

Laws of Her Majesty's Province of Newfoundland, passed in the year 1846.

9 Victoria – Chapter 3 (Session 2)

An Act to regulate the Re-building of the Town of St. John's, and the Drainage and Sewerage of the same, and to Repeal certain Acts therein mentioned. (Passed 4th August, 1846.)

Whereas it is expedient to regulate the re-building of the Town of St. John's:

I. Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, that Water-Street, in the said Town of St. John's, shall extend from the Eastern side of Quidi Vidi Firebreak on the East to Job's Bridge on the West, and shall be Sixty Feet in width from the South line of the said street; which said line shall be as follows:

Commencing at station No. 1 on the plan of the Commissioners appointed by His Excellency the Governor, certified under the hands of the said Commissioners and presented to the House of Assembly, and running thence to station No. 4, according to the line described on the said plan; thence in a straight line to a point three feet North of the North-west angle of Messrs. Dunscomb & Harvey's premises; thence in a straight line to the North-west angle of Mr. Nicholas Gill's premises; thence in a straight line to the North-east angle of Mr. Patrick Morris's premises; thence in a straight line to the North-east angle of the house lately occupied by Mrs. Beck; thence according to the existing line of street to Prescott-street Firebreak, as hereinafter described. Then from a point ten feet South of the North-east angle of the house lately occupied by Mr. Henry Earle, to the North-east angle of Messrs. John M. Rendell & Co.'s premises; thence through a point ten feet South of the North-west angle of Messrs. William & Henry Thomas & Co.'s premises to the North-west angle of the stone house lately occupied by Mr. R. F. Trimmingham. Then from the North-east angle of the house lately occupied by Mr. Patrick Maher, by the existing line of street, to Beck's Cove. Then from a point fifteen feet South of the North-east angle of Messrs. E. & N. Stabb's late premises in a straight line to the North-east angle of Messrs. Shea & Murphy's stone house; thence to the North-west angle of the dwelling house lately occupied by Mr. W. E. Taylor; thence in a straight line to a point in the middle of Codner's Cove fifteen feet South of the existing South line of Water-Street; thence in a straight line to the North-west angle of the premises of Mr. John H. Warren; thence by the existing line of street to the North-west angle of Messrs. James & William Stewart's premises; thence by the line described on the aforesaid plan to the North-east angle of Messrs. Stuart & Rennie's stone buildings; thence by the existing line of street to the North-east angle of Pie Corner Cove; thence in a straight line to the North-east angle of Mr. P. Morris's brick buildings; thence to the North-west angle of the same; thence to station No. 19, according to the line laid down and described on the said plan, being the North-east angle of the entrance of Job's Bridge; thence by a line sixty feet distant from and parallel to the North line of street as laid down and described on the aforesaid plan, to station No. 21.

II. And be it enacted, That Duckworth Street in the said Town shall extend from the Eastern side of Quidi Vidi Firebreak on the East to Flower Hill Firebreak on the West; and shall be sixty feet in width from the South line of the said street, which said line shall be as follows:

Commencing at a point opposite station No. 1 in the said street, as marked and described in the said plan, and running thence to the Northeast angle of Woodley's Lane according to the line laid down and described in the said plan; thence in a straight line to the North-east angle of Mr. John Stears's house, West of the Hill of Chips; thence by the existing line of street to a point five feet North of the North-east angle of the house lately occupied by Jeremiah Hayes at the head of the King's Beach; thence in a straight line to the North-east angle of Mr. Thomas Bearn's stone buildings; thence along the same and in a straight line to the North-east angle of Mr. William Flynn's brick house; thence by the existing line of street to the North-west angle of the Commercial Building; thence in a straight line to the North-east angle of Market Square; thence by the existing line of street to Beck's Cove Firebreak; and thence to Flower Hill Firebreak, by a line parallel to and twenty feet South of the Southern line as laid down by the said Commissioners for the South line of the continuation of Duckworth Street.

III. And be it enacted, That there shall be laid down in the said Town and Suburbs, Eleven Cross Streets or Firebreaks, as follows, that is to say:-

CHURCH HILL FIREBREAK—which shall be according to the lines laid down and described for the same, on the aforesaid plan of the Commissioners.

PRESCOTT STREET FIREBREAK—The existing Western boundary of which, between Water Street and Duckworth Street, shall be the Western boundary thereof, and a space equal to the breadth of M'Larty's Lane shall be added to the width of the same, the proprietors of ground encroached on for this purpose occupying the said lane in lieu of the ground so encroached on. Between Duckworth Street and the Northern terminus of the said Firebreak, the Eastern side of Cantwell's Lane, until it is intersected by the Eastern side line of Prescott Street, as laid down upon the said plan, and thence to the said terminus the Eastern side line of the said street, as described upon the said plan, shall be the Eastern side line of the said Firebreak and Street; and that a line parallel thereto at sixty feet distance shall be the Western boundary.

KING'S BEACH FIREBREAK.—Commencing at the North-west angle of Mr. Nicholas Gill's house in Water Street; thence running in a straight line to the South-west angle of Mr. Michael Dealy's house in Duckworth-street; thence running in a straight line to a point seventeen and a half feet East of the North-east angle of the King's Road in Gower Street; thence in a straight line to the South-east angle of the Ordnance Lime-kiln Ground; and thence by the Eastern boundary of the said ground to the Military Road—which said lines shall form the Eastern boundary of the said Firebreak; and that a line or lines parallel thereto at a distance of seventy feet shall form the Western boundary of the said Firebreak to the said Limekiln ground; and that from thence the said Firebreak shall be bounded on the West by the Western side of the King's Road.

HILL OF CHIPS FIREBREAK.—The Western side of the said Firebreak shall be bounded by a straight line commencing in Water Street and running along the North-eastern foundation wall of Mr. Patrick Kough's house (the late Billiard Room) to Duckworth Street, and a line parallel thereto at seventy feet distance shall be the Eastern boundary thereof.

QUIDI VIDI FIREBREAK.—The Western side of the said Firebreak shall be bounded by a straight line running from the harbour along the foundation wall of Mr. James Brine's premises to Duckworth Street, and a line parallel thereto at sixty feet distance shall be the Eastern boundary.

MCBRIDE'S COVE FIREBREAK.—That from the North side of Water Street to Duckworth Street the existing Western boundary shall remain, and that a line parallel thereto at eighty feet distance shall be the Eastern boundary thereof.

BECK'S COVE FIREBREAK.—That the existing boundary lines of the said Cove and Firebreak, between the harbour and Duckworth Street, remain unaltered, and that from the Northern extremity of the Eastern boundary of the said Firebreak a straight line be extended to the North west angle of William Shea's house in Gower Street, and that a line parallel thereto, at 60 feet distance, form the Western boundary of the continuation of the said Firebreak.

CODNER'S COVE FIREBREAK.—A line drawn from the harbour along the Eastern foundation walls of Mr. John H. Warren's late dwelling house to Water Street, and the existing Western side line of Adelaide Street, to Duckworth Street, shall form the Western boundary; and that the Eastern side of Codner's Cove, and a line sixty feet distant from and parallel to the Western side of Adelaide Street, be the Eastern boundary thereof.

QUEEN STREET.—The existing western line of Queen Street, and a line drawn from the South-west angle of Barter's Hill Road, through the Northeast angle of the house at the first turn of the said Road to the westward, and thence to the rear line of the Town, shall form the Western boundary of the said street; and lines parallel thereto, at sixty feet distance, shall be the Eastern boundary thereof.

STUART RENNIE'S COVE.—The Eastern boundary of Messrs. Stuart II Rennie's premises shall be the Western boundary of the said Cove; and a line parallel thereto, at sixty feet distance, shall be the Eastern boundary thereof.

FLOWER HILL FIREBREAK.—A line drawn from the Harbour along the Western side of the Bonding Store of Messrs. Newman & Co. to the corner of Mr. Jonas Barter's house, where it is touched by the Eastern line as laid down and described upon the aforesaid plan, and thence to the rear line of the Town, the said Eastern line shall form the Eastern boundary of the said Firebreak; and a line parallel thereto, at a distance of eighty feet, shall form the Western boundary of the same.

GAS WORKS FIREBREAK.—The Eastern line of the said Firebreak as laid down and described on the said plan of the Commissioners, shall be the Eastern boundary of the said Firebreak; and a line parallel thereto, at sixty feet distance, shall be the Western boundary thereof.

RIVER HEAD FIREBREAK.—The Eastern line, as laid down and described on the aforesaid plan, shall be the Eastern boundary of the said Firebreak; and a line parallel thereto, at sixty feet distance, shall be the Western boundary thereof.

And be it enacted, That New Gower Street shall be laid down as follows: commencing at the South-east angle of Philip Duggan's house; thence running in a straight line, touching the South-west angle of Stephen Ryan's house to a point sixty feet beyond the boundary of James Fergus's ground; thence in a straight line to a point North of the North-west angle of Waldegrave Street; and thence to a point North of the North-west angle of Cuddihy's house, being the Western extremity of the burnt district; and further, that the Square laid down and described on the afore - said plan as Harvey Square, be reserved and named Harvey Square, and that the Streets which form the North-east and South-west boundaries thereof shall be of the widths and courses laid down and described for the same in the aforesaid plan of the Commissioners.

IV. And be it enacted, That from and after such time as the Streets and Firebreaks aforesaid shall be laid out, in manner hereinafter directed, and compensation shall be made or tendered for the property necessarily appropriated for such purposes, and notice thereof shall have been given by publication in the "Royal Gazette," the ground included in the said Streets and Firebreaks shall be and become public property; and all buildings and erections whatsoever, which now are, or may hereafter be placed or erected upon any part of the said Streets or Fire-breaks, so laid out, and which shall be suffered to remain thereon until the First day of May One Thousand Eight Hundred and Forty-nine, shall be and shall be deemed public nuisances, and may be abated accordingly by order of two or more Stipendiary Justices of the Peace for the Central District, who after hearing the party complained of shall, if such nuisance be proved, make an order for the abatement thereof, and shall furnish such assistance of Constables and others as may be necessary for that purpose; and every person or persons continuing or erecting any of such buildings or erections, shall be subject to such punishment as is by law in such case provided with respect to common or public nuisances, or as shall be prescribed by this Act.

V. And be it enacted, that from and after the First day of May, Anno Domini One Thousand Eight Hundred and Forty-nine, it shall not be lawful for any person or persons whomsoever, to build, erect, or put up any building or erection whatsoever, other than such as shall be built of brick or stone or other unflammable materials, in any part of the said Town Southward of a line drawn parallel to, and sixty feet to the Northward of, the North side of Duckworth Street in the said Town; and all houses, stores, and other buildings, South of the said line, shall be roofed or covered with iron, slate, or other unflammable material; and that all buildings and erections which, since the fire in the said Town on the Ninth of June last, have been or which may be hereafter built or erected to the Southward of the said line, of materials, or roofed or covered with materials, or in a manner other than such as are by this Act prescribed, shall be, after the first day of May, Anno Domini Eighteen Hundred and Forty nine, deemed public nuisances, and the like proceedings shall be and may be had with respect to the same, and with respect to the person or persons continuing building or erecting any of the same, as are herein provided with respect to any building placed or erected upon any street, lane, or fire-break aforesaid: Provided, nevertheless, that nothing in this Act shall operate to prevent any person now occupying, or that may hereafter occupy, any fishing room situate to the eastward of Woodley's Cove, or to the westward of Newman & Co's, premises, from building of wood, if he shall see fit, any house, store, stage, Hake, or other erection, to be used by him or his servants employed by him exclusively for the purpose of carrying on the fishery upon such fishing room.

VI. And be it enacted, that it shall not be lawful for any person or persons to build or erect in Gower Street, Queen's Road, the Military Road, and the Circular Road, or in any other lane or street within the said town, or suburbs, which the Governor and Council shall declare to be a main street, any house or other building nearer to the centre of such lane or street than twenty-five feet; and all houses or other buildings erected on any of the said streets or lanes nearer to the centre thereof than twenty-five feet, shall be deemed public nuisances, and the like proceedings shall be and may be had with respect to the same, and with respect to any person or persons building or erecting the same, as are hereinbefore provided with respect to other public nuisances of a like nature.

VII. And Whereas, by reason of the expense of making compensation in such behalf, it is inexpedient that the following Firebreaks should at present be opened beyond the limits hereinafter mentioned, but it is expedient that no buildings should be erected on the sides of such Firebreaks beyond such limits: Be it therefore enacted, that it shall not be lawful for any person or persons to build or put up any building or erection whatsoever within thirty feet of the centre of Quidi Vidi Firebreak to the Northward of Duckworth Street, within Thirty Feet of the centre of the Hill of Chips Firebreak to the Northward of the Government Bake-house, within Thirty Feet of the centre of Prescott Street, and within Fifty Feet of the centre of Church Hill Firebreak to the Northward of the Military Road, within Thirty Feet of the centres of Queen Street and Flower Hill Firebreaks to the Northward of Gower Street, and within Thirty Feet of the centres of Gas Works and River Head Firebreaks to the Northward of Water Street; and all buildings and erections made or built within the distances aforesaid of the centres of the said Firebreaks respectively to the Northward of the limits aforesaid, shall be deemed public nuisances, and may be abated accordingly.

VIII. And be it enacted, that from and after the passing of this Act, it shall not be lawful for any person or persons whomsoever to construct or erect or cause to be constructed or erected, any building or erection of any kind or nature whatsoever, within the limits of the Firebreaks hereinbefore laid down and described, within that portion of the Town of St. John's recently devastated by Fire; and that every building or erection which after the time aforesaid shall be constructed or erected within the said limits, shall be deemed a Public Nuisance, and may be abated accordingly.

IX. And be it enacted, that it shall be lawful for the Governor, or Administrator of the Government for the time being, to nominate and appoint one fit and competent person to be a General Supervisor of Streets within the said town and suburbs, who shall superintend the carrying into effect the provisions of this Act; which Supervisor shall, before he enters upon the duties of his said office, be sworn before one of the Judges of the Supreme Court, faithfully to discharge the duties of his office without fear, favor, or affection; and such Supervisor shall lay down, upon such plan and in such manner as may be directed by the Governor in Council, such common drains and sewers throughout the said town, as may be necessary for cleansing and draining the same; and there shall be paid to the said Supervisor an annual salary of Three Hundred Pounds: Provided that such office of Supervisor shall continue for a period of Five Years and no longer.

X. And be it enacted, that all persons, proprietors of lands or tenements within the said town, whose interests shall be in any way affected by the carrying into effect the provisions of this Act, shall, before such lands or tenements be appropriated for public uses, be paid compensation for any damage they

may sustain in that behalf; and that for the purpose of ascertaining the amount of compensation to be made in any case wherein the said Proprietors and Supervisor shall not agree, or wherein the Governor and Council may not approve of the awards of the said Supervisor, it shall be lawful for the party or parties interested in the property affected to name one arbitrator, and the Supervisor to be appointed under this Act to name another arbitrator, and such two arbitrators shall name a third, and the award of any two of them shall be final and binding; and in case any party interested in such property as aforesaid, shall refuse or neglect to appoint an arbitrator, within three days after notice shall be given him, her, or them, by such Supervisor, or in case the arbitrators shall disagree in the choice of such third arbitrator, in either case it shall be lawful for the Governor in Council to nominate and appoint an arbitrator, and the award of any two of such arbitrators shall be of the like effect as if one of such arbitrators had been appointed by the party, and the third had been chosen by such arbitrators; and such arbitrators shall, before they proceed in the execution of their duty, be sworn before a Justice of the Peace, faithfully and without favor to either party to discharge their duties as such arbitrators: Provided, that it shall be lawful for any party who shall claim on oath any amount of compensation beyond One Hundred Pounds, and who shall be dissatisfied with any such award, to appeal therefrom to the Judges of the Supreme Court, by petition, within one week from the making of such award, in term time or vacation, and it shall be lawful for such Judges to summon all necessary parties and witnesses, and to inquire into the merits of such petition, and to make such award and decision thereon as shall be just and equitable, which decision and award shall be final: And provided further, that in ascertaining the amount of compensation under this Act, the additional value derived to the several proprietors from the convenience and security afforded by the improvement of the Streets shall always be taken into account.

XI. And be it enacted, that the Governor or Administrator of the Government for the time being shall be authorized to draw Warrants on the Colonial Treasurer for the payment of compensation to be awarded under this Act, which compensation shall not exceed in the whole the sum of Twenty Thousand Pounds, and that in discharge of such warrants for any amount not less than Twenty-five Pounds, as may from time to time be drawn upon him for such purpose by the Governor for the time being, it shall be lawful for the Treasurer, in discharge of such warrants, to pay to parties in whose favour such Warrants may be drawn, the amount of compensation to which he, she, or they may be respectively entitled, by Treasury Notes payable within Ten Years from the date thereof, and bearing Interest at the rate of Five per cent, per annum, which shall be redeemable on Three Months' notice being given in the "Royal Gazette," at the expiration of which notice all Interest on such Notes mentioned therein shall cease.

XII. And be it enacted, That in order to defray the expense of laying down and constructing such common Drains and Sewers as aforesaid, and of paying the salary of the Supervisor, and for defraying the cost for the raising and collection of the assessment hereinafter mentioned, it shall be lawful for the Justices in Session of the District of St. John's, upon the presentments of the Grand Jury of such Sessions of the amount required for such purposes, to make orders, under their hands and seals, for the raising and levying of an Assessment or Assessments, at a rate in the pound on the rents or appraised values of all houses and buildings and lands within the limits of the said town; all which assessments shall be raised, levied and collected from all landlords, lessees, or other persons owning such lands or buildings, or deriving a profit rent thereupon.

XIII. And be it enacted, That it shall be lawful for the said Justices to appoint three competent persons to appraise the value of all such lands, houses, and buildings as aforesaid, and upon appeal, in a summary manner, at the instance of any party interested, to decide upon the correctness of such appraisement, and also to appoint a receiver for the collection of such Assessments; and in case any person or persons liable to contribute towards such Assessment shall refuse or neglect to pay upon demand the amount for which such person or persons shall be assessed, such amount shall and may be recovered in a summary manner, with costs, by a suit to be brought before any two or more Justices of the said District in the name of the Receiver, (in which action service of process upon the agent of any person absent from the country shall be service upon the principal), and by sale of the defendant or defendants lands or effects; and the amount of such Assessments, when received, shall, after deducting the costs of collection, be paid over to the Colonial Treasurer for the purposes of this Act.

XIV. And be it enacted, That it shall not be lawful for the said Supervisor to proceed in the opening or laying down such common drains and sewers as aforesaid, in any other way than by contract on tender, having first given public notice for such intended contract, for the space of Ten days at the least, and all such contracts shall be in writing, and shall be signed by the contractor, and subject to all the conditions and restrictions for regulating contracts for opening and making Roads under the Act to regulate the making and repairing of Roads, Streets, and Bridges within this Colony. And that all payments on contracts and other charges, shall be made by Warrant of the Governor.

XV. And be it enacted, That if fire Supervisor or Arbitrators so to be appointed as aforesaid shall be of opinion that any Proprietor or Proprietors of any ground required for any street or fire-break as aforesaid, may be indemnified at a less expense to the public by having an equal portion of ground assigned to him, her or them, from any ground adjoining, and that such adjoining ground may be taken without material injury to the proprietor thereof, it shall be lawful for the said Supervisor to mark off so much of the adjoining ground as he shall think sufficient, to replace the ground required for such street or fire-break, and the same so marked of shall belong to the first-mentioned proprietor from whom the same was taken, and shall be as a full satisfaction and release of the same and all right and title thereto: Provided that if the land so to be given shall not be deemed an equivalent for the land dedicated to the street or fire-break, it shall be lawful to pay the said proprietor such sum as may be, with the land so to be given, a full satisfaction for the land so dedicated.

XVI. And be it enacted, That from and after the passing of this Act, the following Acts shall be and the same are hereby repealed; that is to say—an Act passed in the fourth year of the reign of His late Majesty entitled “An Act to regulate the Building of Houses in Water Street in the town of St. John’s;” an Act passed in the fourth year of the reign of his late Majesty, entitled “An Act to provide for the management of a certain Public Wharf and Landing in the Town of Saint John’s;” an Act passed in the third year of the reign of Her present Majesty, entitled “An Act to repeal part of an Act passed in the second session of the first General Assembly of this Island, entitled ‘An Act to regulate the Building of Houses in Water Street in the Town of St. John’s;’” an Act passed in the third year of the reign of His late Majesty, entitled “An Act for the establishment and regulation of Fire Companies in the Town of Saint John’s;” and an Act passed in the fifth year of the reign of His late Majesty, entitled “An Act to amend

an Act of the Parliament of this Colony, entitled ‘ An Act for the establishment and regulation of Fire Companies in the Town of St. John’s.’”

XVII. And be it enacted, That no person whatsoever shall excavate or build upon the front line of any street, lane or fire-break within the Town of St. John’s, until he, she or they shall have given or left at the office of the said Supervisor a notice in writing at least two days before the commencement of such intended excavation or erection; and thereupon it shall be the duty of the said Supervisor to examine the said projected work and see that it conform to the line and levels of such street, lane or firebreak; and that any person neglecting to give such notice, or acting contrary to the directions in writing of such Supervisor, according to the provisions of this Act, touching the said work, shall be liable to a fine not exceeding the sum of Five Pounds, to be recovered in a summary manner before any Justice of the Peace for the Central District, and levied by distress and sale of the offender’s goods and chattels; and any work done contrary to such written directions shall be deemed and taken to be a public nuisance, and abated accordingly as other nuisances under this Act.

XVIII. And be it enacted, That in case of dispute it shall be lawful for the said Supervisor to regulate the building of Party Walls, and the rateable contribution to the expenses thereof to be paid by the adjoining proprietors or tenants who may use the same, prescribing the extent which such party-wall shall occupy upon the land of such proprietors respectively.

XIX. And be it enacted, That the Governor for the time being is hereby authorised to cause suitable levels to be taken of the several streets, lanes and fire-breaks within the said Town, by which levels all parties shall be required to govern themselves.

XX. And be it enacted, That every party-wall within the limits prescribed for the erection of buildings of stone, brick, or other unflammable materials, shall project above and beyond the roof at least twelve inches; and that no wood or inflammable material of any description except doors, doorframes, window sashes, window frames, and roofboarding, shall be placed within four and a half inches of the outside of the said building and that every chimney shall extend to a height not less than two feet above the ridgepole.

XXI. And be it enacted, That all copings, parapets, cornices to overhang roofs, blocking courses, cornices piers, columns, pilasters, entablatures, facias, door and window dressings, balconies at least ten feet above the level of the street, or other architectural improvements, may project beyond the general line of fronts in any street, lane or fire-break; provided that within the limits prescribed for the erection of buildings of stone, brick, or other unflammable materials, they be wholly composed of such unflammable materials.

XXII. And be it enacted, that a substantial ladder shall be fixed to the roof of every dwelling house, and kept in good repair, except where a regular access to the roof from the inside is provided.

XXIII. And be it enacted, that the Paths appropriated for the use of foot passengers on each side of Water Street and Duckworth Street be ten feet wide.

XXIV. And be it enacted, that it shall be the duty of the said Supervisor to inspect the several chimnies and external stove-pipes throughout the Town, and that the tenant of every House who shall not within two days after he, she or they be notified of the defective state of such chimney or stove-pipe, cause the same to be properly repaired, shall be liable to a fine of not less than ten shillings nor exceeding Forty Shillings, with costs of suit, to be recovered in a summary manner before any Justice of the Peace for the Central District, and levied by distress and sale of the offender's goods and chattels.

XXV. And be it enacted, that no building shall be erected to interfere with the line of fire from Fort William and Fort George towards the Harbour, provided that the Officers of Her Majesty's Board of Ordnance shall pay or tender to the proprietors and tenants of land situate in the line of Fire, compensation for such rights as would be interfered with by preventing the erection of such building, which compensation shall be ascertained in manner hereinbefore prescribed for ascertaining the value of land taken for the purposes of the streets and fire-breaks.

XXVI. And be it enacted, that the lines of streets and fire-breaks laid out by this Act shall not be departed from, excepting in such cases as the description by the points of the compass may be erroneous—and such departures in such cases shall be first determined upon by the Supervisor and approved of by the Governor in Council.

XXVII. And be it enacted, that it shall be lawful for such Supervisor to administer an oath to any person claiming compensation under this Act, as to his, her, or their belief of the reasonableness of the said claim.

XXVIII. And be it enacted. That in every case wherein any tenant holding under a lease commencing previously to the Ninth day of June last, and not surrendered in consequence of the Fire which occurred in the said Town on that day, shall under the provisions of this Act, independently of any former Law, or of any covenant or agreement, be compelled to build brick, stone, or any other unflammable material, where such tenant might otherwise have built of wood, such tenant shall, at the expiration of such lease, receive from his landlord compensation either by an extension of his lease for such period as shall not (including the unexpired term,) exceed Forty years in the whole, or by payment of a sum of money, as may be determined by any two of three Arbitrators, of whom one shall be appointed by the landlord, one by the tenant, and the third by the Arbitrators already chosen.

XXIX. And be it enacted, That in the event of any such intended Arbitration not being carried into effect, either from the refusal of the landlord to appoint an Arbitrator, or from the disagreement of the Arbitrators, or from any cause other than the refusal of the tenant to appoint an Arbitrator, such compensation as aforesaid may be recovered in an action of assumpsit as for money paid, to be brought against the landlord in any Court of Record.

XXX. And be it enacted, That for the purposes of this Act, the boundaries and limits of the said Town of St. John's shall be as follows;—Commencing at the Harbor and running along the Eastern side line of the Gas Works Firebreak, as laid down and described upon the aforesaid plan, until it is intersected by the Monday Pond Road; thence in a straight line to Rennie's Mill Bridge on the old Portugal Cove Road; thence by the courses of the stream running into Quidi Vidi lake; thence from the mouth of the said

stream in a straight line to the Ordnance boundary line where it is intersected by the Main Road leading to Signal Hill; thence by the Ordnance boundary line to the Harbor of St. John's; and thence by the Waters of the Harbor to the place of beginning: Provided that all Government Buildings, Churches, Chapels, and places of public Worship, all public School Houses, and the buildings of public Charitable Institutions, shall be exempted from the rates and assessments hereinbefore mentioned.

XXXI. And whereas the house lately built upon the North Side of Duckworth Street by Robert Prowse, the house lately built on the North Side of Water Street by James Cullen, and the house lately erected on the North Side of Water Street by Walter Dillon, fall within the lines of the said Streets respectively, but the said houses being built of unflammable materials, and the expense which would be occasioned by their removal being considerable, it is expedient that the said houses should be made exceptions to the lines hereinbefore laid down: Be it therefore enacted, That the said houses, being finished and completed in the manner hereinbefore prescribed with respect to houses to be erected on Water and Duckworth Streets, may lawfully continue and be within the lines of the said streets at the option of the said several parties, or any future proprietors of the same, as such houses now stand thereon, anything hereinbefore contained to the contrary thereof notwithstanding.