

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1858.*

21 Victoria – Chapter 3

**An Act to Authorise the Widening of Water Street in the Town of Harbor Grace, the Opening of a New Fire Break therein, and for other purposes. (Passed 1st May, 1858.)**

Whereas it is necessary to adopt measures to prevent the spreading of Fire in the Town of Harbor Grace.

Be it therefore Enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows:–

I. It shall be lawful for the Governor in Council to appoint Two Commissioners for the purposes of this Act; and such Commissioners are hereby authorised to widen Water Street in the said Town, by marking out a sufficient space on the North side thereof, so as to make the said Street Seventy feet wide from Victoria Street to LeMarchant Street, or in such parts thereof within the said points as they may deem it expedient to widen the same; and also to lay off and mark out a Cross Street or Fire-break, Seventy feet wide, extending from the Water Side Northward, so as to intersect Harvey Street in such place as the Commissioners may determine; and after such time as the said Street or Fire-break shall be marked out or laid off and approved by the Governor in Council, the ground included in the said Street or Fire-break shall be and become public property; and all Buildings or Erections which may hereafter be placed or erected on such ground shall be deemed Public Nuisances, and may be abated accordingly by order of any Stipendiary Justice of the Peace for the District of Conception Bay.

II. That all Persons being the Owners or Tenants of Lands or Tenements within the said Town, whose interests shall be in any way affected by carrying into operation the provisions of this Act, shall, after such Lands or Tenements have been marked off and appropriated for the uses aforesaid, be paid compensation for any damage they may sustain in that behalf; and for the purpose of ascertaining the amount of compensation to be made in any case where the Owner or Tenant and Commissioners shall not agree, it shall be lawful for the party or parties interested in the same property affected to name One Arbitrator, who, with the Commissioners, shall appraise the value of the Said property; and in case any party interested in such property shall neglect or refuse to appoint an Arbitrator within Three Days after notice so to do, it shall be lawful for the Commissioners to appoint an Arbitrator, and the award of the Arbitrator and one Commissioner or of the Commissioners in any case under this Act shall be final and binding, whether an Arbitrator be appointed by the parties interested or by the Commissioners: Provided always that the said Commissioners and any Arbitrator to be appointed as aforesaid, shall be sworn before a Justice of the Peace faithfully and impartially to discharge their duties under this Act, before they shall respectively enter upon their duties.

III. The Receiver General shall pay any Warrant drawn on him by the Governor for the purposes of this Act, out of such Monies as, shall be in his hands unappropriated: Provided, that the whole amount of compensation so to be paid as aforesaid, including the expenses of carrying this Act into effect, shall be estimated by the said Commissioners and approved by the Governor in Council, which amount, if

the Governor and Council shall deem it expedient so to direct, the Receiver General is hereby authorised to add to the Consolidated Debt of the Colony, and to raise by loan on the credit of the Colony, and to issue Debentures for the said sum, chargeable on the General Revenues of the Colony, in the form given in the Schedule to an Act passed in the Nineteenth Year of the Reign of Her Majesty, entitled "An Act to Authorise the Consolidation of Sixty Eight Thousand Six Hundred and Seven Pounds Five Shillings and Four Pence of the Public Debt of this Colony," and according to the terms therein stated.

IV. If the said Commissioners or Arbitrator so to be appointed as aforesaid, shall be of opinion that any proprietor of any ground required for the said Street or Fire Break may be indemnified at a less expense to the Public by having an equal portion of ground assigned to him, 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 the said Street or Fire Break; 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 said 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.

V. In widening the said Street or Fire Break it shall not be compulsory to remove any Houses or Buildings erected prior to the Thirteenth Day of April, in the Year One Thousand Eight Hundred and Fifty Eight, without the previous approval of the Governor and Council, and unless such removal can be effected without entailing a heavy expense.

VI. All Buildings or Erections which, since the 13th April 1858, have been or shall hereafter be erected or built on the South side and to the Southward of Water Street aforesaid, shall be built of Brick, Stone, or other unflammable material, and roofed or covered with Iron, Slate, or other unflammable material. And all Houses, Buildings, or Erections of Wood, which, since the Thirteenth Day of April in the Year 1858, have been already built, or which shall hereafter be built, on the South side and to the Southward of Water Street aforesaid, shall be deemed Public Nuisances, and maybe abated accordingly by order of any Stipendiary Justice of the Peace; and the party erecting or building any such Houses, Buildings, or Erections of Wood, contrary to the provisions of this Act, shall be liable for every such offence to pay a Fine or Penalty not exceeding Ten Pounds, to be recovered before such Stipendiary Justice of the Peace in a summary way by the Chief Constable of the said Town; and, when recovered, shall be paid over to the Receiver General for the use of the Colony.

VII. In the event of any portion of the said Town being at any time hereafter destroyed by Fire, it shall be lawful for the Governor in Council, by order, to widen any of the said Streets in any of such portions of the said Town, to such an extent as they may deem expedient subject to the provisions of this Act, as to the compensation of the Owners or Tenants whose land or tenements may be injured or taken

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away by the widening of any such Streets; and in all other respects wherein the provisions of this Act shall be declared to be applicable by the Governor in Council.