

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

3 William IV – Chapter 3 (Session 2)

An Act to regulate the Building of Houses in Water-Street in the Town of Saint John's. (1st August, 1833.)

Whereas the Town of Saint John's, in this Island, hath been repeatedly visited by great and destructive Fires, the ravages of which have been much extended owing to the Houses and Buildings in the said Town being principally constructed of Wood: And whereas it will greatly contribute to the future safety of the said Town, and to the security of the lives and property of His Majesty's Subjects therein, if regulations be made for the building of all future Houses and Erections on the South or Water side of the Main Street of the said Town called Water-street, and certain other Houses and Erections on the North side of the said Street, by requiring all such Houses and Erections in the said Street to be built of Stone or Brick, and be covered with Slates, Tiles, Iron or Tin, or other incombustible material: Be it therefore enacted, by the Governor, Council and Assembly, in Colonial Parliament assembled, that all Houses, Stores, Buildings, and Erections whatsoever, which shall or may, at any time or times hereafter, be raised, built or erected in any part of the said Street called Water Street, in the said Town of Saint John's, comprehending both sides of the said Street, and extending thence to the Harbour of Saint John's, shall, with such exceptions as are hereinafter provided and contained, be built, made and erected entirely of Stone or Bricks, and be covered or roofed with Slates, Tiles, Iron or Tin;—Provided always, that all Houses, Stores, Buildings and Erections whatsoever, which may have been erected or commenced in any part of the said Street, from and after the Seventh day of July in this present year, shall be made to conform to the provisions of this Act.

II. And be it further enacted, that it shall and may be lawful to build and erect, on the North side of the said Street, Houses, Stores or Buildings of Wood, save and except all Houses, Stores or Buildings of any description which shall or may face, front, or border upon a Fire-Break, which latter Houses, Stores or Buildings shall be built and constructed entirely of Stone or Brick, and be covered with Slates, Tiles, Iron or Tin, or other incombustible material, and the Doors and Windows of which shall be provided with Iron Shutters.

III. And be it further enacted, that it shall and may be lawful to build and erect on the Water side, South of the line of the said Street, Stores and Buildings of Wood for the purpose of containing Fish and Supplies for the Fisheries, provided such Stores or Buildings be not erected within Forty Feet of the line of Stone Buildings on the South side of the said Street, (which said space of Forty Feet shall be left free from any Oil Vat or other Wooden Erection whatsoever,) and that such Wooden Stores or Buildings be roofed or covered with Slates, Tiles, Iron or Tin, or other incombustible material, and have no Stoves, Fire-places or Fires, contained or used within the same, and provided also that the ends of all such Buildings or Stores which may front or present themselves to Fire- Breaks, shall be built of Stone or Bricks, or be covered with Iron or Tin.

IV. And be it further enacted, that all Doors and Windows of such Stone or Brick Houses or Buildings aforesaid, which may front or face any Wooden Stores, and also all Doors and Windows of such Stone

or Brick Buildings and Wooden Stores which may front or face any Fire-Break, shall be covered with Iron or Tin, or have Iron Shutters to the same; and that the Ends and Roofs of all Wooden Houses and Stores whatsoever, already erected on or adjoining Water Street, and which face the present Fire-Breaks, shall be covered with Sheet Iron or Tin, unless the Buildings on the opposite side of such Fire-Break shall be of Stone or Brick,—the expense of which shall be borne by the Landlords and Tenants of all Premises between the said Fire-Breaks, in proportion to their respective interests therein, to be determined by Five Arbitrators, Two of whom shall be chosen by the Landlords or their Agents, and Two by the Tenants, which said Four Arbitrators shall choose a Fifth, and these Five so chosen shall proceed forthwith to appraise and value the respective interests of the said Parties, in order to ascertain the portion of expense to be paid by each.

V. And be it further enacted, that the said Street called Water Street shall be left clear of all Buildings and Erections full Fifty Feet wide in every part thereof, save and except such part or parts of the said Street as are permitted to be of less width by any Act or Acts of the Imperial Parliament.

VI. And be it further enacted, that all and every Person and Persons who shall break or infringe the provisions of this Act, shall be deemed to be guilty of a Misdemeanor, and on due conviction of the same shall incur such Fine or Forfeiture, not exceeding the sum of Twenty Pounds lawful money of Great Britain, as the Supreme or Circuit Court shall award; and all Buildings and Erections which shall hereafter be built in contravention of the enactments or provisions herein contained, shall be deemed to be Public Nuisances.

VII. And be it further enacted, that in the several lines or blocks of Wooden Houses which may hereafter be erected and built on the North side of Water-Street aforesaid, there shall be erected, at intervening distances of not more than Two Hundred Feet, Party Walls of Stone or Brick, of not less than Two Feet and Eight Inches in thickness, and projecting in front and rear at least Nine Inches beyond the line of the adjoining Houses and Buildings; and that no Wooden Buildings or Erections whatsoever shall be erected or constructed in the rear of the Buildings on the North side of Water-Street aforesaid, within Twenty-five feet of any of the said Party Walls, the expense of the erection of which shall be borne by the Landlords and Tenants of all Premises within the several Blocks in which the same may be built and erected, in proportion to their respective interests therein, to be determined by Five Arbitrators, Two of whom shall be chosen by the Landlords or their Agents and Two by the Tenants, which said Four Arbitrators shall choose a Fifth, and these Five so chosen shall proceed forth with to appraise and value the respective interests of the Parties therein, in order to ascertain the portion of expense to be paid by each; and the several proportions of the Costs of the erection of the said Party Walls shall be paid by the said Landlords and Tenants respectively upon the award and certificate of the said Arbitrators, by an order under the hands and seals of Two or more of His Majesty's Justices of the Peace for the District of Saint John's, in Sessions.