

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1852.*

15 Victoria – Chapter 4

**An Act to consolidate and amend the Saint John's Rebuilding Acts. (Passed 14th June, 1852.)**

Whereas it is deemed expedient to consolidate and amend the several Acts now in force to regulate the Rebuilding of the Town of Saint John's:

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That 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 another Act passed in the Tenth Year of the Reign of Her present 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;" and another Act passed in the Twelfth Year of the Reign of Her present 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,' and also an Act passed in the Tenth Year of the Reign of Her present 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 Ads therein mentioned;" and another Act passed in the Thirteenth Year of the Reign of Her present Majesty, entitled "An Act in further amendment of the St. John's Rebuilding Acts;" and the First, Second, Third and Fourth Sections of another Act passed in the Fourteenth Year of the Reign of Her present Majesty, entitled "An Act to extend the time allowed by the St. John's Rebuilding Acts for the Removal of Wooden Buildings in certain parts of the said Town, and for other purposes;" be, and the same are, hereby repealed: Provided, that nothing herein contained shall exempt any party from any penalty or forfeiture incurred for any breach or violation of any of the said Acts.

II. And be it enacted, That Water Street, in the said Town of St. John's, shall extend from the Eastern side of Quidi Vidi Fire-break, on the East, to Job's Bridge on the West.

That Duckworth Street in the said Town shall extend from Quidi Vidi Fire-break aforesaid, on the East, to Williams's Lane, on the West.

That New Gower Street in the said Town shall extend from the site of the late Theatre to Flower Hill Fire-break.

That the Street or Fire-break commonly called George Street shall be extended from Waldegrave Street to Flower Hill Fire-break, on the West, and from Queen Street to Williams's Lane, on the East.

And which said Streets shall be of the respective widths and according to such lines and boundaries as now exist and have been laid down under the superintendence of any Supervisor of Streets appointed under and by the authority of the said recited Acts; and that in such part or parts of any of the aforesaid Streets, where the lines and boundaries have not been laid down under such authority as aforesaid, it shall be lawful for the Surveyor General of this Island, with all convenient despatch, to ascertain and determine such heretofore undefined lines and boundaries, and which shall be laid down by the said Surveyor General agreeably with the provisions of the said recited Acts.

III. And be it enacted, That 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, Stone, or other unflammable material, and roofed or covered with Iron, Slate, or other unflammable material, in such parts of the said Town as are hereinafter described, that is to say—

On the South side and to the Southward of Duckworth Street.

On the South side and to the Southward of George Street.

On the South side and to the Southward of a line drawn parallel to, and Two Hundred Feet to the Northward of the North side of that part of Water Street which lies between Flower Hill Fire-break and Job's Bridge.

And all Houses, Buildings, and Erections of Wood, which, since the Ninth day of June, in the year One Thousand Eight Hundred and Forty- six, have been already built, or which shall hereafter be built on the South side and to the Southward of Duckworth Street and George Street aforesaid, respectively; and all Houses, Buildings, and Erections of Wood, which, since the Thirty-first day of May, in the year One Thousand Eight Hundred and Fifty-one, have been already built, or which shall hereafter be built on the South side and to the Southward of the said line drawn parallel to and two hundred feet to the Northward of the North side of that part of Water Street which lies between Flower Hill Fire-break and Job's Bridge as aforesaid, shall be and be deemed to be Public Nuisances, and shall and may be abated in the way and manner and by the means mentioned and provided in and by the Section of this Act in respect of the Nuisances therein mentioned and referred to: 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 the Westward of Newman and Company's Premises, from building of Wood, if he shall see fit, any House, Store, Stage, Flake, 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.

IV. And be it further enacted, That Gower Street shall extend from Cochrane Place on the Eastward, to the site of the late Theatre on the Westward, and shall be of a width of not less than Fifty Feet throughout the same, according to such lines and boundaries as have been laid down by the Supervisor of Streets appointed under either of the said recited Acts, and approved of by the Governor and Council; or according to such lines and boundaries as may hereafter be laid down by the Surveyor General and approved of in the manner aforesaid.

V. And whereas it would greatly tend to the convenience and advantage of the inhabitants of St. John's, if a Road were opened from the Freshwater Road to the Gas Works Fire-break—Be it therefore enacted, that so soon as arrangements shall be made with the several proprietors and tenants of the land through which such intended Road shall run, for the surrender of their respective interests therein to the Government for the purposes of such road, the Surveyor General shall proceed, under direction of the Governor and Council, to lay out such road, and which shall be of a width of not less than Sixty Feet, and shall be called the Le Marchant Road. Provided that the expense of purchasing the land necessary for such Road, shall not exceed the sum of Four Hundred Pounds Sterling.

VI. And be it enacted, That the following Cross Streets or Firebreaks shall be of the respective widths and according to the lines and boundaries hereinafter described for the same, that is to say:—

CHURCH HILL FIRE-BREAK,—On the South side of Water Street the said Fire-break shall be Eighty Feet in width from the Western side line thereof, as it existed on the Eighth day of June in the year One Thousand Eight Hundred and Forty-six. From Water Street to Duckworth Street the Eastern boundary of the said Fire-break shall be a straight line, which, commencing at the South-eastern angle of a House at present in the occupation of John Berrigan, situate on the North side of Water Street, and erected on Ground belonging to the Estate of the late Thomas B. Study, shall thence, from the said angle, be produced, Northerly, by the Western side of the said House and Land, and by Ground belonging to the Crown, to Duckworth Street. That the Western boundary of the said Fire-break between the said Streets shall be the Eastern side of the Market House Ground. From Duckworth Street to Gower Street the said Fire-break shall be One Hundred Feet in width, from the Western side line thereof, as it existed on the Eighth day of June in the Year One Thousand Eight Hundred and Forty-six; and that from Gower Street to the Queen's Road (or road in front of the Orphan Asylum School) the Eastern boundary of the said Fire-break shall be a line commencing at the Southwest angle of a House in the occupation of John Foley, (the said house being on the Eastern side of a Lane leading Northerly by premises belonging to the Estate of the late Martha Young, to the Queen's Road) and thence running in a straight line Northerly Two Hundred and Nineteen Feet, more or less, to the North-west angle of a House in the occupation of David Murphy, and thence to continue in the same straight line Fifty- six Feet, more or less, to the South side of the said Queen's Road; and that the Western boundary line of the said Fire-break, between the said Gower Street and the said Queen's Road, shall be a line drawn from a point on the North side of Gower Street, Seventy-eight feet from and to the Westward of the South-west angle of the said John Foley's House, to a point on the South side of the said Queen's Road, Eighty Feet from and to the Westward of the North-western angle of the said David Murphy's house; and that from the said Queen's Road to the rear line of the Town, the Western side line of the continuation of the said Fire-break shall be according to the line described in the said recited Acts; and that a parallel line at the distance of Eighty Feet shall be the Eastern side line of the continuation of the said Fire-break: Provided that nothing herein contained shall be construed to affect the Church of England Cathedral, now in progress of erection.

CODNER'S COVE FIRE-BREAK.—A line drawn from the Harbour along the Eastern Wall of the House in the occupation of Peter H. Carter & Co., situate on the South side of Water Street, and the existing Western line of Adelaide Street, to New Gower 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. That between New Gower Street and the Le Marchant Road, the Eastern boundary of the said Fire-break shall be a line commencing at the North-west angle of a House at present occupied by Thomas Dammeral, lying North of New Gower Street, and thence to run in a straight line Northwesterly One Hundred and Sixty Feet more or less to the North-west angle of a House at present occupied by John Connelly, and thence to be a line forming an angle with and on the Western side of the preceding line equal to One Hundred and Seventy-five degrees, and to be produced until the same strikes the said Le Marchant Road; and that a parallel line fit the distance of Sixty Feet shall form the Western side line of the said Fire-break, between the said New Gower Street and the said Le Merchant Road.

VII. And be it enacted, That the following Cross-streets or Fire-breaks, that is to say—Quidi Vidi Fire-break, Hill of Chips Fire-break, King's Beach Fire-break, Prescott Street Fire-break, McBride's Cove Firebreak; Beck's Cove Fire-break, Queen Street, Stuart &, Rennie's Cove, Flower Hill Fire-break, Gas Works Fire-break, and so much of the Street known as Church Hill, and which is situate between the old Churchyard and property belonging to Mr. Charles Henry Renouf, the Estate of the late John Boyd, and to James Tubrid, shall be of the respective widths and according to such lines and boundaries as now exist and have been laid down under the superintendence of any Supervisor of Streets appointed under and by the authority of the said recited Acts: And that in such part or parts of any of the said Cross-streets, Coves, or Firebreaks, where the lines and boundaries have not been laid down under such authority as aforesaid, it shall be lawful for the said Surveyor General to ascertain and determine such heretofore undefined lines and boundaries; and which shall be laid down by the said Surveyor General agreeably with the provisions of the said recited Acts: Provided nevertheless, that the said Flower Mill and Gas Works Fire-breaks respectively, shall not be extended further to the Northward than the Le Marchant Road.

VIII. And be it further enacted, That for the purpose of marking out and making plainly known the boundary lines of the several Streets, Firebreaks, Cross-streets, Coves and Road, hereinbefore described, the said Surveyor General shall cause Marks of Stone or Iron to be put down in such and so many places as he shall deem necessary for the purpose aforesaid; and the lines of the said Streets, Cross-streets, Fire-breaks, Coves and Road, so marked and described, shall thenceforth be deemed and taken to be the true lines and boundaries of the same.

IX. And be it further enacted, That after the said Streets, Cross-streets, Fire-breaks, Coves and Road, shall be so marked out, it shall be lawful for the Governor and Council to cause a correct Plan of the same to be made, and which Plan shall be preserved as a record of the said lines and boundaries of the said Streets, Cross-streets, Fire-breaks, Coves and Road; and which Plan shall, on all questions touching such lines and boundaries, be conclusive evidence of the same.

X. And be it further enacted, That it shall not be lawful for any person to remove any of the said Landmarks without authority in writing for so doing being first had and obtained from the Governor, or Person Administering the Government for the time being; and that any Person who shall unlawfully remove, displace, alter, break, deface or damage, any of the said Landmarks, shall be guilty of a misdemeanor, and shall, on conviction thereof, in a summary way, before any one or more Stipendiary Justice or Justices of the Peace, forfeit and pay to Her Majesty, Her Heirs and Successors, a fine not

exceeding Five Pounds, and costs of suit, to be recovered by Warrant of Distress and Sale of the Offender's Goods and Chattels, and in default of payment thereof such Offender shall be liable to be committed to the common gaol for any period not exceeding Thirty Days.

XI. And be it enacted, That no new Road, Street, or Lane, shall be opened or made by private parties through their own ground, within the limits of the said Town, and upon which Houses shall be proposed to be erected, of a less width than Fifty Feet; and no such new Road, Street or Lane, shall be opened or made within Eighty Feet of any other Road, Street or Lane, running parallel, or nearly parallel therewith, used as a Thoroughfare, and upon which Houses or Buildings may front, unless upon an order of the Governor and Council first obtained for the purpose; and every such new Road, Street or Lane, so opened or made contrary to the provisions of this Act shall be deemed and taken to be a nuisance and be abated accordingly. And all Houses and Buildings hereafter to be built, whether on the site of any former Building or not, and fronting upon any Lane, or any such private Road, Street or Lane, now or hereafter to be opened Northward of Duckworth Street and New Gower Street, within the said Town, shall be at a distance of not less than Twenty-five feet from the centre of such Lane, Street or Road; and all persons, before laying down the Sills or commencing the erection of Houses or Buildings fronting on such Lanes, Streets, or Roads, shall give Six Days' Notice of such their intention to the said Surveyor General, aforesaid, who is hereby authorised and empowered to direct and control the laying down of such Sills and the commencement of such Erections as aforesaid; and all parties offending herein shall forfeit and pay to Her Majesty, Her Heirs and Successors, a fine of not less than Five Pounds, nor more than Ten Pounds, to be recovered in a summary manner, on complaint of the said Surveyor General before any Two or more Stipendiary Justices of the Peace for the Central District, and levied by Warrant of Distress and Sale of the Goods and Chattels of the offender; and all Houses and Buildings hereafter Built or Erected contrary to the provisions of this Section, shall be and be deemed Public Nuisances.

XII. 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 Surveyor General, 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 Surveyor General to examine the said projected work and see that it conform to the Line and Levels of such Street, Lane or Fire-break; and that any person neglecting to give such Notice, or acting contrary to the directions in writing of such Surveyor General, 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.

XIII. And be it enacted, That it shall not be lawful for any person or persons to Build or Erect, in the Queen's Road, Military Road, and the Circular Road, the Road between Job's Bridge and Palk's House, and the Road or Street (being a continuation of New Gower Street) which extends from Flower Hill Fire-break Westerly by the Northern end of Hutchings' Street, and on the Northern side of Land granted to the late Honorable Robert Job, to the Marine Parade, or in any other Lane or Street within

the said Town or Suburbs which the Governor and Council shall have declared, or may hereafter declare, to be a Main Street, any House or other Building nearer to the centre of such Lane, Road or Street than Twenty-five Feet, nor within Thirty Feet of the centre of the Road leading from the Ordnance Yard to the Queen's Bridge; and all Houses or other Buildings erected on any of the Streets, Roads or Lanes named in this Section, nearer to the centre thereof than Twenty-five Feet and Thirty feet respectively, 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.

XIV. And be it further enacted, That for the purpose of ascertaining the damage that has been or may be occasioned to any person or persons whose interests in any Lands or Tenements have been or may be in any way affected under the provisions of this Act, or under the provisions of the Acts before recited, in cases not already determined by the Appraisers appointed under the Act 10th Victoria, Chapter 1, or by the Arbitrators appointed under the Act 13th Victoria, Chapter 10, it shall be lawful for the Governor or Person Administering the Government to nominate and appoint Two Persons, and the party or parties interested in any such property to appoint a Third, which Three Persons or any Two of them shall determine the amount of compensation, if any, to be paid to such party or parties according to his or their respective interests therein: And in case such party or parties as aforesaid shall refuse or neglect to appoint an Arbitrator within Seven Days after notice in writing so to do from the said Two Arbitrators, it shall be lawful for such Two Arbitrators to name a Third Arbitrator, and the award of any Two of them shall be final and binding: And the said Arbitrators so to be appointed by this Act shall be sworn before a Magistrate to do justice between the parties, and shall have power to summon and require the attendance before them of all parties interested in the property to be appraised by them, or the Agents of such parties respectively, and also all necessary Witnesses or other persons, and to require the production before them of all deeds and papers requisite to establish the title or interest of any party claiming compensation in manner hereinbefore mentioned; and shall have power to examine on oath (to be administered by any one of such Arbitrators) all such parties or their Agents, and all such Witnesses or other persons, touching the matters to be enquired into by such Arbitrators. And in estimating the damage which may be occasioned to any property by the making, widening, or altering of any Street, Cove or Fire-break, the said Arbitrators shall always take into account any additional value or advantage which may accrue to the several proprietors and occupants from the convenience and security afforded by the widening of the said Street; and if the said Arbitrators shall be of opinion that any proprietors of ground so required for the Streets, Fire-breaks, and Coves, as aforesaid, or any of them, may be indemnified at a less expense by having an equal portion of ground assigned to them from any ground adjoining, and that such adjoining ground may be taken without material injury to the proprietor or proprietors thereof, it shall be lawful, and the said Arbitrators are required to mark off, and in like manner to appraise, so much of the said adjoining ground as they may think sufficient to replace the ground required for the said Streets, Fire-breaks and Coves, and the same so marked off shall belong to the first mentioned proprietors, and be in lieu of all and every indemnity whatsoever, and the appraised value of the same shall be paid as, and shall be, a full satisfaction and release of the same, and of 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. And the awards or decisions of a majority of the said Arbitrators shall in all cases be final and

binding on all parties; and the amounts therein awarded shall be paid in manner prescribed by the Forty-second Section of this Act.

XV. And be it enacted, That in the Widening of any of the Streets or Fire-breaks established by this Act, it shall not be compulsory to remove Houses or Buildings without the previous approval of the Governor and Council, and unless such removal can be effected without involving a heavy expense.

XVI. And be it enacted, That in running out the Lines of the Streets and Fire-breaks by this Act established, it shall not be lawful to interfere with the boundaries of, or communications leading to, any Ordnance Premises, without the permission, in writing, of the Master General and Board of Ordnance first had for that purpose; and all expenses incurred by such interference shall (if required by the Master General and Board of Ordnance) be discharged out of the Funds provided for compensating parties whose Ground may be taken for the Widening of Streets and Firebreaks.

XVII. 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 by three Arbitrators, of whom one shall be appointed by the respective Officers of the Board of Ordnance,—one by the Proprietor, Tenant, or other Party having a beneficial interest in the Land or Buildings interfered with, and a third shall be chosen by the Arbitrators so appointed, or (in the event of such Arbitrators not being able to agree in the choice of a third Arbitrator) shall be appointed by the Stipendiary Magistrates for the District of St. John's; and the award of any two of such three Arbitrators shall be final and binding: Provided always, that if the said respective Officers shall not, within fourteen days after being thereto required in writing by any party interested in that behalf, appoint an Arbitrator to meet the Arbitrator of such Party as aforesaid, it shall be lawful for such Party to proceed in the erection and completion of any Building or Buildings in like manner as he might have done if this Act had not been made.

XVIII. 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, and shall be covered with Plank or Stone to that extent by the Proprietor of each House abutting on the said Streets along the front of such House or Building.

XIX. And be it further enacted, That it shall be lawful for the Governor, or Person administering the Government for the time being, by and with the advice of Her Majesty's Council, by any Order or Orders from time to time to be made and published in the Royal Gazette, or by proclamation, to suspend, for such time or times as he shall think fit, or altogether to dispense with, the opening, making, widening, or altering, of any Fire-break, Street or Lane, in this Act mentioned or referred to, or any part or parts of any such Fire-break, Street or Lane, and to pre-scribe the width or widths of all such Fire-breaks, Streets and Lanes, in their several parts, and the same from time to time to vary; and to regulate the width of all new Streets or Lanes hereafter to be opened, and the level upon which all Streets, Lanes and Fire-breaks shall be made; and also to regulate, alter and adjust the levels and

widths of all Foot-paths or Side-walks heretofore made or laid down, or which may hereafter be made or laid down in the said Town.

XX. And be it further enacted, That it shall be lawful for the Governor for the time being to authorise and direct the Surveyor General of the Island to superintend and carry into effect the provisions of this Act; who 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 who shall perform such duties gratuitously.

XXI. And be it enacted, That in order to defray the expense of laying down and constructing such common Drains and Sewers as aforesaid, and for defraying the cost for the raising and collecting 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 therefrom.

XXII. 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.

XXIII. And be it enacted, That it shall not be lawful for the said Surveyor General 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 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.

XXIV. 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, Door-frames, Window-sashes, Window-frames, and Roof-boardings, shall be placed within Four-and- a-half



Inches of the outside of the said Building; and every Chimney shall extend to a height not less than Two Feet above the Ridgepole.

XXV. And be it enacted, That in case of dispute, it shall be lawful for the said Surveyor General, upon the application in writing of any Proprietor or Tenant of any Land within the said Town, desirous of building a Party Wall, to summon before him the Tenants or Proprietors of the adjoining Land, and thereupon, after hearing such parties as shall attend, to make such order as to the extent which the Party Wall between said parties shall occupy on the Ground of each respectively, as to the manner in which the same shall be built, and as to the proportion of the expense thereof to be paid by the said parties respectively, as he shall deem just: Provided that for every award may be made by the Surveyor General under this Act upon a Party Wall, he shall be entitled to receive the sum of One Guinea Sterling, to be paid in equal proportions by the proprietors of the said adjoining properties.

XXVI. And be it enacted, That any person who shall neglect or refuse to comply with any order or direction made by the Surveyor General, as aforesaid, shall be subject to a Fine not exceeding Five Pounds, to be recovered, with Costs, in a summary manner, by any party who shall sue for the same before a Stipendiary Justice of Peace, of the Central District; and shall be levied by distress and sale of the Offender's Goods and Chattels; one moiety of which Fine shall be paid to the party suing for the same, and the other moiety shall be paid to the Treasurer for the public uses of the Colony; and the proportion of the cost of such Wall, to be paid as aforesaid, may be recovered in an Action of Assumpsit, for Work, Labor, and Materials, in any Court of Record.

XXVII. And be it enacted, That when any party shall be desirous of building on his own Land, and shall, for the purpose of such building, use in any manner a Wall already built by another party upon the adjoining Land, it shall be lawful for the said Surveyor General, upon the application of either the party so building or the party who shall have built as aforesaid, to summon the said parties before him, and after hearing such parties as may attend upon such summons, to direct that the party building shall have the use of the said Wall to the extent required by him upon paying such proportion of the original cost thereof as the said Surveyor General shall deem just; which proportion shall be recovered by the party entitled thereto, in manner before provided.

XXVIII. And be it enacted, That the Governor for the time being is hereby authorised to cause suitable Levels to be taken, by the Surveyor General, of the several Streets, Lanes and Fire-breaks within the said Town, by which levels all parties shall be required to govern themselves.

XXIX. And be it enacted, That all Copings, Parapets, Cornices to overhanging 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 Buddings of Stone, Brick, or other unflammable material, they be wholly composed of such unflammable materials.

XXX. And be it enacted, That it shall be the duty of the High Constable 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 by the said High Constable 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, in the name of the said High Constable, before any Justice of the Peace for the Central District, and levied by distress and sale of the offender's goods and chattels.

XXXI. And be it enacted, That in every case wherein any tenant holding under a lease commencing previously to the Ninth day of June in the Year One Thousand Eight Hundred and Forty-six, and not surrendered in consequence of the Fire which occurred in the said town on that day, shall, under the provisions of the said rectied Acts, or any of them, or of this Act, independently of any former Law, or of any covenant or agreement, have been or be compelled to build of 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.

XXXII. 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.

XXXIII. Be it enacted, That it shall not be lawful for any person or persons to Build, Construct, or Erect, or to Excavate, or proceed in the commencement or completion of any House, Building, Fence or other erection, within the lines and boundaries by law defined and prescribed as and for the width of any Road, Street, Cove, or Firebreak, in the said Town, whether the parties or party owning or claiming any interest in any such ground embraced within the said lines and boundaries, shall or shall not have been paid or tendered compensation for the same, anything in any Act to the contrary thereof notwithstanding.

XXXIV. And be it further enacted, That any person or persons infringing the provisions of this Act, or any order or orders so to be made by the Governor and Council as aforesaid, shall be subject and liable to a penalty not exceeding Ten Pounds, to be recovered in a summary way, before any one or more Justices of the Peace for the District of St. John's, and shall be levied by distress and sale of the offender's goods and chattels, or in case of non-payment, by Imprisonment for any period not exceeding Two Months; and all and every such buildings or erections which shall be erected or constructed, in contravention of this Act, or of such order or orders respectively, or which shall be in any manner commenced to be erected or constructed, and all such excavations—and also all Houses, Buildings, Erections and Excavations, which since the Ninth day of June, in the Year One Thousand Eight Hundred and Forty-six, shall or may have been built, erected, commenced, or made within such lines and boundaries, (save and except such buildings of brick or stone which may have been erected pursuant to the provisions of the Act passed on the Fourth day of August, in the Year One Thousand

Eight Hundred and Forty-six) shall be and be deemed to be Public Nuisances, and may be abated by any Two Stipendiary Justices of the Peace for the Central District, who shall, upon complaint of the Surveyor General or other person, and after hearing the party complained of, or in default of his, her, or their appearance, upon being satisfied that such party had been duly summoned for that purpose, or that a summons for such purpose had been left in or upon the House, Building, Erection or Excavation complained of, make order for the abatement of such nuisance, and shall furnish such assistance of Constables and others as may be necessary for that purpose; and the person or persons who have wilfully committed, or who shall wilfully commit or continue any such nuisance, shall, on proof thereof, in a summary way, before Two or more Stipendiary Justices of the Peace for the Central District, be convicted and pay for every such offence, a penalty not exceeding Five Pounds Sterling, to be levied, with full costs and expenses, including those of the removal of the nuisance, by Warrant of Distress under the hands and seals of such Justices, upon the goods and chattels of the Defendant.

XXXV. 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, and that such Ladders shall be provided by the proprietors of such dwelling houses respectively: And every proprietor of a dwelling house who shall make default herein, shall for every offence forfeit and pay a fine of Ten Shillings, to be recovered with costs in a summary way before any Stipendiary Justice of the Peace for the Central District, and levied by Warrant of Distress and Sale of the offender's goods and chattels.

XXXVI. And be it enacted, That all Door and Window-sills in any House or Building which by Law hath been or shall be required to be built of unflammable materials, shall be of Stone or other unflammable material; and every person who, since the First day of May, in the year One Thousand Eight Hundred and Forty-nine, has used, or caused to be used, in any such building, any Door or Window-sill, other than such as is herein directed, and shall not remove the same after One Month's Notice in writing from the Surveyor General, shall forfeit and pay for every such Door or Window-sill a Fine of Twenty Shillings Sterling, to be recovered with costs, at the suit of the Surveyor General aforesaid, in a summary manner, before the Court of Sessions for the District of St. John's, and shall cause every such Door or Window-sill to be removed and replaced with a Sill of Stone or other unflammable material, within such time as shall be prescribed by the Surveyor General, in any such case, for that purpose.

XXXVII. And be it further enacted, That it shall be lawful for the Governor, or Person Administering the Government, and Council, whensoever and wherever they shall think fit, to permit the erection of External Wooden Steps to Stores and other Buildings, in those parts of the Town where buildings of unflammable materials are required to be erected, provided such steps are not upon any of the Public Streets, Coves, or Lanes; and also of Winter Porches, between the First of November and the First of May (in any of the Streets other than Water Street, and the Coves South thereof); and Railings, Entablatures and Pilasters, and other erections of the like kind, upon any of the Streets and Lanes of St. John's, of such size and dimensions, and on such terms, and subject to such regulations as the Governor and Council shall prescribe.

XXXVIII. And be it further enacted, That wherever, by the Making, Altering or Widening any Street, Lane or Fire-break, any portion of such Street, Lane or Fire-break hath been, or may hereafter be, exchanged for other ground, it shall be lawful for the Governor, or Person Administering the Government for the time being, to grant such portion of such Street, Lane or Fire-break, to the party or parties to whom the same hath been or may be assigned.

XXXIX. And be it further enacted, That where, by the alteration of any Street, Lane, or Fire-break, under the provisions of any of the said recited Acts, or of this Act, any portion of ground not embraced within the new line of such Street, Lane or Fire-break, shall be adjoining to, or extending along the frontage of any proprietor, such portion of ground shall be set off to and shall be taken by such adjoining proprietor to the extent of his frontage, at a valuation to be ascertained by two Arbitrators, one to be named by the proprietor or proprietors, and one by the Governor for the time being, and in case of disagreement, by an Umpire to be chosen by the two Arbitrators; but should the said proprietor or proprietors neglect to appoint such Arbitrator after Six Days' Notice to be given by the said Surveyor General, or should such Arbitrators refuse or neglect to concur in the appointment of an Umpire, or to act, the said Surveyor General shall appoint an Arbitrator or Umpire as the case may be, and the amount awarded by such Arbitrators or Umpire shall be deducted from the compensation now or hereafter to be payable to any such proprietor or proprietors; and in case the compensation has been made, or no compensation shall be payable to him or them, such amount shall, in case of refusal to pay the same, (if the Governor and Council, upon hearing the proprietor or proprietors, or his, her, or their agent, and upon consideration of the award, and of all the circumstances of the case, shall think fit so to order,) be levied by warrant of distress and sale of the lands, goods or chattels of such proprietor or proprietors, to be issued by a Stipendiary Justice of the Peace for St. John's, upon the production before him of the said Award, and the said Order of the Governor in Council; and the said land so to be set off and to be taken or purchased, shall be conveyed by grant to the purchaser or purchasers thereof, or to the party or parties to whom the same shall be so assigned as aforesaid.

XL. And be it enacted, That all Convictions which may be had under this Act may be in the following Form; and that the Justice or Justices before whom Complaints for such Convictions may be had, shall have power to enforce by Summons (and by Warrant if such Summons be disobeyed) the attendance of Witnesses at the Trials of such Complaints, and no Conviction shall be quashed for want of form.

#### FORM OF CONVICTION.

NEWFOUNDLAND, }  
Central District, ss. } Be it remembered, that on this \_\_\_\_\_ day of, &c \_\_\_\_\_ in the Year of  
Our Lord 185\_\_\_\_, A. B. of \_\_\_\_\_ is duly Convicted before me  
\_\_\_\_\_ one [or two] of Her Majesty's Justices of the Peace for the said District, for having on &c.,  
at &c., [here state the nuisance, or other offence complained of,] contrary to the Statute in such case  
made and provided; wherefore I the said Justice, [or we the said Justices], do declare and adjudge that  
the said A.B. hath forfeited the Sum of \_\_\_\_\_ to our Sovereign Lady the Queen, to be paid  
\_\_\_\_\_; And I [or we] do further adjudge that the said nuisance be forthwith abated and  
removed [or as the case may be.]

Given under my hand and seal [or our hands and seals] at St. John's aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 185\_\_\_\_\_.

XLI. And be it enacted, That to provide means for the payment of such compensation as hath already been awarded under the said recited Acts, or any of them, or as may be awarded under this Act, beyond the sum of Twenty Thousand Pounds mentioned in the said first recited Act, which said sum of Twenty Thousand Pounds hath already been paid in Money or by Treasury Notes in the manner in the said Act provided, and also for defraying the expense of levelling Water and Duckworth Streets, and the incidental expenses of carrying this Act into operation, there shall be raised, levied, collected and paid to Her Majesty, Her Heirs and Successors, upon the Importation into the Port of St. John's, of the several articles of Wines, Spirits, Goods, Wares and Merchandize, already subject to Duty under and by virtue of an Act passed in the Thirteenth year of the Reign of Her present Majesty, entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize, Imported into this Colony and its Dependencies," over and above and in addition to the Duties thereby imposed, a further and additional Duty at the rate of and equal to Ten Pounds for and upon every One Hundred Pounds of the Duties levied and collected under the said last mentioned Act; which further and additional Duty or Per Centage shall be raised, levied, collected and paid in like manner and under and subject to the like regulations and restrictions as are contained and set forth, or referred to, in the said last mentioned Act, concerning the Duties thereby imposed, or in any other Act or Acts relating to the management and collection of the Colonial Revenue, and that as fully and effectually to all intents and purposes as if the several clauses and provisions of the said Act were herein enacted: And the said additional Duty or Per Centage shall (during the period hereinafter limited for the collection of the same) be levied, collected and paid upon and in addition to the Duties imposed or to be imposed by any Act or Acts of the Legislature of this Colony, now or hereafter to be in force upon the Importation into the said Port of St. John's of the several articles subject to Duty by the said last mentioned Act, or any such future Act. And such Duty or Per Centage shall be paid over by the Collector of Her Majesty's Customs to the Treasurer of the Colony for that purpose.

XLII. And be it enacted, That the Governor, or Administrator of the Government for the time being, shall be authorised to draw warrants on the Colonial Treasurer for the payment of compensation that has been awarded under any of the said recited Acts, beyond the said sum of Twenty Thousand Pounds therein mentioned, or that shall be so awarded under this Act; 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 to pay to parties in whose favor 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 centum 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; and all Interest payable upon sums for which such Treasury Notes are directed to be issued in manner aforesaid, shall be payable half-yearly at the office of the Colonial Treasurer, on production of such Notes before him, on the last days of June and December in each year; and such Notes hereafter issued shall be according to the form in the Schedule to this Act annexed; and all payments to be made under the provisions of this Section, shall be discharged by and out of the Monies to be raised in the manner provided by the preceding Section.

XLIII. And be it enacted, That the additional Duty or Per Centage hereinbefore imposed, shall cease and determine from and after the payment and discharge of the amount required for compensation and expense aforesaid, beyond the said sum of Twenty Thousand Pounds mentioned in the said first in part recited Act.

XLIV. 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 Harbour and running along the course of the Monday's Pond Brook until it strikes 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 Harbour of St. John's; and thence by the Waters of the Harbour 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.

XLV. And be it further enacted, That the several orders, awards, matters and things whatsoever made, done, or committed by the Appraisers appointed under the Act 10th Victoria, Chapter 1, or by the Arbitrators appointed under the Act 13th Victoria, Chapter 10, in pursuance of the provisions of such Acts, and all payments made, or Treasury Notes issued or granted in discharge of any Warrant or Warrants for compensation, shall be and the same are hereby respectively confirmed and made valid to all intents and purposes.

XLVI. And be it enacted, That any order or orders made by the Governor and Council in pursuance of any of the provisions of any of the said recited Acts, shall be, and such order or orders are hereby respectively confirmed and made valid to all intents and purposes.

XLVII. 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 St. 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 St. 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.'"

XLVIII. And be it enacted, That nothing in this Act shall apply to or be construed to apply to, any Shed or other temporary erection now standing on any property belonging to the Crown, and situate in the Town of St. John's; and which last-mentioned Sheds, or other temporary erections, it shall and may be

lawful for any Two or more Stipendiary Justices of the Peace for the Central District, at any time to cause to be removed, upon complaint of the Surveyor General, after hearing the party or parties complained of, or in default of his or their appearance upon being summoned for that purpose, make an order for the removal of such Shed or temporary erection accordingly, and shall furnish such assistance of Constables or others as may be necessary to effect such removal as aforesaid.

XLIX. And be it enacted, That that part of the Circular Road leading from the Road to Rennie's Bridge to the Road leading to the Queen's Bridge, shall be Sixty Feet wide throughout, and shall to that extent, when and so soon as permission in writing for that purpose shall have been obtained from the Governor for the time being, be opened, and the land necessary for such width shall be taken on the South side line of said road; and the proprietor of or party interested in any land required for such purpose shall receive compensation, in like manner, and subject to the same regulations as provided by this Act for land taken for public purposes.

L. And be it enacted, That from the vicinity of Pokeham Path to the Topsail Road there shall be opened a New Road not less than Sixty Feet wide, to be run and laid out in such direction, by the Surveyor General, as the Governor in Council may direct. Provided that arrangements shall have been first made with the owners and occupiers of the Land necessary for the said Road, to surrender the same to the public, upon such terms as may be deemed reasonable by the Governor in Council, and that the expenses of compensation for the said Land shall not exceed the sum of Two Hundred Pounds.

#### SCHEDULE.

##### FORM OF TREASURY NOTE. COLONY OF NEWFOUNDLAND.

By an Act of the Legislature of this Colony, the Bearer hereof is entitled to receive at the office of the Colonial Treasurer in \_\_\_\_\_ Years from the date hereof the Sum of \_\_\_\_\_ Pounds, and also Interest on the same at the rate of Five Pounds per Centum per Annum yearly, on the last days of June and December in each Year, on the production of this Note at the Office of the said Colonial Treasurer.

Dated at St. John's, Newfoundland, the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_

Colonial Treasurer.  
J. C., Colonial Secretary.