

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

3 William IV – Chapter 9 (Session 1)

An Act for Opening a Public Street and Fire-Break in the Town of Saint John's. (31st May, 1833.)

Be it enacted, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that there shall be opened, formed, and made, in the Town of Saint John's, in this Island of Newfoundland an additional Public Street or Highway, to serve as a Fire-Break, which shall be Sixty Feet in width, and shall extend from the Military Road near to and in front of the Government-House, and shall intersect and cross Gower Street and Duckworth Street, and continue and extend down to Water Street, in the said Town of Saint John's, according to the line and course and in the manner prescribed and laid down in a certain Schedule or Plan marked A to this Act annexed, or according to such Plan as may hereafter be agreed upon by and between the Commissioners hereinafter mentioned, and the Proprietors or Owners of Ground through which the said Street or Highway may be made, such Plan to be approved of by the Governor and Council.

II. And be it further enacted, that it shall and may be lawful for His Excellency the Governor, by and with the advice and consent of His Majesty's Council, to appoint Five Commissioners from among the respectable Inhabitants or Freeholders of the said Town, which said Five Commissioners shall have full power and authority to regulate and superintend the formation and making of the said intended Public Street or Highway, and in the event of such appointments, or any of them, becoming vacant, to supply and renew the same when necessary.

III. And be it further enacted, that the said Commissioners shall and are hereby authorized and empowered to enter upon and take, use, and appropriate, for the making and forming of the said Public Street or Highway, all and every such pieces and parcels of Ground and Land as shall, in the opinion of the said Commissioners, be required for such purpose; and also to take down and remove, or cause to be taken down and removed, all and any House or Houses, Building or Buildings, Erection or Erections, which are or may be situate in or upon the line of the said intended Street or Highway, or which the said Commissioners shall deem to obstruct the same.

IV. And be it further enacted, that the said Commissioners shall and they are hereby further authorized to value and appraise all such Land or Ground as shall be required for the said Public Street or Highway, and also to value and appraise all Houses, Buildings and Erections, respectively, which it shall by them be deemed necessary to take down and remove, and to award such sum or sums of money in compensation to the Proprietors or Owners and Occupants thereof, as the said Commissioners, or the major part of them, shall consider adequate and commensurate with the loss which such Proprietors or Owners and Occupants, respectively, shall or may sustain: Provided nevertheless that the said Commissioners, and also all such Arbitrators as shall be appointed in the manner hereinafter prescribed, shall, in awarding compensation, always take into account the additional value derived to the several Owners and Proprietors of such Ground, respectively, from the convenience and security afforded by the opening and making of the said intended Public Street.

V. And be it further enacted, that in case any of the Owners or Proprietors, or other Persons, possessing a valuable Interest in any Land or Ground which shall or may be taken and appropriated by the said Commissioners for the purpose of forming or making the aforesaid Public Street, or if any of the Owners or other Persons possessing a valuable Interest in any Houses, Buildings or Erections, which the said Commissioners may remove, shall refuse the compensation which may be offered to them by the said Commissioners, as being insufficient in amount for the loss or injury he or they may incur, such difference shall be finally arranged and settled by Arbitrators ; and it shall and may be lawful for the Owners or Possessors of such Lands, Houses Buildings, respectively, to appoint two Persons as Arbitrators, and for the said Commissioners to appoint two other Persons as Arbitrators, and such four Arbitrators shall elect a fifth person as Umpire, and such five persons so chosen and elected shall thereupon, after being duly sworn in such behalf, proceed to appraise the value of such respective Lands, Houses, or Buildings; and such appraisement of the said Arbitrators, and their award, order and determination therein, shall be final and binding upon the said Parties, and upon all other Persons interested in such Lands, Houses, or Buildings respectively