

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1861.*

24 & 25 Victoria – Chapter 2 (Session 3)

**An Act to make further Provision for the Prevention of Nuisances. (Passed 25th June, 1861.)**

Whereas it is expedient and necessary to make further Provision for the Prevention of Nuisances:

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

I. Any Person who shall commit, or be guilty of any of the Offences in this or in the Second Section named and specified, in the respective Towns of St. John's, Harbor Grace, Carbonear and Brigus, shall be subject and liable to such Penalties as are hereinafter mentioned, that is to say: Any Person who shall cast or throw, or order to be cast or thrown, any Dung, Dirt, Rubbish, or any other offensive Matter, in or upon the Gratings in any of the Public Streets, Roads or Highways; or any Person who shall have deposited, or order to be deposited, before his or her Dwelling Houses, Stores or other Buildings, any Dung, Dirt, Rubbish or other offensive Matter; or any Person who shall fail in keeping the Causeways or Sidewalks free of Snow and Ice to the extent of the breadth of such Sidewalks, and the Surface Drains adjoining the same, opposite to his or her Dwelling House, Stores, or other Buildings, or shall throw any Snow, Ice, or Rubbish, in any of the Streets, Lanes or Passages, without levelling the same; every such Person shall, for the first Offence, forfeit and pay a Sum not exceeding Twenty Shillings, and not less than Five Shillings; and for the second Offense shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings; and for a third or subsequent Offence, shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings.

II. Any Person who shall not keep in good Condition and Repair the Stone or Plank Pavement, or Causeway, opposite to his or her respective Dwelling Houses, Stores or other Buildings, shall forfeit and pay for the first Offense a Sam not exceeding Twenty Shillings and not less than Five Shillings, and for a second or subsequent Offence shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings; and after the first Offence the Surveyor-General of the Colony may cause to be repaired and amended the said Pavement or Causeway, and shall thereupon be entitled to recover from the Owner or Occupier of such Dwelling House, Store or other Building, before any Stipendiary Justice of the Peace, in a summary way, the Expenses incurred in such Reparation and Amendment, together with Costs of Suit.

III. The said Penalties and Forfeitures shall he recovered in a summary way, by Order and Adjudication of any one Stipendiary Justice of the Peace, resident in the Town in which the Offence shall be committed, under the Provisions and by virtue of the Sixth Section of an Act passed in the Twenty-third Tear of the Reign of Her present Majesty, entitled "An Act for the Prevention of Nuisances in the Towns of Saint John's, Harbor Grace, Carbonear and Brigus."

IV. That the Eighth Section of the hereinbefore recited Act 23 Vic., Cap. 6, be and the same is hereby repealed.

V. That all Building Lots and improved and occupied Lands fronting any Road, Street, Lane or Cove, within this Colony, and dangerous to Passengers, or in other respects a Nuisance, shall be protected and enclosed with a sufficient Fence.

VI. If the Owner or Occupier of any Building Lots, improved or occupied Lands, shall neglect, after receiving Notice, to protect and enclose the same with such Fence, the Surveyor-General of the Colony may cause the same to be erected or repaired, and shall thereupon recover from such Owner or Occupier, before any Justice of the Peace, in a summary way, or in any Court of Record, the Expenses incurred in such Erection and Reparation of such Fences, together with Costs of Suit.

VII. Any Person who shall be found, at any Season of the Year, in any Town or Settlement in this Colony, without a written Licence from a Magistrate, dressed as a Mummer, masked, or otherwise disguised, shall be deemed to be guilty of a Public Nuisance, and may be arrested by any Peace Officer, with or without a Warrant, and taken before any Justice of the Peace, in the District or Place where such Person may be found; and on conviction, in a summary manner, before such Justice, may be committed to Gaol for a Period not exceeding Seven Days, unless he shall pay a Fine not exceeding Twenty Shillings; such Licence to be numbered, and a corresponding Number worn by the Person so licensed, on a conspicuous part of his Dress.