

Laws of His Majesty's Province of Newfoundland, passed in the year 1833.

3 William IV – Chapter 2 (Session 2)

An Act to amend an Act of the General Assembly, entitled “An Act to regulate the Streets of the Town of Harbour Grace.” (1st August, 1833.)

Whereas it is deemed expedient to repeal part of a certain Act passed in the last Session of the General Assembly of this Island, entitled “An Act to regulate the Streets of the Town of Harbour Grace,” and to confirm the Plan and Opening of certain Fire-Breaks as laid down by the Commissioners in the Year of our Lord One thousand eight hundred and thirty-two: Be it therefore enacted, by the Governor, Council and Assembly, that the said Act, so far as it relates to the appointment of Commissioners for the opening of any New Street or any Fire Breaks, and so far as the said Act relates to the width of the Lower or Main Street of Harbour Grace aforesaid, or allows the same to be limited to a narrower extent than Fifty Feet across the same in every part thereof, and also the whole of the Third Section of the said recited Act, shall be and the same is hereby repealed.

II. And be it further enacted, that the Cross Streets or Fire Breaks of the said Town of Harbour Grace, as well as the Main Street of the said Town, shall be and remain according to the line and plan and metes and bounds laid down by Messieurs Pack, Lilly, Kough, Ridley and Anderson, the Commissioners or Persons appointed for that purpose in the Year of our Lord One thousand eight hundred and thirty two, and who are named in the aforesaid recited Act.

III. And be it further enacted, that the said Lower or Main Street of Harbour Grace shall be Fifty Feet in width in every part, and that a line of Thirty Feet be drawn towards the Sea from William Innott's House, thence from the South point of that line Eastward until it joins the South line of Road as laid down by the aforesaid Commissioners in the year of our Lord One thousand eight hundred and thirty-two, at the East side of the Dwelling-House of Peter Brown, Esquire, and from the South point of the line opposite William Innott's House Westward to the South point of a line drawn in a direction toward the Sea of Thirty Feet from the South-West corner of the present Dwelling-House of Thorne, Hooper, and Company; and all Erections and Buildings of every description which shall or may hereafter be built in the said Street, on the North side, shall conform to Fifty Feet North from the said line, and all Buildings and Erections of every description which shall be built on the Water-side of the said Street shall conform to the said line, as the same is hereby laid down and prescribed, and so far as the same extends.

IV. And be it further enacted, that for the making of any additional Fire Breaks that may be required in the said Town, 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 all Persons who may sustain loss of Property by reason of the formation of the said Fire Breaks already marked out and planned as aforesaid, or which shall by virtue of this Act be marked out and formed, or of the said intended New 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, and on due notification of the time and place of meeting in the Royal Gazette and in the

Conception Bay Mercury, to convene a Public Meeting of the Proprietors of Lands and Houses, or their lawful Attornies, and of the Householders of the said Town, to assemble at such time and place as the Chief Magistrate may 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 same 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 choose 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 to the Westward of the Western Fire-Break marked and pointed out by the aforesaid Commissioners in the year of our Lord One thousand eight hundred and thirty-two, 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 think or deem proper, under the terms and limitations in the said recited Act prescribed; and the said Commissioners so to be chosen and appointed shall have and exercise all the power and authority given to and conferred on, or intended to be given to or conferred on, the Commissioners appointed under the said recited Act; and all Rates and Assessments authorized or required by the said Commissioners shall be raised, levied and collected in the manner prescribed by the said Act.

V. Provided always, and be it further enacted, that nothing in this or the said recited Act contained, shall extend or be construed to extend to require the removal of any Dwelling-House, Store or Building erected previous to the Twenty-seventh day of August in the year of our Lord One thousand eight hundred and thirty-two.

VI. And be it further enacted, that all the power and authority conferred or intended to be conferred by the said recited Act on the Commissioners thereby intended to be appointed, and who have been chosen and appointed under and by virtue of the same, shall be and are hereby annulled and repealed; and from and after the passing of this Act such appointment of the said Commissioners shall be deemed to have utterly ceased and determined to all intents and purposes: Provided nevertheless, that the said Commissioners, or any of them, shall not be liable to, or chargeable by, any Suit or Action whatsoever, for any lawful Act, deed or thing done or committed by them or any of them, while in the due execution of his or their duties as such Commissioner or Commissioners as aforesaid.