

Published by Order of the City Council.

A Law relating to Highways, Streets, Squares and Bridges, and defining the duties of the Surveyor thereof.

[Sanctioned, 1st May 1856.]

BE it enacted by the City Council of the City of Charlottetown:

Sec. 1. There shall be one fit and proper person appointed by the City Council who shall be the Surveyor of Highways, Streets, Squares and Bridges of said City who shall be sworn and give security for the due and faithful performance of the duties of his said office; said surveyor shall receive such salary or compensation as the City Council shall hereafter determine upon, and said surveyor shall retain his office during the pleasure of the City Council.

Sec. 2. The said Surveyor may remove all incumbrances upon the streets, prevent encroachments thereon, make repairs, alterations and improvements therein as required; open and make new streets when authorized; make and repair bridges, wharfs and other city property, and cause to be observed the laws touching the streets, bridges, wharfs and other city property, or the work to be performed thereon; may put up bars and fences to shut up street while undergoing repairs, may raise sinks, alter or new-lay drains, water-courses, pipes and sewers, causing as little detriment to individuals as the case may admit of, and may cause the course of gutters, water-courses and channels running in or through the streets to be altered; he shall have charge of and make all necessary arrangements for cleaning the streets, disposing of manure, and removing house dirt and offal therefrom, he shall keep accounts and records of all his proceedings and shall furnish accounts properly vouched whenever required to do so by the City Council; he shall for the information of the City Council keep a register of encroachments in the city whether by drains, side-paths, buildings or otherwise, and shall also keep a register of all plans and full statements of sewers, drains and slips, with record of all surveys of new or unfinished drains or roads; and it shall also be his duty to see that persons shall keep the gutters and streets before the houses, buildings or tenements occupied by them free from dirt, filth and nuisance of every kind; and he shall be at all times under the directions of the City Council.

Sec. 3. No person shall be allowed to build a wall, put up a fence, or porch, or erect a building of any kind facing upon the streets of the City, without first having applied to the Surveyor aforesaid, who shall give the applicant a written certificate so to do, which shall be endorsed by the Mayor, stating that he (the Surveyor) has in conformity with the City regulations laid off said building-site and granted permission to put up such building, wall, or fence (as the case may be) in compliance with the survey which shall describe the line or boundaries of the street or streets thereof, and for such certificate, the surveyor shall be entitled to receive the sum of two shillings and sixpence, the same to be paid into the hands of the Clerk of the City quarterly by said Surveyor, who shall hand over the amount to the Treasurer or thereof for City purposes; any person who shall be guilty of a breach of this section shall be liable to a fine not exceeding Ten Pounds.

Sec. 4. Until there shall be a survey and plan of the streets of the City, established by Law, it shall be the duty of said Surveyor before granting a certificate, to be guided by the following regulations, viz: he shall not allow or grant permission for the erection of any house, porch, fence, wall, steps, or other erections facing upon the streets of the City to project outside of the line of houses already built, or outside of the nearest houses adjoining right and left as the case may be, or in and upon what has been heretofore considered and used as the street; if the Surveyor shall be in doubt as to the true line of street, he shall be guided by the plan of the streets made by the late Surveyor General George Wright, and kept in the office of the Keeper of Plans, which plan shall be considered as giving the correct line for all City purposes, until the same shall be altered and a new one substituted.

Sec. 5. No person for the future shall be allowed to build platforms of any kind on the sidewalks of the City, without first having obtained permission of the Surveyor aforesaid, who shall grant the same under the following regulations, viz: in all streets of the width of eight or more feet, the platform of wood or other material shall be twelve feet in breadth, in all streets between eight and six feet the platform shall be ten feet in breadth, and in all other streets, eight feet shall be the breadth; if of wood, of good sound wood of not less than three inches; and all platforms shall be on a level with the street or sidewalk at the place where they may commence and end.

Sec. 6. It shall be the duty of said Surveyor to cause to be removed any platform of wood or other material which may not be laid down on a level with the street or sidewalk and in conformity to the foregoing dimensions, as well as to remove or repair any unsafe sidewalk which the owner thereof shall refuse to make good, after having been notified by said Survey-

or so to do, and the cost thereof shall be paid by the owner whose property may front thereon, who on noncompliance therewith shall be liable to be sued for the amount together with costs before the Mayor's or Police Court (the Mayor shall order payment to the Surveyor from the City funds for the expense incurred in removing or making good such platform or sidewalk) and in addition thereto shall be liable to a fine not exceeding Five Pounds.

Sec. 7. No person shall hereafter be permitted to build any cellar-hatch or hatches on the streets or sidewalks, and every person offending against this section shall be subject to be fined daily before the Mayor's or Police Court, so long as the nuisance shall continue, in a sum, not more than five shillings for each offence together with costs, and it shall be the duty of the said Surveyor to fine as above, daily, the party maintaining the obstruction, and on noncompliance the Court to commit him to jail, for not more than four days for each offence.

Sec. 8. The occupants and owners of houses and shops now having cellar hatches shall render themselves liable to the same fine and imprisonment as persons convicted under the foregoing section of this law on failing to comply strictly with the following regulations:

First. No cellar-hatch shall be opened or left open except a reasonable time for the purpose of receiving into or discharging from the cellar, coals, packages, fuel, refuse or cleanings:

Second. Every cellar-hatch when closed shall be even with the sidewalks so as not to cause any projection to act as a stumbling-block or annoyance to foot passengers:

Third. The occupant of the shop or house shall be fined, not more than five shillings for each offence for being guilty of a breach of the first regulation; and in case of refusal to pay, he shall be liable to imprisonment not exceeding forty-eight hours; but the owner of the property only shall be liable to be fined not more than forty shillings, for each breach of the second regulation, or to one month's imprisonment.

Sec. 9. Occupants of houses in the City shall be allowed the privilege of erecting porches upon the streets and banking their houses during the time between the first day of November and the first day of May in each year, Provided such porch or banking does not obstruct more than two feet upon the sidewalk. No porch or banking shall be allowed to remain after or before the time above named, any person refusing to remove such banking or porch after the time shall have expired, on notice being given to remove the same, shall render themselves liable to a fine of three shillings for each and every day so holding the same, or in case of refusal to pay, to be committed to jail for not more than twenty-four hours.

Sec. 10. The Surveyor aforesaid is hereby authorized to cause to be removed any porch, wall, fence, or obstruction of any kind which may obstruct upon or from any house beyond the line of houses in any street of the City; it shall be his duty to furnish the owner or owners thereof with a written notice requesting him, her, or them to remove such nuisance or obstruction within thirty days, and in case of noncompliance therewith within the given time, the Surveyor shall summon him, her, or them to appear before the Mayor's or Police Court, and on conviction of not having complied with the said requisition, he, she or they shall be fined a sum not exceeding ten pounds together with costs; and the Mayor shall have authority to order the Surveyor to sell such obstruction by auction on seven days' notice being given in any of the Island newspapers, when after due notice, he (the Surveyor) shall proceed to sell the same to the highest bidder, the proceeds arising therefrom shall be handed to the City Clerk to be paid to the City Treasurer at the quarterly payments; and if after the sale of such obstruction, the former owner thereof shall molest or obstruct the purchaser in the removal of the nuisance so sold, then the offending party on complaint of the Surveyor shall be cited to appear at the Mayor's or Police Court, and on satisfactory proof being made, such offender shall be committed to jail there to remain for a space of time not exceeding sixty days, unless the said party shall find bail for good behaviour to the satisfaction of the Mayor.

Sec. 11. The purchaser of such obstruction shall be bound by the Surveyor at the time of sale to remove the article so bought within a given time under a penalty of one third of the amount of purchase for each and every day such obstruction may remain over the time given for the same, to be recovered before the Mayor's or Police Court and in failing to pay the same, the delinquent to be committed to jail for not more than thirty days; and the surveyor shall proceed to give notice of sale and shall sell the same as hereinbefore directed in the same way, as if it had not been previously sold.

Sec. 12. If the Surveyor, on offering at auction, as before stated any wall, frame, porch, or obstruction of any kind, shall find no bidder therefor, then he shall employ persons at the cost of the City and pull down such obstruc-

tions and sell the materials of the same on the spot without further notice, than that of announcing the same by a City crier, and if no bidders appear, he shall remove the same to some safe and convenient place in the city to be disposed of as the City Council may afterwards direct; any person or persons offering resistance thereto shall render himself or themselves liable to the penalties of the tenth section of this act.

Sec. 13. Any person conceiving himself aggrieved on notice being furnished by said Surveyor to remove any alleged street obstruction shall have the right of appealing to the Mayor, that he may be heard before him and the Common Council; and if they deem it expedient, they shall repair to the place where such alleged obstruction may lie and their decision thereon shall be final and made known to said Surveyor who shall act in accordance therewith; Provided such written notice or application to the Mayor for a hearing before the Council shall have been made within forty-eight hours after the complainant thereto had been served with the notice from said Surveyor to remove such obstruction.

Sec. 14. Provided always, that nothing contained in this law relating to obstructions on the streets or public thoroughfares of the City shall extend or be construed to extend to prevent any person or persons who may be erecting or repairing any building whatever from placing or causing to be placed on the street or streets, next to the site of such building and immediately in front of the same any such materials as are to be used either in the construction or in the repairing of such building so that the same do not extend further than the gutter or run for water or not in any case more than ten feet on the side of the street where such building is being erected, or repaired; the said space shall be enclosed by a substantial close fence of not less than five feet high; and the materials aforesaid shall in no manner obstruct the free course of the water in the proper gutters of the said street or streets; and if on complaint thereof it shall appear that such enclosure is kept up for an unreasonable time, the Mayor shall have power to cause the same to be removed.

Sec. 15. In all cases when unenclosed lots or parts of lots within the city are deemed dangerous to passengers along the streets, lanes and thoroughfares thereof, the City Council may, through the Surveyor, order the owner, occupant or agent thereof to secure the same from being dangerous, offensive or otherwise, with a good and sufficient wall or board fence if not less than four and one-half feet high, strong and neatly erected, and to keep the same so erected under a penalty not exceeding forty shillings, and not less than five shillings; and any owner, occupier or agent neglecting or refusing to erect such fence after notice having been given to erect the same, shall be subject to a fine, not exceeding forty shillings and the Mayor or presiding Councillor shall order such fence to be erected at the cost of such owner, occupier, or agent, who shall be sued for the same in the Mayor's or Police Court.

Sec. 16. Any person who shall attempt to remove, displace or subvert the soil of the streets, lanes, thoroughfares or squares of the City shall subject themselves to a fine, not less than two shillings and sixpence, and not exceeding Ten Pounds.

Sec. 17. The gutters and streets in front or rear of houses, buildings or occupied tenements shall be kept clear of dirt, filth, and nuisance of every kind by the persons owning or occupying the same; and the owner or other persons residing nearest to where any filth, nuisance or obstruction may have been deposited, who shall suffer the same to remain for the space of twelve hours between sunrise and sunset, shall forfeit and pay a sum not exceeding ten shillings for every such twelve hours he, she, or they shall suffer such nuisance to continue; and every person, who shall put or place nuisance of any kind on any of the streets or squares, shall be subject to the fine and penalty specified in the Nuisance Law beside the cost of the surveyor moving or having such nuisance moved.

Sec. 18. The owner or occupier of every house, outhouse or other building shall cut or cause to be cut and kept open a sufficient passage for the water produced by the melting of snow or ice to run off in the gutter or drain in front or rear of such premises, and in case of neglect or refusal to do so after being required by the Surveyor or any of the City authorities, shall be subject to a fine not exceeding forty shillings, and the surveyor shall have such passage cut and kept open for the purpose aforesaid at the cost of the person so neglecting or refusing.

Sec. 19. Every person throwing ice or snow upon any street or square, shall cause the same to be broken up into small pieces and spread evenly on the surface of such street or square to the satisfaction of the Surveyor or other persons appointed by the City Council; and such ice or snow shall only be deposited in such places as shall be appointed by the said Surveyor, acting under the authority of the Mayor or presiding Councillor, under a penalty not exceeding twenty shillings.

Sec. 20. The public pumps, wells, cisterns, reservoirs or fountains of the city shall be under the supervision and control of the said Surveyor, who shall receive applications for sinking wells and making, erecting and constructing pumps, cisterns, reservoirs or fountains, and when directed shall advertise for and receive tenders relating thereto, and submit the same to the City Council; and shall see to the due performance of contracts entered into by the City Council; he shall see, that the contractor for public pumps and wells duly and faithfully fulfils the several portions of his contract respecting said pumps and wells and shall regularly report to the Mayor or Police office all persons committing nuisance or injury about or upon such pumps and wells for the purpose of their apprehension and punishment.

Sec. 21. The City Council may appoint one or more persons, as public Surveyors, who under the direction and supervision of the Surveyor shall gather all manure, filth or surplus soil of any kind on the streets, squares or thoroughfares, and deposit the same in such place or places as may be directed or appointed and said manure or surplus shall be sold to the highest bidder and the proceeds arising therefrom shall compose part of the city funds.

Sec. 22. All male residents of the city between the ages of sixteen and sixty years, not otherwise assessed as householders or proprietors, who are liable to pay a rate or duty as commutation for road labour—in aid by the Act of Incorporation, of four shillings each for or toward the expense of repairing the Highways, streets, squares and bridges of the City, shall pay the same to the City Collector; and such rate or duty for all such persons between the ages of sixteen and twenty-one years shall be paid by the parents of such persons respectively in all cases where such parents shall retain the ordinary control and derive the ordinary services of persons within such ages, and the rate or duty of all apprentices shall be paid by their masters; but every master shall nevertheless be entitled to retain such amount out of any wages by him payable to such apprentice over and above any sum allowed for board, lodging and clothing only.

Sec. 23. Every housekeeper within the City and every master or actual employer of any apprentices, journeymen, or workmen resident therein, shall be obliged, on request made by the City Collector, to make known to him the number, names and residences of all persons living or lodging in his or her house and liable to the aforesaid rate, and of all apprentices, journeymen or workmen employed by any such master and liable to the aforesaid rate, and every such housekeeper, master or actual employer as aforesaid who shall refuse or falsely give such information shall be liable to a penalty not less than ten shillings, nor more than forty shillings, the same to be recovered, with costs of suit, on the oath of said Collector or other credible witness in the Mayor's or Police Court, and become part of the City funds.

Sec. 24. The City Council may appoint such place or places in the City for the purpose of depositing the snow and ice which accumulate in the yards or in front of the buildings of the citizens, which snow or ice shall be deposited in such manner, as the Surveyor may direct or require; persons neglecting or refusing to comply with such direction or requirement shall be subject to a penalty not exceeding five shillings for each offence.

Sec. 25. The respective streets of the City shall retain their present names, till otherwise ordered or directed.

Sec. 26. The Surveyor and Police Constables under the direction of the Mayor or presiding Councillor shall prevent persons placing vessels, boats, timber, scantling or other articles in the continuations of the streets which form public openings to the rivers without license, and any person guilty of placing any such nuisance or impediment in said openings shall subject themselves to a fine not exceeding twenty shillings, and to a like sum for every day they continue such nuisance or impediment.

Sec. 27. In the event of any person who shall be fined or sued under this law, neglecting or refusing to pay such fine or judgment with costs, warrant of distress shall issue, and the imprisonment shall not exceed sixty days.

Witness my hand and the seal of the City, this 25th day of April, 1856.

William B. Wells, City Clerk.

Stallion Horse "Prince Edward"

WILL sell this horse for the season at his Stable, Cymrin Lodge, Rustico, except the following days, viz: 6th and 20th May; 3d and 17th June, 1st and 15th July, when he will be travelling to Charlottetown, where it is intended he will be on Wednesday 7th and 21st of May; 4th and 18th June; and 1st and 15th July. And will travel back to his Stable on the Thursday following, viz: 12th and 26th May; 10th and 24th June, and 3rd and 17th July. Twenty shillings for the season; horses can be accommodated with passage at Cymrin Lodge at 2s. 6d. per week, for the season. W. HODGES, Cymrin Lodge, Rustico, 30th April, 1856.

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