

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

9 Victoria – Chapter 4 (Session 2)

**An Act for the laying out of Streets and Cross Streets or Fire-breaks in the Town of Harbor Grace.
(Passed 4th August, 1846.)**

Whereas the intersecting of the Town of Harbour Grace by Cross Streets or Firebreaks will greatly tend to the security of the said Town in the event of fire occurring therein;

I. Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that it shall and may be lawful for the Governor in Council to nominate and appoint Three Commissioners for the purposes of this Act; and such Commissioners shall be and they are hereby authorized and empowered to lay off and mark out in the said Town of Harbour Grace such Cross Streets or Firebreaks as they may deem necessary for the security of the said Town, not exceeding Five in all, each of a width of not less than Sixty Feet, and extending from the Waterside Northward, so as to intersect Harvey Street on the North as well as the South line thereof; and that from and after such time as the said Streets or Firebreaks, which shall first be approved by the Governor in Council, shall be laid out, and compensation shall be made or tendered for the property necessarily appropriated for such purposes, the ground included in the said Streets or Firebreaks shall become and be public property, and all buildings or erections which now are or hereafter may be placed or erected upon such ground, shall be deemed public nuisances, and may be abated accordingly, by order of any Two or more Stipendiary Justices of the Peace for the District of Conception Bay.

II. 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 operation the provisions of this Act, shall, before such Lands or Tenements shall be appropriated for the uses aforesaid, 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 Commissioners shall not agree, or wherein the Governor and Council may not approve of the awards of the said Commissioners, it shall be lawful for the party or parties interested in the property affected to name one Arbitrator, and the said Commissioners to name another Arbitrator, and such two Arbitrators shall name a third; and in case any party interested in such property as aforesaid shall refuse or neglect to appoint an Arbitrator within Three Days after notice so to do, 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 the Arbitrators had been appointed by the party, and the third had been chosen by 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 Northern Circuit Court by petition, and such Court shall inquire into the merits of such petition, and make such award thereon as may be just and equitable, and such award shall be final.

III. And be it enacted, That it shall be lawful for the Treasurer of the Colony, upon the receipt of and in discharge of any Warrant for any amount not less than Twenty-five Pounds that may be drawn upon him for such purpose by the Governor for the time being, to pay to the party or parties in whose favour such Warrant shall be drawn, the amount of compensation to which such party or parties 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 Notes 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. And all sums of a less amount than Twenty Five Pounds which may be awarded as compensation as aforesaid, shall be paid by Warrant as aforesaid in like manner as Warrants are now payable at the Treasury for other services. Provided that the whole amount of compensation so to be payable as aforesaid shall not exceed in the whole the sum of Three Thousand Pounds.

IV. And be it enacted, That it shall be lawful for the said Commissioners, from and out of such Monies as aforesaid, to open and make Harvey and Water Streets in the said Town of Harbour Grace under and subject to the provisions hereinbefore contained.

V. And be it enacted, That if the said Commissioners 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 Firebreak 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 Commissioners to mark off so much adjoining ground as they shall think sufficient to replace the ground required for such Street or Firebreak; and the same so marked off shall belong to the first mentioned proprietor, and shall be instead and in lieu of all indemnity whatever; and the value of the same, to be ascertained by Arbitration in manner aforesaid, shall be paid to the 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 Firebreak, 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.