

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

3 William IV – Chapter 8 (Session 1)

An Act for the more speedy abatement of Nuisances. (31st May, 1833.)

Whereas it is deemed requisite to empower the Courts of Sessions, or any one or more of His Majesty's Justices of the Peace, within their respective Districts in this Island, or any place within the Government thereof, in a summary way, to abate all Nuisances and to punish all and every Offender or Offenders, for any Offence or Offences concerning or relating to such Nuisances as are herein specified, according to the means and powers of this Act: Be it therefore enacted, by the Governor, Council and Assembly, that from and after the passing of this Act, it shall and may be lawful for the Courts of Sessions, or one or more Justice or Justices of the Peace, in a summary way, within their respective Districts in this Island, or any place within the Government thereof, to hear and determine all Informations and Complaints touching or concerning any Nuisance or Nuisances, or any Offence or Offences relating to such Nuisances, as are hereinafter specified, which may be brought or made against any Person or Persons before the said Courts of Sessions or such Justice or Justices respectively, and upon due conviction to punish all and every Offender or Offenders, by awarding against him, her, or them, such Fine or Fines as are hereinafter imposed by this Act, and all such Costs and Expenses as may attend the same.

II. And be it further enacted, that from and after the passing of this Act it shall and may be lawful for the said Courts of Sessions, or any one or more Justice or Justices of the Peace, and they are hereby authorized and empowered, within their respective Districts, to cause to be Sold or Let to any Person or Persons who will contract or agree for the same, and thereupon enter into security for the immediate removal thereof, all the Filth, Rubbish, other offensive matter or things, which may have been deposited in any Street or Streets, Lane or Lanes, Cove or Coves, Place or Places, or which may hereafter collect in any or either of the said Streets, Lanes, Coves or Places, within any Town or Settlement, or which may have been deposited, or may hereafter collect, in or by any Road leading into any Town or Settlement within this Island, or any Place within the Government thereof; and any Person or Persons who shall have contracted and agreed, and entered into security with the said Justice or Justices, for the removal of all such Filth and Rubbish, or any part thereof, from all or either of the said Streets, Lanes, Coves or Places, and after the same shall have been notified to the Public by such Justice or Justices, such Person or Persons shall be entitled to the sole and exclusive right of taking and removing all such Filth, Rubbish, other offensive matter or things, any custom or usage to the contrary notwithstanding: Provided always, that any Person or Persons who may have entered into the Security required for the fulfilment of any such Contract or Agreement as aforesaid, and who shall become negligent in the performance of the terms thereof, he, she, or they shall Forfeit such sum or sums of Money for which he, she, or they may have become bound, or such part thereof as shall seem meet to the said Courts of Sessions, or such Justice or Justices respectively.

III. And be it further enacted, that any Person or Persons who shall hereafter interrupt, hinder, molest, or obstruct any Person or Persons who may have agreed or contracted with such Justice or Justices for the removal of such Filth, Rubbish, other offensive matter or things, from off or out of any

of the said Streets, Lanes, Coves, or Places aforesaid, he, she, or they, shall forfeit and pay for every such offence the sum of Forty Shillings to His Majesty, his Heirs and Successors: Provided always, that before any such Person or Persons who may have contracted as aforesaid shall proceed to take possession of any such Filth or Rubbish, or other offensive matter or things, due notice shall first be given by such Courts of Sessions, or by such Justice or Justices as aforesaid, to any Person or Persons claiming the same, or who may have deposited such Filth or Rubbish in any such Street, Lane, Cove or Place aforesaid, immediately to remove the same.

IV. And be it further enacted, that if no Person or Persons should be induced to contract or agree for the removal of such Filth, Rubbish, or other offensive matter or things, from off or out of the said Streets, Lanes, Coves, or Places, aforesaid, then and in such case the Occupier or Occupiers of any House, Building, or other Premises, in any of the said Streets, Lanes, Coves, or Places, aforesaid, within such Town or Settlement aforesaid, or the Occupier or Occupiers of any Lands or Tenements by the side of any Road leading into any such Town or Settlement, after notice to that effect from any Justice or Justices as aforesaid, shall be obliged to remove all such Filth, Rubbish, or other offensive matter or things, if placed or deposited there by his, her, or their orders or directions, to the full extent in front of his, her, or their House or Premises, and to the centre of the Street, Lane, Cove, or Place aforesaid, and upon failure thereof, in every such case, he, she, or they shall, for every such offence, forfeit and pay a Fine of Twenty Shillings to His Majesty, his Heirs and Successors, and all costs and expenses incurred in removing such Filth, Rubbish, other offensive matter or things.

V. And be it further enacted, that any Person or Persons who shall, after the said Streets, Lanes, Coves, Places or Roads have been cleared of all such Filth, Rubbish, other offensive matter or things aforesaid, deposit, or be instrumental in any way to any Filth, Rubbish, or other offensive matter or things being deposited, in any of the said Streets, Lanes, Coves, Places or Roads, he, she, or they shall forfeit and pay for every such offence the sum of Five Shillings to His Majesty, his Heirs and Successors, and all costs and expenses incurred in the removal thereof.

VI. And be it further enacted, that it shall be the duty of all and every Constable or Constables, within their several Districts, to report to the nearest Justice of the Peace the name or names of any Person or Persons who may, within the observation of such Constable or Constables, place or deposit any Filth, Rubbish, or other offensive matter or things, or have caused the same to be deposited in any such Street, Lane, Cove, Place or Road as aforesaid, and every such Constable or Constables so neglecting to report such offence or offences shall forfeit and pay the sum of Forty Shillings to His Majesty his Heirs and Successors.

VII. And be it further enacted, that all Carts used or employed in the removal of Night Soil, or other such offensive matter, shall be tight and covered, and shall call at the House or Houses of any such Occupier or Occupiers of Houses or Premises as aforesaid after the hour of ten of the clock at night and before the hour of five of the clock in the morning.

VIII. And be it further enacted, that it shall not be lawful for any Person or Persons to bring into or carry through any of the said Streets, Lanes or Places, in any of the populous Towns in this Island, any putrid substance, or any other offensive matter, unless the same be carried in Carts, tight, close, and covered;

and any Person or Persons so offending shall forfeit and pay for every such offence the sum of Five Shillings to His Majesty his Heirs and Successors.

IX. And be it further enacted, that the Justices in their General Sessions of the Peace, in the several Districts within this Island, shall be empowered and are hereby directed to make regulations for preventing trespasses by Entire Horses going at large or astray, and also for preventing all Dogs and Goats from going at large unless properly logged or yoked, in manner as shall be most agreeable to the circumstances of the said Districts respectively, or unless such Dogs have around their necks collars with their owners' names thereon, and if any Person or Persons shall transgress any regulation or regulations made by the Justices in Sessions as aforesaid, he, she, or they shall forfeit and pay for every such offence, a sum not exceeding Forty Shillings to His Majesty his Heirs and Successors.

X. And be it further enacted, that in all cases where any Dog shall be allowed to run or go at large, contrary to the provisions of this Act, and the Owner or Owners thereof cannot be found, it shall and may be lawful for any one of His Majesty's Justices of the Peace to cause such Dog to be shot ; and it shall and may be lawful for any Person whatsoever to take and seize all Swine going at large in the Streets of any Town or Settlement in this Island, or within One Mile thereof; and upon proof thereof, on the oath of one credible Witness, before any one of His Majesty's Justices of the Peace, the same shall be by him declared Forfeited, and shall be Sold one half of the value of which shall be paid to the Person or Persons who shall seize and take such Swine, and the remainder shall be paid to His Majesty his Heirs and Successors.

XI. And be it further enacted, that it shall and may be lawful for any Person or Persons to place or deposit in any Street, Lane, or Highway, Stones, Bricks, Timber, or other Materials, for the purpose of Building or Repairing any House or Houses, or other work, to the extent of not more than One Third of the breadth of such Street, Lane, or Highway; Provided always, that such Materials shall not occupy so much of any such Street, Lane or Highway, through which a Cart can now pass, as to prevent the passage of such Cart.

XII. And be it further enacted, that one moiety of the proceeds of all Fines and Penalties recovered by the means and under the powers of this Act, shall be paid to the Person or Persons who shall inform and sue for the same; and the other moiety shall be paid into the hands of the Treasurer of the Colony, for the general purposes of this Island, as the Legislature may direct.