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ANNO QUARTO

**GULIELMI IV. REGIS.**

**CAP. I.**

*An ACT for Granting to His Majesty certain Duties on all Wines, and on all Brandy, Rum, Gin, and other Spiritous Liquors, imported into this Island and its Dependencies.*

[22d July, 1833.]

MAY IT PLEASE YOUR EXCELLENCY ;

**W**E His Majesty's dutiful and loyal Subjects the Commons of His Majesty's Island of Newfoundland, (towards raising a Revenue for defraying the Public Expenses of His Majesty's Government in this Island and its Dependencies,) have freely resolved to give and grant unto His Majesty the Duties hereinafter mentioned, and do therefore humbly beseech Your Excellency that it may be enacted, and *Be it Enacted*, by the Governor, Council, and Assembly, in Colonial Parliament convened, that there shall be raised, levied, collected and paid to His Majesty, his heirs and successors, on all Wines, and on all Brandy, Gin, Rum, and other Spiritous Liquors, which shall or may after the passing of this Act be imported or brought into this Island of Newfoundland or its Dependencies, the several Duties set forth in figures in the Table hereinafter contained, and denominated

Preamble.

Table of Duties ;

*A Table of Duties payable upon all Wines, and upon all Brandy, Rum, Gin, and all Spiritous Liquors, the manufacture of the United Kingdom or of any of His Majesty's Colonies or Possessions.*

INWARDS.	DUTIES.	DRAWBACK.
WINE; videlicet—		
Champagne, Burgundy, Claret, Hock, and all Wines not otherwise enumerated, described, or charged with duty, the value of which in this market (exclusive of the duty hereby imposed thereon) shall exceed the sum of Eight Shillings Sterling per gallon, the Gallon....	0 1 6	0 1 6
Port, Madeira, Sherry, and all other Wines the value of which as aforesaid shall exceed the sum of Five Shillings Sterling per gallon, the Gallon....	0 1 0	0 1 0
Fayal Madeira, Bronte Madeira, Marsala, Malaga Sherry, Figueira Port, Teneriffe, and all other Wines the value of which as aforesaid shall exceed the sum of Two Shillings and Six Pence Sterling per gallon, the Gallon....	0 0 9	0 0 9
Catalonia, Benecarlo, Common Fayal, Cargo Claret, and all other Wines, the value of which as aforesaid shall not exceed the sum of Two Shillings and Sixpence Sterling per gallon, the Gallon....	0 0 6	0 0 6
SPIRITS; videlicet—		
Brandy, Rum, Gin, and all Spiritous Liquors the manufacture of the United Kingdom or of any of His Majesty's Colonies or Possessions, the Gallon....	0 0 6	0 0 6

To be paid to the Collectors of the Customs ;

ALL which duties shall be paid by the Importer or Importers of such articles to the Collector of His Majesty's Customs, or his Sub-Collectors at the Out-Ports of this Island, and shall be collected and secured by the means and under the Regulations and Penalties, and shall be drawn back on exportation, in the way and manner hereinafter provided.

and to be in addition to those already levied.

II.—*And be it further enacted*, that the said duties shall be raised, levied, and exacted on all such Wines, and all such Brandy, Gin, Rum, and other Spiritous Liquors, over and above and in addition to the duty or duties now raised, levied and collected on the same articles under and by virtue of an Act of the Imperial Parliament passed in the Sixth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the Trade of the British Possessions abroad," and over and above and in addition to any duty or duties now raised, levied or collected on the same under or by virtue of any other Act or Acts of the Imperial Parliament; and that nothing in this Act contained shall reduce or lessen, or be construed to reduce or lessen, the amount of any such duty or duties now received or receiveable under the said Acts of the Imperial Parliament, or any of them.

To be paid in Sterling.

III.—*And be it further enacted*, that all sums of money granted or imposed by this Act, either as duties, penalties, or forfeitures, shall be deemed, and are hereby declared to be Sterling Money of Great Britain, and that all such duties shall be paid and received according to British Weights and Measures, as required and prescribed by the said Act of the Sixth George the Fourth, Chapter One Hundred and Fourteen; and that in all cases where such duties are imposed according to any

specific quantity, or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

IV.—*And be it further enacted*, that the produce of the duties received by the means and powers of this Act, shall be accounted for and paid quarterly, by the Collector of His Majesty's Customs, or other Collector or Receiver of the same, into the hands of the Treasurer or Receiver General of this Island, or other proper Officer authorized to receive the same, to be applied to such uses as shall be directed by the Local Legislature of this Island of Newfoundland.

V.—*And be it further enacted*, that all Ships and Vessels arriving at any Port, Harbour, Roadstead, or Cove, in the Island of Newfoundland or its Dependencies, having on board any Wines, Brandy, Gin, Rum, or other Spiritous Liquors, and the Masters, Owners, Consignees and Importers of the same, respectively, shall be under and subject and liable to the same Rules, Regulations, Forms and Restrictions as are expressed and contained in an Act passed in the Imperial Parliament in the Sixth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the Trade of the British Possessions abroad," in respect to the Report and Entry of such Vessels and their Cargoes with the Collector of His Majesty's Customs or the Sub-Collectors as aforesaid, both Inwards and Outwards, the Entry of Goods comprising any of the said enumerated Articles, to be laden or unladen, the payment of all Duties and Dues the Entry Inwards of such Goods by Bill of Sight, the Regulations made and provided in case the Importer of any Goods subject to Duty under this Act refuse to Enter the same and pay the Duties thereon, the validity of any Entry made, the mode and manner of Warehousing Goods without payment of Duty on the first Entry thereof, and the Rules in reference thereto, the mode of giving Bond on the Entry of Goods to be Warehoused, the Fines, Penalties, and Forfeitures imposed or incurred on a breach of any and of all such Regulations, the mode and manner of prosecuting for and recovering any such Penalties or Forfeitures, and all Enactments, Rules and Regulations contained in the said Act of the Imperial Parliament, all which shall be in full force and operation, and shall be used and applied to fulfil the intents and purposes of this Act so far as the same are applicable to this Island and its Dependencies, and not repugnant to any of the Provisions of this Act, as fully and absolutely, to all intents and purposes, as if the same were fully detailed, contained and re-enacted herein: *Provided nevertheless* that the said Imperial Act shall not extend to annul, restrain, or restrict, or be deemed to extend to annul, restrain or restrict the operation and effect of any of the sections, clauses or provisions of this Act, in reference to the Colonial or Provincial Duties imposed, or to the Drawbacks allowed, on any of the said enumerated articles, the Rules or Regulations under which the same are prescribed to be collected or granted, or the fines, forfeitures and penalties herein imposed, any thing herein contained to the contrary thereof notwithstanding.

VI.—*And be it further enacted*, that in all cases of Goods entered, whether for Duty or to be Warehoused, and chargeable to pay Provincial Duty according to the number, measure or weight thereof, such number, measure or weight shall be stated in the Entry, and if the Goods in such Entry be charged to pay Duty according to the value thereof, such value shall be stated in the Entry, and shall be affirmed by the declarations of the Importer or his known Agent, written upon the Entry and attested by his Signature; and if any Person make such declaration, not being the Importer or Proprietor of such Goods, nor his Agent, duly authorized by him, such Person shall forfeit the sum of

Collector of Customs to pay duties Quarterly to Treasurer.

Vessels with Wine and Spirits, and Masters & Owners, subject to the same regulations &c. as are contained in an Act passed in the 6th of Geo. 4th.

Value of Goods charged with duty to be stated in the entry.

£100; and such declaration shall be made in manner and form following, and shall be binding on the Person by or in behalf of whom the same shall be made (that is to say)

I, A. B., do hereby declare that the articles mentioned in the Entry abovementioned, and contained in the packages therein specified, are of the value of            Pounds            Shillings and            Pence Sterling, and that I do now tender the same for all duties.

Witness my hand the            day of            One Thousand  
Eight Hundred and Thirty

A. B.

The above Declaration signed the  
day of

A. D. 183            in the presence of  
C. D. (Collector)

Articles not properly valued may be taken and disposed of for the use of the Crown.

VII.—*And be it further enacted*, that if, upon examination, it shall appear to the Collector of His Majesty's Customs, or other person authorized to collect the Provincial Revenue, Landing Waiter, or Guager, that such articles are not valued according to the true value thereof, it shall be lawful for such Collector, or other Person as aforesaid, to detain and secure such articles, and within Three Days from the landing thereof to take such articles for the use of the Crown; and if a different rate of duty shall be charged upon any of the said enumerated articles, according as the value of the same shall be described in the Entry to be above or to be below any particular price or sum, and such articles shall be entered so as to be liable to the lower rate of duty, and it shall appear to the said Collector, or other Officer as aforesaid, that such articles, by reason of their real value, are properly liable to the higher rate of duty, it shall be lawful for such Collector, or other officer as aforesaid, in like manner to take such articles for the use of the Crown, and the said Collector, or other person, shall thereupon, in any such cases, cause the amount of such valuation, with an addition of Ten Pounds per centum thereon, and also the duties paid upon such entry, to be paid to the importer or proprietor of such articles in full satisfaction for the same, and shall dispose of such articles for the benefit of the Crown, and if the produce of such sale shall exceed the sums so paid and all charges incurred by the Crown, one moiety of the overplus shall be given to the Officer or Officers who had detained and taken such articles, and the other moiety shall be paid over to the Treasurer or Receiver General of this Island, or other proper Officer authorised to receive the same, to be applied to the uses of the Colony, as the Legislature shall direct.

Disposition of produce of sale.

Governor may order Goods or Vessels seized to be restored.

VIII.—*And be it further enacted*, that in case any goods, ships, vessels, or boats, shall be seized as forfeitures, or detained as undervalued, by virtue of this Act, it shall and may be lawful for the Governor or Acting Governor of this Island to order the same to be restored, in such manner and on such terms and conditions as he shall think fit to direct, and if the Proprietor of the same shall accept the terms and conditions prescribed by the said Governor or Acting Governor, he or they shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Duties not amounting to £25, to be paid immediately—if above that sum, Bond to be taken payable at 3 & 6 months.

IX.—*And be it further enacted*, that in all cases when the duty imposed by this Act on any Wine, or on any Brandy, Gin, Rum, or other Spiritous Liquors, imported into this Island or its dependencies, shall not amount to more than Twenty Five Pounds, the Collector of His Majesty's Customs, or other person authorized to collect the

Provincial Revenues, shall forthwith collect the same before granting his warrant for the removal of the article so imported; and in case such duty shall amount to more than Twenty Five Pounds, then such Collector, or other person aforesaid, shall secure the said duties by taking Bonds from the Importer, Owner, or Consignee, to His Majesty, his heirs and successors, with two sufficient Sureties for the payment of the rates and duties hereinbefore mentioned, in manner and form following; that is to say, One-half of the said rates in Three Months, and the remainder of the same in Six Months, from the date or dates of such Bond or Bonds respectively.

X.—*And be it further enacted*, that there shall be allowed upon the Exportation of all Wines, and of all Brandy, Gin, Rum, and other Spiritous Liquors, from this Island of Newfoundland to the United Kingdom, or to any other British Possession, or to any foreign port or place, a Drawback of the full duties which shall have been paid under this Act upon the importation thereof into Newfoundland, provided proof be made to the satisfaction of the Collector of His Majesty's Customs, or other proper officer authorized to collect the Provincial Revenue in this Island, that such Wine, Brandy, Gin, Rum, or other Spiritous Liquors, respectively, had been duly imported into the United Kingdom or such other British Possession, or such foreign port or place, by a certificate under the hands of the Collector and Comptroller of the Customs at such port in the United Kingdom, or in such British Possession, or under the hand and seal of the British Consul or Vice Consul in such foreign port or place, or if there be no Consul or Vice Consul at such place, then under the hands and seals of two well-known merchants, of the actual and due landing of such Wine, Brandy, Gin, Rum, or other Spiritous Liquors, at such port in the United Kingdom, or such British Possession, or such Foreign port or place, respectively; *Provided always*, that no Drawback shall be allowed upon any of the said enumerated articles unless the same shall be exported in Boats or Vessels exceeding in burthen sixty tons registered tonnage, and be claimed within One year from the day of such shipment; *Provided nevertheless* that the aforesaid Collector, or other proper Officer, is hereby authorized to allow a further time for the production of such certificate, on reasonable cause.

*Drawback of Duties on all Wines and Spirits exported from the Island.*

XI.—*And be it further enacted*, that all and singular the Duties imposed by this Act shall attach to, and be raised, levied, and exacted, upon all or any of the above enumerated articles which may be stored or deposited in any of His Majesty's Warehouses in this Island, at the time of the passing of this Act.

*Wines & Spirits in Bond at the passing of this Act liable to duty.*

XII.—*And be it further enacted*, that there shall be paid and allowed to the Collector of His Majesty's Customs, and the other persons employed in collecting the duties imposed by this Act, the sum of Two Pounds and Ten Shillings upon every Hundred Pounds by him or them collected and paid into the Treasury of this Island, which sum shall be in full of all charges and expenses which may be incurred in collecting the same.

*Allowance to Collectors of Customs for collecting Duties.*

XIII.—*And be it further enacted*, that this Act, and every clause, matter, and thing herein contained, shall be and remain in full force and virtue for the space of One year, and from thence until the end of the then next session of the Legislature of this Island, and no longer.

*Act to remain in force for one year.*





ANNO QUARTO

# GULIELMI IV. REGIS.

## CAP. II.

*An ACT to amend an Act of the General Assembly, entitled "An Act to regulate the Streets of the Town of Harbour Grace."*

[1st August, 1833.]

**W**HEREAS it is deemed expedient to repeal part of a certain Act passed in the last Session of the General Assembly of this Island, entitled "An Act to regulate the Streets of the Town of Harbour-Grace," and to confirm the Plan and Opening of certain Fire-Breaks as laid down by the Commissioners in the Year of our Lord One thousand eight hundred and thirty-two: *Be it therefore enacted*, by the Governor, Council and Assembly, that the said Act, so far as it relates to the appointment of Commissioners for the opening of any New Street or any Fire Breaks, and so far as the said Act relates to the width of the Lower or Main Street of Harbour Grace aforesaid, or allows the same to be limited to a narrower extent than Fifty Feet across the same in every part thereof, and also the whole of the Third Section of the said recited Act, shall be and the same is hereby repealed.

Preamble.

Act of last Session in part repealed.

**II.**—*And be it further enacted*, that the Cross Streets or Fire Breaks of the said Town of Harbour Grace, as well as the Main Street of the said Town, shall be and remain according to the line and plan and metes and bounds laid down by Messieurs Pack, Lilly, Kough, Ridley and Anderson, the Commissioners or Persons appointed for that purpose in the Year of our Lord One thousand eight hundred and thirty-two, and who are named in the aforesaid recited Act.

Streets to be as laid out by Commissioners appointed in 1832.

**III.**—*And be it further enacted*, that the said Lower or Main Street of Harbour Grace shall be Fifty Feet in width in every part, and that a line of Thirty Feet be drawn towards the Sea from William Innot's House, thence from the South point of that line Eastward until it joins the South line of Road as laid down by the aforesaid Commissioners in

Width of Streets.

the year of our Lord One thousand eight hundred and thirty-two, at the East side of the Dwelling-House of Peter Brown, Esquire, and from the South point of the line opposite William Innott's House Westward to the South point of a line drawn in a direction toward the Sea of Thirty Feet from the South-West corner of the present Dwelling-House of Thorne, Hooper, and Company; and all Erections and Buildings of every description which shall or may hereafter be built in the said Street, on the North side, shall conform to Fifty Feet North from the said line, and all Buildings and Erections of every description which shall be built on the Water-side of the said Street shall conform to the said line, as the same is hereby laid down and prescribed, and so far as the same extends.

Commissioners to be appointed at a meeting of Household-ers, &c;

who may remunerate persons for loss of property.

Notice of meeting to be published.

Commissioners authorized to mark out a new Street, 40 feet wide.

Cross Streets;

to be 60 feet wide.

IV.—*And be it further enacted*, that for the making of any additional Fire Breaks that may be required in the said Town, and also for laying down the line of a new Street, and forming the same to run in a parallel course, as near as may be, with the aforesaid Main Street of Harbour-Grace, and for remunerating all Persons who may sustain loss of Property by reason of the formation of the said Fire Breaks already marked out and planned as aforesaid, or which shall by virtue of this Act be marked out and formed, or of the said intended New Street, it shall and may be lawful for the Chief Magistrate at Harbour-Grace for the time being, on the application or requisition of Twelve or more Household-ers of the said Town, and on due notification of the time and place of meeting in the Royal Gazette and in the Conception Bay Mercury, to convene a Public Meeting of the Proprietors of Lands and Houses, or their lawful Attornies, and of the Household-ers of the said Town, to assemble at such time and place as the Chief Magistrate may notify and appoint, and then and there to choose Eight Persons, Four of whom are to be chosen by the Proprietors, or the majority of the Proprietors, of such portions of Ground as have been, or may be, necessary for the purposes of making and widening the said Fire Breaks and Streets, or either of them, and the remaining Four by the Proprietors of Houses, Tenements and Ground lying and being at Harbour-Grace, between Bear's Cove Brook and Ship's Head, and the Household-ers or Tenants residing within the same limits, or the majority of them, the said Proprietors and Household-ers who shall be present at the said intended Meeting; and which Eight Persons so chosen and elected shall have power to choose a Ninth Person as Umpire; and such Nine Persons shall thereupon, after being duly sworn in such behalf before the Chief Magistrate of the said Town, be Commissioners of Roads and Appraisers, and such Commissioners and Appraisers, or a majority of them, are hereby authorized to mark out the line and extent of, and to form, at their discretion, if they think proper, a New Street at Harbour Grace aforesaid, to be Forty Feet wide, and to run and extend from the Harbour-Grace and Carbonear New Road to Ship's Head, at a convenient distance from, and as nearly parallel as may be with, the Main or Lower Street at Harbour-Grace aforesaid; and also to mark out and make and form to the Westward of the Western Fire-Break marked and pointed out by the aforesaid Commissioners in the year of our Lord One thousand eight hundred and thirty-two, such and so many Cross Streets or Open Spaces, to serve as Fire Breaks, as the said Commissioners and Appraisers, or a majority of them, shall think or deem proper; and such Cross Streets shall be at least Sixty Feet wide, and shall intersect the said Main Street and intended New Street, as nearly as may be, at right angles, and extend into the Harbour of Harbour Grace; and the said Commissioners and Appraisers, or a majority of them,

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are hereby authorized to take and appropriate all such Ground as may be required to form the said Streets and Fire Breaks, and also to grant to the Owner or Owners of the Ground so to be taken and appropriated, such reasonable Compensation for the same as they shall think or deem proper, under the terms and limitations in the said recited Act prescribed; and the said Commissioners so to be chosen and appointed shall have and exercise all the power and authority given to and conferred on, or intended to be given to or conferred on, the Commissioners appointed under the said recited Act; and all Rates and Assessments authorized or required by the said Commissioners shall be raised, levied and collected in the manner prescribed by the said Act.

Commissioners authorised to take ground and grant compensation.

Rates and Assessments.

V.—*Provided always, and be it further enacted, that nothing in this or the said recited Act contained, shall extend or be construed to extend to require the removal of any Dwelling-House, Store or Building erected previous to the Twenty-seventh day of August in the year of our Lord One thousand eight hundred and thirty-two.*

No building erected previous to the 27th August, 1832, to be removed.

VI.—*And be it further enacted, that all the power and authority conferred or intended to be conferred by the said recited Act on the Commissioners thereby intended to be appointed, and who have been chosen and appointed under and by virtue of the same, shall be and are hereby annulled and repealed; and from and after the passing of this Act such appointment of the said Commissioners shall be deemed to have utterly ceased and determined to all intents and purposes: Provided nevertheless, that the said Commissioners, or any of them, shall not be liable to, or chargeable by, any Suit or Action whatsoever, for any lawful Act, deed or thing done or committed by them or any of them, while in the due execution of his or their duties as such Commissioner or Commissioners as aforesaid.*

Authority of Commissioners under former Act annulled.





ANNO QUARTO

## GULIELMI IV. REGIS.

### CAP. III.

#### *An ACT to regulate the Building of Houses in Water-Street in the Town of Saint John's.*

[1st August, 1833.]

**W**HEREAS the Town of Saint John's, in this Island, hath been repeatedly visited by great and destructive Fires, the ravages of which have been much extended owing to the Houses and Buildings in the said Town being principally constructed of Wood: And whereas it will greatly contribute to the future safety of the said Town, and to the security of the lives and property of His Majesty's Subjects therein, if regulations be made for the building of all future Houses and Erections on the South or Water side of the Main Street of the said Town called Water-street, and certain other Houses and Erections on the North side of the said Street, by requiring all such Houses and Erections in the said Street to be built of Stone or Brick, and be covered with Slates, Tiles, Iron or Tin, or other incombustible material: *Be it therefore enacted*, by the Governor, Council and Assembly, in Colonial Parliament assembled, that all Houses, Stores, Buildings, and Erections whatsoever, which shall or may, at any time or times hereafter, be raised, built or erected in any part of the said Street called Water Street, in the said Town of Saint John's, comprehending both sides of the said Street, and extending thence to the Harbour of Saint John's, shall, with such exceptions as are hereinafter provided and contained, be built, made and erected entirely of Stone or Bricks, and be covered or roofed with Slates, Tiles, Iron or Tin;—*Provided always*, that all Houses, Stores, Buildings and Erections whatsoever, which may have been erected or commenced in any part of the said Street, from and after the Seventh day of July in this present year, shall be made to conform to the provisions of this Act.

Preamble.

Houses, &c. in Water Street, with certain exceptions, to be built of Stone or Brick—

from the 7th July, 1833.

II.—*And be it further enacted*, that it shall and may be lawful to build and erect, on the North side of the said Street, Houses, Stores or Buildings of Wood, save and except all Houses, Stores or Buildings of

Houses may be built of Wood on the North Side of Water Street.

Exceptions.

any description which shall or may face, front, or border upon a Fire-Break, which latter Houses, Stores or Buildings shall be built and constructed entirely of Stone or Brick, and be covered with Slates, Tiles, Iron or Tin, or other incombustible material, and the Doors and Windows of which shall be provided with Iron Shutters.

Buildings may be erected of wood South of the line of Water-Street—

if not within 40 feet of the line of stone buildings—

but to be covered with Slates or other incombustible material.

III.—*And be it further enacted*, that it shall and may be lawful to build and erect on the Water side, South of the line of the said Street, Stores and Buildings of Wood for the purpose of containing Fish and Supplies for the Fisheries, provided such Stores or Buildings be not erected within Forty Feet of the line of Stone Buildings on the South side of the said Street, (which said space of Forty Feet shall be left free from any Oil Vat or other Wooden Erection whatsoever,) and that such Wooden Stores or Buildings be roofed or covered with Slates, Tiles, Iron or Tin, or other incombustible material, and have no Stoves, Fire-places or Fires, contained or used within the same, and provided also that the ends of all such Buildings or Stores which may front or present themselves to Fire-Breaks, shall be built of Stone or Bricks, or be covered with Iron or Tin.

Doors, Windows, Roof, &c. of certain Buildings to be covered with Iron or Tin.

IV.—*And be it further enacted*, that all Doors and Windows of such Stone or Brick Houses or Buildings aforesaid, which may front or face any Wooden Stores, and also all Doors and Windows of such Stone or Brick Buildings and Wooden Stores which may front or face any Fire-Break, shall be covered with Iron or Tin, or have Iron Shutters to the same; and that the Ends and Roofs of all Wooden Houses and Stores whatsoever, already erected on or adjoining Water-Street, and which face the present Fire-Breaks, shall be covered with Sheet Iron or Tin, unless the Buildings on the opposite side of such Fire-Break shall be of Stone or Brick,—the expense of which shall be borne by the Landlords and Tenants of all Premises between the said Fire-Breaks, in proportion to their respective interests therein, to be determined by Five Arbitrators, Two of whom shall be chosen by the Landlords or their Agents, and Two by the Tenants, which said Four Arbitrators shall choose a Fifth, and these Five so chosen shall proceed forthwith to appraise and value the respective interests of the said Parties, in order to ascertain the portion of expense to be paid by each.

Water Street to be 50 feet wide.

V.—*And be it further enacted*, that the said Street called Water-Street shall be left clear of all Buildings and Erections full Fifty Feet wide in every part thereof, save and except such part or parts of the said Street as are permitted to be of less width by any Act or Acts of the Imperial Parliament.

Persons infringing this Act guilty of a Misdemeanor, and subject to fine.

VI.—*And be it further enacted*, that all and every Person and Persons who shall break or infringe the provisions of this Act, shall be deemed to be guilty of a Misdemeanor, and on due conviction of the same shall incur such Fine or Forfeiture, not exceeding the sum of Twenty Pounds lawful money of Great Britain, as the Supreme or Circuit Court shall award; and all Buildings and Erections which shall hereafter be built in contravention of the enactments or provisions herein contained, shall be deemed to be Public Nuisances.

Erections made in contravention of it, declared to be Public Nuisances.

VII.—*And be it further enacted*, that in the several lines or blocks of Wooden Houses which may hereafter be erected and built on the North side of Water-Street aforesaid, there shall be erected, at intervening distances of not more than Two Hundred Feet, Party Walls of Stone or Brick, of not less than Two Feet and Eight Inches in thickness, and projecting in front and rear at least Nine Inches beyond the line of the adjoining Houses and Buildings; and that no Wooden

Party Walls.

Buildings or Erections whatsoever shall be erected or constructed in the rear of the Buildings on the North side of Water-Street aforesaid, within Twenty-five feet of any of the said Party Walls, the expense of the erection of which shall be borne by the Landlords and Tenants of all Premises within the several Blocks in which the same may be built and erected, in proportion to their respective interests therein, to be determined by Five Arbitrators, Two of whom shall be chosen by the Landlords or their Agents and Two by the Tenants, which said Four Arbitrators shall choose a Fifth, and these Five so chosen shall proceed forthwith to appraise and value the respective interests of the Parties therein, in order to ascertain the portion of expense to be paid by each; and the several proportions of the Costs of the erection of the said Party Walls shall be paid by the said Landlords and Tenants respectively upon the award and certificate of the said Arbitrators, by an order under the hands and seals of Two or more of His Majesty's Justices of the Peace for the District of Saint John's, in Sessions.

No wooden building to be erected within 25 feet of party wall.

Expense of party wall—by whom to be paid.

Arbitrators.





ANNO QUARTO

# GULIELMI IV. REGIS.

## CAP. IV.

*An ACT to prevent dangerous quantities of Gunpowder being kept within the Town of Carbonear.*

[1st August, 1833.]

**W**HEREAS large quantities of Gunpowder are now kept within the Town of Carbonear, in this Island, to the great danger of the lives and fortunes of His Majesty's subjects: *Be it therefore enacted*, by the Governor, Council and Assembly, that from and after the expiration of ten days next ensuing the passing and publication of this Act, no person or persons shall have or keep more than Twenty-five Pounds weight of Gunpowder in any House, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building, occupied or used by the same person or persons in the Town of Carbonear, (all Buildings and Places adjoining each other and occupied together being to be deemed One House or Place within the meaning of this Act,) save and except in certain Magazines situate near the said Town, belonging to Gosse, Pack and Fryer, Slade, Elson and Company, and Thomas Chancey and Company, or in such other Public Magazine as may hereafter be erected and built by the Inhabitants of Carbonear, for the use of the Public of the said Town, for the safe storing of Gunpowder.

Preamble:

Not more than 25lbs of Gunpowder to be kept in any House, Store, &c.;

11.—*And be it further enacted*, that not more than Twenty-five Pounds weight of Gunpowder shall be kept, at any one time, in any Ship, Boat, or other Vessel, in the Harbour of Carbonear, longer than Twenty-four hours after such Ship, Boat or other Vessel, shall have come alongside of any other Ship, Brig, Schooner, or other Vessel, or shall have been anchored; moored or stationed within any distance less than Fifty Fathoms from any Wharf or other Building: *Provided always*, that this Act shall not extend, nor be construed to extend, to any Ship or Vessel of War, belonging to His Majesty, his Heirs or Successors, or to any Ship or other Vessel employed in the Public Service of the Government.

or in any Vessel, &c: longer than 24 hours after coming alongside a Wharf, Ship, &c.

Justices of the Peace and Constables to have the same power and authority as is given to Justices of the Peace at Saint John's under a certain Act.

Persons infringing this Act subject to fines, penalties, &c.

Magazines.

Rates for Storing Gunpowder in the Magazines.

Fines and Forfeitures;

their distribution.

Extent of Carbonear defined.

III.—*And be it further enacted*, that all Justices of the Peace and Constables shall and may have and exercise such and the like jurisdiction, power and authority, right and privilege, to support, maintain and preserve the provisions of this Act, and to punish Offenders herein, as are provided, given and granted within the Town of Saint John's to Justices of the Peace and Constables, respectively, residing in the said Town, in and by a certain Act passed in the General Assembly of this Island in the third year of His present Majesty's Reign, entitled "An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Saint John's;" and all persons breaking, infringing or offending against all or any of the Provisions of this Act, shall be subject to the same liabilities, disabilities, fines, penalties and costs, as are in the said Act expressed or contained of and concerning persons breaking, infringing or offending against the provisions of the said recited Act.

IV.—*And whereas* the before-mentioned Owners and Proprietors of the aforesaid Magazines situate in the vicinity of the said Town of Carbonear, have expressed their readiness to receive and keep in such Magazines, to the use of the Public, and for the purposes of this Act, all such Gunpowder as may, under the Provisions herein contained, be delivered at the said Magazines (not exceeding such quantity as their space respectively will contain), and to receive and accept such allowance for the keeping and storage of Gunpowder therein as shall be established by Law: *Be it further enacted*, that for all Gunpowder stored or placed in either of the said Magazines, and taken out of the same within One Year, the following rates and prices shall be paid, that is to say, for every Barrel One Shilling and Sixpence, for every Half Barrel Ten Pence, and for every Quarter Barrel Eight Pence, of lawful Current Money of this Island; and if such Gunpowder shall be stored in the said Magazine or Magazines for any greater time than One Year, then there shall be paid for every Hundred Pounds weight of the same, at and after the rate of One Shilling and Sixpence Current Money of this Island per annum: *Provided always*, that the Proprietors of the said Magazine or Magazines shall be, and they are hereby obliged and required to receive all such Gunpowder as shall be offered to be stored or deposited in the said Magazines, not exceeding such quantity as their space respectively may contain.

V.—*And be it further enacted*, that all fines and forfeitures which may be incurred under this Act, shall and may be sued for and recovered by Complaint or Information of any Constable or other Person in any Court of Sessions or Court of Record within this Island, together with full costs, and one half of the Monies so recovered shall be paid to the Constable or other Person who shall inform and sue for the same, and the other half to His Majesty, his Heirs and Successors, to be applied for the purpose of establishing and supporting a Fire Company within the said Town of Carbonear.

VI.—*And be it further enacted*, that the said Town of Carbonear, for the purposes of this Act, shall be included and comprehended within a line extending from Crocker's Cove Point to Musquito Point, and including all Buildings erected within One Half of a Mile of high water mark on the Northern and Western sides, and within One Quarter of a Mile on the Southern side, of the Harbour of Carbonear.



ANNO QUARTO

# GULIELMI IV. REGIS.

## CAP. V.

*An ACT to amend an Act of the General Assembly of this Island, passed in the Third Year of His present Majesty's Reign, entitled "An Act to Establish and Regulate Fire Companies in the Town of Harbor-Grace."*

[1st August, 1833.]

**W**HEREAS it is deemed necessary to amend a certain Act passed in the last Session of the General Assembly of this Island, entitled "An Act to establish and regulate Fire Companies in the Town of Harbor-Grace:" *Be it therefore enacted*, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that it shall and may be lawful for the Fire Wardens and Captains chosen or appointed under the said recited Act, or who shall or may hereafter be so chosen or appointed, or a majority of them, to make Rules and Regulations for the inspection of the Chimnies of all Houses in the Town of Harbor-Grace, and for obliging the Owners and Occupiers of such Houses respectively to keep their Chimnies, and Funnels, or Pipes of Stoves, in a safe condition and state of repair, and to establish Fines and Penalties to be imposed on all and every Person and Persons whomsoever whose Chimney or Chimnies, or Stove Pipe or Funnel, shall be suffered to remain in a dangerous state or condition, or which by reason of their dilapidated state, or soot accumulating therein, shall at any time or times be on fire; all which Rules and Regulations, being first approved by the Governor or Acting Governor, and published in the Royal Gazette or one of the Public Newspapers published at Harbor-Grace aforesaid, shall have the force of Law, and be as binding on all the Members of the said Fire Companies respectively, and on all Householders and others of the said Town of Harbor Grace, as though the same were specially enacted herein; and all Fines and Penalties imposed under such Rules and Regulations, shall and may be sued for and recovered by the Treasurer of either of the said Fire Companies respectively, in a summary way, before one or more Justice or Justices of the Peace, and the proceeds of all such Fines and Penalties shall be applied to the uses of the said Fire Companies.

Preamble.

Fire Wardens and Captains may make Rules and Regulations respecting Chimnies;

and establish Fines and Penalties.

Rules, &c. to be published.

Penalties—how recovered.





ANNO QUARTO

# GULIELMI IV. REGIS.

## CAP. VI.

*An ACT to annex Broad Cove, and other Places therein mentioned, to the District of Saint John's.*

[1st August, 1833.]

**W**HEREAS doubts are entertained whether the Towns or Settlements of Broad Cove and Petty Harbor, and the Islands of Belle Isle, Little Belle Isle, and Kelly's Island, in Conception Bay, are included within any one of the Districts of this Island marked out by His Majesty's Proclamation of the Twenty-sixth of July One Thousand Eight Hundred and Thirty-two: And whereas it is deemed expedient and necessary that the same should be annexed to the District of Saint John's: *Be it therefore enacted*, by the Governor, Council, and Assembly, that from and after the passing of this Act, the said Towns or Settlements of Broad Cove and Petty Harbor, and the Islands of Belle Isle, Little Belle Isle, and Kelly's Island, in Conception Bay, shall be annexed to, and be included within, and be deemed and taken to be part and parcel of, the said District of Saint John's.

Preamble.

Annexation of certain places to the District of Saint John's.