appraisers, or a majority of them, shall be hereby authorized, on their appointment, to proceed forthwith to mark and form the said Streets in manner aforesaid, and to appraise the value of all and every such portions of land as may be necessary to be taken for the purpose of

forming the said intended new Street, and 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, Lots and Parcels of Ground, lying and being between Bear's Cove Brook and Ship's Head, and the Tenants or Occupiers thereof, by a Rate or Assessment in equal proportions between Landlord and Tenant, 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 to do: *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 Proprietors or Proprietor 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.

Such compensation to be made by an assessment on landlord and tenant;

or by the substitution of other land.

V.—*And be it further enacted*, that all Rates and Assessments which shall be made and 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 or before any two or more Justices of the Peace in Sessions, whose decision thereon shall be final.

Rates and assessments may be sued for in any Court of Record.

VI.—*And be it further enacted*, that if the said Commissioners of Roads and Appraisers, so to be chosen and appointed as aforesaid, or a majority of them, shall be of opinion that it would be inconvenient or inexpedient, at present, to open and make the said intended new Street or Road, from the new Carbonear Road to Ship's Head, it shall and may be lawful for them the said Commissioners and Appraisers, or a majority of them, to postpone the opening and making of the said intended new Street or Road to a future period, or to decline and altogether avoid the opening and making thereof, or otherwise to open and make a portion or part only of the said intended new Street or Road, as the said Commissioners and Appraisers, or a majority of them, shall in their discretion deem proper, any thing herein contained to the contrary thereof notwithstanding; and in the event of the said intended new Street or Road not being opened or made, the said Commissioners and Appraisers, or a majority of them, are hereby authorized to extend and continue the aforesaid intended Cross Streets, or Fire Breaks, to such sufficient distance from the aforesaid main or lower Street of Harbor Grace, as they shall deem proper and expedient.

Commissioners may postpone the opening of the new street;

or make a part only.

In case the new street is not opened, Commissioners may extend the fire-breaks.