

ANNO PRIMO

GEORGII IV. REGIS.

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CAP. LI.

An Act to regulate the rebuilding of the Town of *Saint John's* in *Newfoundland*, and for indemnifying Persons giving up Ground for that Purpose.

[15th *July* 1820.]

WHEREAS the Town of *Saint John*, in the Island of *Newfoundland*, hath recently been visited by very great and destructive Fires, the Ravages whereof have been chiefly occasioned by the Narrowness of the Streets, and the Difficulty of arresting the Progress of the Flames: And whereas it will greatly contribute to the Convenience of the said Town, as well as to its future Security, if certain Regulations be made for the rebuilding of such Parts thereof as have been destroyed, and also for the Erection of any Houses or Buildings in the said Town hereafter: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lower Street in the said Town, commonly called *Water Street*, shall not be less than Fifty Feet in Width in every Part thereof, extending from the House and Stores occupied by *Brown, Hoyles*, and Company, at the East End, to the public Ships Room, commonly called the *Western Ships Room*, at the West End thereof; and that the Upper Street, commonly called *Duckworth Street*, shall not be less than Forty Feet in Width; and that all and every Houses, Stores,

Width of Water Street not to be less than 50 Feet; and Duckworth Street, 40 Feet.

Buildings to be made conformable thereto.

Stores, Erections, and Buildings whatsoever, built and erected since the First Day of *June* One thousand eight hundred and eighteen, or which shall at any Time or Times hereafter be erected and built in the said Street or either of them, whether the same be upon any vacant Spot of Ground or upon the Site of any former Building, shall be made to conform to the Width of the said Streets, as the same is respectively hereby established and directed: Provided always, that nothing herein contained shall be construed to extend to any House, Store, Erection, or Building, which, since the said First Day of *June* One thousand eight hundred and eighteen, may have been or at any Time hereafter may be erected in *Water Street* aforesaid, the same being built and made entirely of Stone or Bricks, and covered with Slates or Tiles, and always having a clear Width in the said Street of not less than Forty Feet.

But no Buildings of Stone to be affected, where there is a Width of 40 Feet.

Cross Streets not to be less than 60 Feet in Width, and to run in the Directions herein mentioned.

II. And be it further enacted, That there shall be Four Cross Streets or open Spaces to serve as Fire-breaks, and intersect the said Streets called *Water Street* and *Duckworth Street* as nearly as might be at Right Angles; and that all and every of the said Cross Streets shall not be less than Sixty Feet in Width, and shall run in the following Directions, that is to say, the First or Western Cross Street from the Water Side, in a Line with the Corner of *Dinah Elliott's* Shop and *Maddock's Lane* to *Duckworth Street*; the Second from the Water Side, running in a Line with the Corner of *James Clift's* and *Perkins* and *Winter's* Tenements, leading up the *Church Hill*; the Third to run from the Water Side between *Clapp's* and *Keen's* Properties, lately held by *George Niven* and *A. Chambers*, the Middle of the Cove to be the Centre of the Street, through the Ground lately occupied by *William Barnes* and others; and the last or Eastern Street, from the Ordnance Wharf up to the *King's Road*; and that no House, Store, Erection, or Building whatsoever, shall be erected or built so as to front above *Water Street* upon any or either of the said Cross Streets, but that the same shall be and remain open and free from any Buildings whatsoever, other than the Inclosures thereof; and also, that in case any other Cross Streets may be hereafter required as a Security against Fire, upon the same being marked out and presented by the Grand Jury, and approved by the Governor for the Time being, there shall be such other Cross Streets or Fire-breaks, of the like Dimensions of those herein-before mentioned, and according to the Boundaries so presented and approved; and the Ground and Property necessary to be taken shall be estimated and paid for in like Manner as is herein-after mentioned: Provided always, that nothing herein contained shall authorize the taking of any Fishing Room, Flakes, or any Part thereof, which may be actually occupied and employed for the Purpose of curing Fish.

Coopers Shops not to be in either of the said Streets,

III. And be it further enacted, That it shall not be lawful for any Person or Persons, at any Time or Times hereafter, to build, occupy, or use as a Cooper's Shop, any House, Building or Place whatsoever, in any or either of the said Streets herein-before mentioned, or in any Manner adjoining or connected with the same, excepting only such temporary Sheds or Coverings as may be erected upon any Wharf or Wharfs

Wharfs for the tumming and preparing of Casks or other Articles of Cooperage for immediate Use and Shipment.

Remunerating Persons for Losses sustained, for which Purpose Appraisers shall be chosen.

IV. And whereas it is just and proper that such Persons as may have sustained any Loss of Property by reason of the same being taken in the public Streets herein-before mentioned, should be remunerated for the same; be it therefore enacted, That it shall be lawful for all and every of the Proprietors of Houses, Tenements, and Lots or Parcels of Ground lying and being within the Town of *Saint John* in the Island of *Newfoundland*, and also for all and every of the said Proprietors of such Portions of Ground as have been or may be necessary to be taken for the Purpose of making and widening the said Streets as aforesaid, or their Agents usually acting in their behalf, to meet at such Time and Place as the Governor of the said Island of *Newfoundland* for the Time being may for such Purpose publickly notify and appoint; and then and there to choose Four Persons, Two whereof to be chosen by the first-mentioned Proprietors, or the Majority thereof which may be assembled as aforesaid, and the remaining Two by the last-mentioned Proprietors, or the Majority thereof, or their Agents as aforesaid, who together shall have Power to elect a Fifth Person as Umpire; and which Five Persons so chosen and elected shall thereupon, after being duly sworn in such behalf before the Chief Magistrate of the said Town for the Time being, be Appraisers; and shall forthwith proceed to appraise the Value of all and every such Portions of Ground as have been or may be necessary to be taken for the Purposes aforesaid, always taking into account the additional Value divided to the several Proprietors from the Convenience and Security afforded by the widening of the said Streets; and that the said appraised Value shall be deemed and considered as the true Value of the said Portions of Ground, and shall be paid by all and every the Proprietors of Houses, Tenements, Lots, and Parcels of Ground, lying and being within the Limits of the said Town of *Saint John's*, in such Proportions, with reference to the Value of their several Interests therein, as the said Appraisers so chosen and elected as aforesaid shall assess and appoint, and which they are hereby authorized and required to do: Provided always, that if the said Appraisers shall be of opinion, that any Proprietors of the said Ground so required for the Streets as aforesaid, or any of them, may be indemnified at a less Expence to the Proprietors in general, 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 Appraisers 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; 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 appaised Value of the same shall be paid by the said Proprietors in general to the Proprietor or Proprietors from whom the same was respectively taken, and shall be as a full Satisfaction and Release of the same, and of all Right and Title thereto.

V. And

Appraisers to fix Bounds for the building of Houses.

V. And be it further enacted, That the said Appraisers shall have Power and Authority, and they are hereby directed and required, to enter into and upon all and every the Lots or Parcels of Ground lying and being between the said Streets called *Water-Street* and *Duckworth Street*, and there to mark off such Bounds and Limits for the building of all Houses, Out-houses, Offices, and Buildings, at the Back of all and every of the Houses, Tenements, and Lots situated in the said Streets respectively, as to the said Appraisers may seem just and equitable between the Parties; always taking care, and it being the special Intention of this Clause, that sufficient Intervals and Spaces be in all Cases left open and free from wooden or other combustible Buildings, to prevent as much as possible the Communication of Fire from one of the said Streets to the other, by means of any Buildings at the Back of the same; and the said Bounds and Limits for building Houses, Out-houses, and Back Buildings as aforesaid, be in all Cases inviolable: Provided always, however, that nothing in this Clause contained shall extend to prevent or hinder any Person or Persons from building any Office, Outhouse or other Building, of Stone or Bricks, to be covered with Slates or Tiles, upon any Part of the said Ground lying between the said Streets as aforesaid.

Former Bounds to be established.

VI. And in order to remove any Doubts or Difficulties which may at any Time hereafter arise, as to carrying into effect the Provisions of the first Section of this Act, be it further enacted, That the Metes and Bounds of certain Parts of *Water Street* and *Duckworth Street*, as respectively laid out and marked by the Committee appointed for that Purpose by the Proprietors assembled at the said Town of *Saint John*, in or about the Month of *June* One thousand eight hundred and eighteen aforesaid, be confirmed, and the same are hereby declared to be the lawful and established Bounds of the said Streets, so far as the same may go and extend; and that as often as any new Building shall at any Time hereafter be intended to be erected in or upon any Part or Parts of either of the said Streets, where such Bounds have not been already laid out by the Committee as aforesaid, and do not extend to the South Sides of the said Streets as they now respectively stand and are, shall be considered as fixed Boundaries thereof; and any Deficiency in the Width of the said Streets, or either of them, shall be taken from the Ground lying on the North Sides of the same respectively, unless it should be made to appear by the Presentment of the Grand Jury or otherwise, by Consent of Parties, to be sanctioned by the Governor, that the additional Width might with greater Convenience be taken from the South Sides of the said Streets respectively, in which Case the said Deficiency shall be taken from the South Sides, so as that in all Cases the said Streets be respectively made conformable to the Width directed and established by this Act.

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