

*Laws of Her Majesty's Province of Newfoundland*, passed in the year 1849.

12 Victoria – Chapter 15

**An Act to amend an Act passed in the Ninth and Tenth years of the Reign of Her present Majesty, entitled “ An Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned and also an Act passed in the Tenth year of the Reign of Her Majesty, entitled “An Act to amend an Act passed in the Ninth and Tenth years of the Reign of Her present Majesty, entitled ‘An Act to regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned.’” (Passed 23d April, 1849.)**

Whereas an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled “An Act to Regulate the Rebuilding of the Town of Saint John’s, and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned”: And whereas, by an Act passed in the Tenth Year of the Reign of Her Majesty certain portions of the said recited Act were repealed, and other provisions in lieu thereof substituted, and the same was otherwise amended: And whereas it is expedient further to amend the said Act:

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Legislative Session convened, that in such of the Streets in the said Town upon which, by the said recited Acts, Buildings or Erections of Brick, Stone, or other unflammable materials, are required to be erected, all Buildings or Erections of Wood that are now upon the said Streets, and which by the said first Act are declared Public Nuisances from and after the First day of May, One Thousand Eight Hundred and Forty-nine, may and are hereby allowed to remain and be continued thereon until the Thirty-first day of December, in the Year of our Lord One Thousand Eight Hundred and Fifty, anything in the said recited Acts to the contrary notwithstanding; and that from and after the said last-mentioned period all such buildings and erections shall be deemed Public Nuisances, and shall and may be abated by such proceedings as in and by the said recited Act or Acts are prescribed concerning the same.

II. Provided always, and be it further enacted, That all Wooden Sheds or Erections, of what nature and kind soever, other than those temporarily used for the purposes of Building, that are encroachments upon the width of either Water Street or Duckworth Street, or either of the said Fire Breaks, in the said recited Acts mentioned, shall, after the First day of May next, in this present year, if not removed back to the Lines prescribed by the said recited Acts for the width of the said Streets and Fire Breaks respectively, be deemed and taken to be Public Nuisances, and shall be abated in manner provided by the Fourth Section of the first recited Act: Provided further, that it shall be lawful for the Governor, by and with the advice of the Council, to permit any such Shed to remain in its present position, where the encroachment upon the Street or Fire Break shall be to a trifling extent, or where, in the opinion of the Governor and Council, it shall be inexpedient to remove the same.

III. And be it further enacted, That from and after the passing of this Act it shall not be lawful to erect, place, or put, any Wooden Shed or Building of any kind or nature whatsoever, within the Lines and Boundaries prescribed by the said recited Acts for the width of Water Street, Duckworth Street, or the

said Fire Breaks respectively, nor to Erect or Build any Wooden Shed or Building in any part of the said Town of Saint John's, where Wooden Buildings are by the said recited Acts prohibited from being Erected; and that every such Erection made contrary to the provisions of this Act shall be deemed and taken to be a Public Nuisance, and shall be dealt with in the manner provided by the last preceding Section.

IV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Owner or Occupier of any Wooden Shed or Building, in any of the said Streets or Fire Breaks, respectively, to enlarge or extend the same; and in all cases of Parties offending herein, every such Shed or Building shall be forthwith abated as a Nuisance, in manner provided by the Second Section.

V. And be it further enacted, That so much of the said recited Acts as relate to that part of Prescott Street Fire Break lying between Water Street and Duckworth Street, be and the same are hereby repealed; and that the Eastern side of McLarty's Lane shall be the Eastern side of the said Fire Break, and that the Western side of the said Fire Break shall be a straight line drawn from a point in Water Street distant Westwardly Eighty feet from the South-eastern corner of the said Fire Break, to a point on Duckworth Street Seventy feet distant Westwardly from the North-eastern corner of the said Fire Break.

VI. Provided also, and be it further enacted, That between the Landlords and Tenants of such temporary Wooden Sheds or Buildings as aforesaid, as are under Tenancy by the Year, a Notice to quit at the expiration of One Month from the delivering thereof shall be deemed sufficient, if such Notice be given within One Month after the passing of this Act: Provided also, that nothing herein contained shall be deemed to extend the term as between Landlord and Tenant in cases where the Tenancy is, by agreement, until the First day of May One Thousand Eight Hundred and Forty-nine.