



ANNO SECUNDO

## VICTORIÆ REGINÆ.

### CAP. III.

*An ACT for Granting to Her Majesty a Supply of Money for Making and Repairing of Roads, Streets, and Bridges in this Colony, and to regulate the Expenditure of the same.*

[Passed 25th October, 1838.]

**W**HEREAS it is expedient to provide for the internal improvement of this Colony by the opening of Roads and constructing Bridges therein. Preamble.

*Be it enacted, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, that from and out of such Monies as shall from time to time be and remain in the hands of the Treasurer of this Colony, and unappropriated, there shall be granted to Her Majesty, Her Heirs and Successors, the Sum of Fourteen Thousand One Hundred and Ninety-six Pounds Sterling, for the purpose of Opening, Making, and Repairing Roads, Streets, and Highways, and for Erecting Bridges in this Colony, in the manner hereinafter provided, and under the limitations, restrictions and superintendance hereinafter prescribed, that is to say—* £14,196 appropriated for the purposes of this Act.

Within the District of *Saint John's*, the Sum of *Five Thousand Six Hundred and Forty-six Pounds*, to be appropriated and divided as follows:— District of St. John's.

Duckworth-Street, Three Hundred Pounds.  
Gower-Street, Three Hundred Pounds.  
Queen-Street, One Hundred Pounds.  
Safety-Wall in Duckworth-Street, One Hundred and Fifty Pounds.

Street at right angles with the Lower Street, commonly called McLarty's Lane, Thirty Pounds.

Street at right angles with the Lower Street, next the Custom House, Thirty Pounds.

Streets and lanes in the town of St. John's.

|                                                |                                                                                                                                                   |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                | Street at right angles with the Lower Street, opposite Mr. T. Hogan's, Forty Pounds.                                                              |
| Bellisle.                                      | To open a Road and erect Bridges from Lance Cove, in Bell Isle, to Bell Isle Beach, One Hundred Pounds.                                           |
| —                                              | Street from the Episcopal Church to the Orphan School, Fifty Pounds.                                                                              |
| Repairs of certain Streets, &c. in St. John's. | Custom House Hill, Thirty-five Pounds.<br>Cochrane-Street, Forty Pounds.<br>Boden's Cove Wharf, Sixty Pounds.                                     |
| —                                              | For a Road from the Brook beyond Mr. Emerson's gateway to Outer Cove, Three Hundred Pounds.                                                       |
| Outer Cove.                                    | For a Road from Logy Bay to meet the Road from Saint John's to Outer Cove, Seventy-five Pounds.                                                   |
| Logy Bay.                                      | For a Road from the White Hills to meet the Outer Cove Road, Seventy Pounds.                                                                      |
| White Hills.                                   | For a Road from Portugal Cove Road to Broad Cove, One Hundred Pounds.                                                                             |
| Broad Cove.                                    | For a Road from the Bay of Bulls to Petty Harbor, Three Hundred Pounds.                                                                           |
| Bay of Bulls.                                  | For a Road from Blockmaker's Hall to the South River, Eighty Pounds.                                                                              |
| Blockmaker's Hall.                             | For the Road from Upper Long Pond Bridge, to meet the Road leading by Rennie's Mill, Sixty Pounds.                                                |
| Upper Long Pond.                               | For a Road leading from Purcell's Marsh, on the Old Placentia line, to the interior, Eighty Pounds.                                               |
| Purcell's Marsh.                               | For a Road from the Outer Cove Road to Torbay, Two Hundred Pounds.                                                                                |
| Outer Cove to Torbay.                          | For a Road from the Grove Road to the White Hills, commencing at Thomas Martin's gate, crossing the River at Kearney's House, One Hundred Pounds. |
| White Hills.                                   | For a Road from Fresh Water new Bridge to Wigmore's Gulley, Eighty Pounds.                                                                        |
| Wigmore's Gully.                               | For a Road from Brine's Bridge to Walsh's Farm, to meet the Portugal Cove Road, Fifty Pounds.                                                     |
| Friendly Hall Road.                            | For a Road from Fort William to the King's Bridge, One Hundred Pounds.                                                                            |
| Road to King's Bridge.                         | For a Road from St. John's to Quidi Vidi, along the South Side of the Pond, One Hundred Pounds.                                                   |
| South Side of Quidi Vidi.                      | For a Road leading from the Wigmore's Gulley to the Old Topsail Road, Fifty Pounds.                                                               |
| Wigmore's Gulley to the Old Topsail Road.      | For a Road from James Dun's gate, at Monday's Pond, to George's Pond, Eighty Pounds.                                                              |
| Monday's Pond to George's Pond.                | For a Road from Flat Rock to Pouch Cove, One Hundred Pounds.                                                                                      |
| Flat Rock to Pouch Cove.                       | For a Road from the Barrens to Newtown, and onwards, Seventy Pounds.                                                                              |
| Newtown.                                       | For a Road from the head of Upper Long Pond to the Three Ponds in that direction, Fifty Pounds.                                                   |
| Upper Long Pond to Three Ponds.                | For a Road from the Bridge at Maggotty Cove, toward the Ordnance Boundary Line at Signal Hill, Fifty Pounds.                                      |
| Signal Hill Road.                              | For a Road from the King's Bridge to Portugal Cove, One Hundred Pounds.                                                                           |
| Portugal Cove Road.                            | For a Road from the Seventh Mile Post on the Topsail line, to Topsail and Holyrood, Seven Hundred Pounds.                                         |
| Topsail Road.                                  | For a Road from the Petty Harbor Branch Road to Bay of Bulls, Five Hundred Pounds.                                                                |
| Petty Harbour Branch Road.                     |                                                                                                                                                   |

For Cleaning and keeping in Repair the various Roads and Streets in and about the Town of Saint John's, One Hundred Pounds. Streets in St. John's.

For defraying the Outstanding Debts due by the Commissioners of Roads for the District of Saint John's, on Waterford Bridge, Upper Long Pond Road by Allen's Farm, the King's Road and the Safety Wall in Duckworth Street, Four Hundred and Sixty-six Pounds Twelve Shillings and Eleven Pence. Waterford Bridge.  
Allen's Bridge.  
Safety Wall in  
Duckworth Street.

This sum, paid the Commissioners of Roads for the District of Saint John's by His Excellency the Governor, on Memorial of the House of Assembly, Fifty Pounds. Commissioners of  
Roads.

To enable James Cuddihy to complete his Contract on the King's Road and Water Street, Two Hundred and Fifty Pounds. King's Road and  
Water Street.

James Douglas, Chairman of the Board of Road Commissioners for the District of Saint John's, for last year's Services, One Hundred and Fifty Pounds. Chairman of Road  
Commissioners.

To be expended in the District of Conception Bay, the Sum of *Four Thousand Five Hundred Pounds*, that is to say— District of Concep-  
tion Bay.

The Town of Harbor Grace, Five Hundred Pounds, as follows:—

The South Side of Harbour Grace, One Hundred Pounds.

From the River-Head to Messrs. Thorne, Hooper & Co's., provided the Road be made Thirty feet wide, Two Hundred Pounds.

From Messrs. Thorne, Hooper & Co's. to Bear's Cove, One Hundred and Fifty Pounds.

For a Stone Bridge over Samson's Brook, Fifty Pounds.

For Roads and Bridges at Bay Roberts, One Hundred Pounds.

Town of Port-de-Grave, One Hundred Pounds.

From the River-Head of Harbor-Grace to Island Cove and Bread-and-Cheese Cove, One Hundred Pounds.

From Harbor-Grace to Carbonear, One Hundred Pounds.

From Carbonear to Grate's Cove, Fourteen Hundred Pounds.

From the River Head of Harbor-Grace to Spaniards' Bay, Three Hundred Pounds.

From Spaniard's Bay to Brigus, Four Hundred Pounds.

From Brigus to Holyrood, being the line already laid down, One Thousand Pounds.

From the New Road to Carbonear, through Musquito Valley, to Musquito, One Hundred Pounds.

For the Town of Carbonear, the South Side included, Four Hundred Pounds, as follows:—

Street of Carbonear, One Hundred Pounds.

Cullen's Brook, Seventy-Five Pounds.

Drain from Bunker's Hill to the Methodist Chapel, in the rear of the Town, Seventy-Five Pounds.

For a Drain across the Street at Slade, Biddle & Co's Premises, extending to the Middle Street, Seventy-Five Pounds.

For a Road at the South Side of Carbonear, extending from Powell's Brook to John Buckingham's, Fifty Pounds.

For a Bridge over Pin's Beach Brook, Twenty-Five Pounds.

Ferryland.

To be expended in the District of *Ferryland*, *One Thousand Two Hundred Pounds*, to be appropriated and divided as follows :

From Bay Bulls to Cape Broyle, Six Hundred Pounds.

From Cape Broyle, through Caplin Bay, to Cornfield, near Ferryland, Two Hundred and Twenty Pounds.

From Cornfield, through the Town of Ferryland, to Quarry River, One Hundred Pounds.

For a Bridge over Quarry River, Twenty Pounds.

From Quarry River to Aquafort, Fifty Pounds.

From Aquafort to Fermeuse, for a Main and Branch Road, One Hundred and Sixty Pounds.

From Fermeuse to Renew's, Fifty Pounds.

Bonavista.

To be expended in the District of *Bonavista Bay*, the Sum of *Three Hundred Pounds*.

For a Road from Bonavista to Catalina, Three Hundred Pounds.

Trinity.

To be expended in the District of *Trinity Bay*, the Sum of *Five Hundred and Eighty Pounds* :—

For a Road from Old Perlican to Hants' Harbor, One Hundred and Fifty Pounds.

For Building a Bridge over Seal Cove Brook, Fifty Pounds.

For a Road from Hants' Harbor to Heart's Content, One Hundred Pounds.

For a Bridge in New Perlican, One Hundred Pounds.

For a Road from Heart's Content to Heart's Delight, One Hundred Pounds.

For Building a Bridge over Heart's Delight River, Eighty Pounds.

Placentia and Saint Mary's.

To be expended in the District of Placentia and Saint Mary's, the Sum of *Seven Hundred Pounds*, as follows :—

For opening a Road and erecting a Bridge over Biscay Bay River, on the Coxe's Hill Path, Three Hundred and Fifty Pounds.

From St. Mary's to Holyrood Pond, to continue the Road commenced last Year, Two Hundred and Fifty Pounds.

For the Road from Great to Little Placentia, One Hundred Pounds.

Burin.

To be expended in the District of Burin, the Sum of *Four Hundred Pounds*, as follows :—

For a Road from Butcher's Cove to Bull Cove, Fifty Pounds.

For the Road from Dick's Pond to Path End, Fifty Pounds.

To continue the Road from Kerby's Cove to Ship's Cove, Fifty Pounds.

For the Road from the Chapel to Ship's Cove, Fifty Pounds.

For a Road from Olive Point to Great Burin, Forty Pounds.

For a Bridge across the Gut at Dick's Pond, Thirty Pounds.

For a Bridge at River Head of Great St. Lawrence, Ten Pounds.

For Building a Bridge at Butcher's Cove, Twenty Pounds.

For the Road from Grand Bank to Fortune, One Hundred Pounds.

To be expended in the Islands of Twillingate and Fogo, *Two Hundred Pounds*, to be expended as follows:— Twillingate and Fogo.

To improve the Roads in the Settlement of Twillingate, *One Hundred Pounds*.

To improve the line of Road between Tilton Harbor and Fogo, round Joe Bat's Arm, *One Hundred Pounds*.

To erect Prescott Bridge over New Harbor River, *One Hundred Pounds*. Prescott Bridge.

To continue the line of Road between Spaniards' Bay and Dildo Cove, *One Hundred Pounds*. Spaniards' Bay to Dildo Cove.

For the Road from Carbonear to Heart's Content, *Four Hundred and Twenty Pounds*. Carbonear to Heart's Content.

II.—*And be it further enacted*, that the following persons respectively shall form and be Boards of Commissioners for the several Districts and portions of Districts, and the several Roads and Bridges hereinafter expressed, respectively, that is to say— Boards of Commissioners for the purposes of this Act.

The Board of Commissioners for the Roads and Bridges within the District of *Saint John's*, shall consist of the following Persons— St. John's.  
that is to say—

- Joseph Noad
- Charles Fox Bennett
- Robert Job
- John Dunscomb
- Patrick Doyle
- John Kent
- Patrick Kough
- Nicholas Gill
- Venerable Archdeacon Wix
- William Hart Gaden
- Patrick Mallowney
- James Douglas
- Reverend Edward Troy
- John Harding
- John O'Mara
- Lawrence O'Brien
- Patrick Morris
- Walter Grieve
- Patrick L. Power;

For Roads and Bridges from *Holyrood to Brigus*— Holyrood to Brigus.

- Reverend Dennis Mackin
- Robert Brown
- John Burne
- Patrick Strapp
- John Murphy, Chapels' Cove
- Reverend Patrick Ward } Harbor Main;
- Peter Ezikel }

For Roads from *Brigus to Spaniards' Bay*— Brigus to Spaniards' Bay.

- Walter Whelan
- William Donnelly, Spaniard's Bay
- Nicholas Mulloy, Brigus
- John Jacobs, Port-de-Grave
- Stephen O. Pack, Bay Roberts;

|                                     |                                                                                                                                                                                                                                      |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Spaniard's Bay to<br>Harbour Grace. | For Roads and Bridges from <i>Spaniards' Bay</i> to <i>Harbor Grace</i> —<br>William Donnelly<br>John Munn<br>William Dixon<br>Andrew Drysdale ;                                                                                     |
| Harbour Grace.                      | For Roads and Bridges in and about the Town of <i>Harbor-Grace</i> —<br>Peter Brown<br>George Thorn<br>Thomas Foley<br>Thomas Ridley<br>Thomas Dunford ;                                                                             |
| Port-de-Grave.                      | For Roads and Bridges in and about the Town of <i>Port-de-Grave</i> —<br>Reverend Charles Blackman<br>Thomas Martin<br>Thomas Butler ;                                                                                               |
| Bay Roberts.                        | For Roads and Bridges in and about the Town of <i>Bay Roberts</i> —<br>Stephen O. Pack<br>—— Scapelin<br>William E. Cormac ;                                                                                                         |
| Harbour Grace to<br>Carbonear.      | For Roads and Bridges from <i>Harbor-Grace</i> to <i>Carbonear</i> —<br>James Bayly, of Harbor-Grace<br>Roger Hanrahan, Jr.<br>Thomas Gamble<br>Michael Howley ;                                                                     |
| Musquito.                           | For Roads and Bridges from the New Road to <i>Carbonear</i> , to <i>Musquito</i> , through <i>Musquito Valley</i> , to open a New-Road—<br>Roger Hanrahan, Senr.<br>Arthur Thomey<br>James Bayly, Harbor-Grace<br>William Stirling ; |
| Carbonear.                          | For Roads and Bridges in and about <i>Carbonear</i> —<br>John Walsh<br>James Legg<br>Edward Hanrahan<br>William Haynton Taylor ;                                                                                                     |
| Carbonear to<br>Grates' Cove.       | For Roads and Bridges from <i>Carbonear</i> to <i>Grates' Cove</i> —<br>James Power<br>John Elson<br>William Bemister<br>Felix McCarthy<br>William Browne<br>Reverend Bernard Duffy<br>Richard Rankin ;                              |
| Carbonear to<br>Heart's Content.    | For Roads and Bridges from <i>Carbonear</i> to <i>Heart's Content</i> —<br>William W. Bemister<br>William Hanrahan<br>Henry Hearder<br>Robert Ollerhead ;                                                                            |
| Spaniard's Bay to<br>New Harbour.   | For Roads and Bridges from <i>Spaniard's Bay</i> to <i>New-Harbor</i> and<br><i>Dildo Cove</i> —<br>William Donnelly<br>William E. Cormack, Bay Roberts<br>Andrew Hackett<br>Thomas George ;                                         |

For Roads and Bridges from *Harbor Grace to Island Cove* and *Bread-and-Cheese Cove*— Harbour Grace to Island Cove, &c.

Reverend Charles Dalton  
Thomas Ridley  
William Stirling  
James Drover ;

For Roads and Branch Roads and Bridges from *Bay Bulls to Cape Broyle*— Bay Bulls to Cape Broyle.

Martin Williams  
Reverend Patrick Cleary  
John L. McKie  
Thomas Avery  
Samuel Blackler  
Edmond Power  
James Doyle  
Walter Shelly  
Henry Coryear  
Michael Coady  
Alexander Stephenson ;

For Roads and Bridges from *Cape Broyle to Cornfield*, near *Ferryland*— Cape Broyle to Corn Field.

Henry Coryear  
Walter Shelly  
Matthew Morey, Senr.  
John Power ;

For Roads and Bridges from *Cornfield*, through the Town of *Ferryland*, to the *Quarry River*, the Bridge over that River included— Corn Field to Ferryland and Quarry River.

Matthew Morey, Jr.  
Michael Devereux  
Maurice Brazil  
Robert Pitt  
James H. Carter  
Arthur H. Carter  
Michael Carney ;

For Roads and Bridges from *Quarry River to Aquafort*— Quarry River to Aquafort.

Henry Winser  
Thomas Meagher  
Arthur H. Carter  
Michael Devereux ;

For Roads and Bridges from *Aquafort to Fermeuse*— Aquafort to Fermeuse.

Reverend James Murphy  
Owen O'Neill  
Henry Winser  
Thomas Meagher  
Peter Winser ;

For Roads and Bridges from *Fermeuse to Renewes*— Fermeuse to Renewes.

Allen Goodridge  
John W. Saunders  
Reverend James Murphy  
Owen O'Neill ;

For Roads and Bridges from *Grate's Cove to Old Perlican*— Grate's Cove to Old Perlican.

Morgan Doyle  
John Reagan  
George Benson  
John Thompson ;

- Old Perlican to Hants' Harbour. For Roads and Bridges from *Old Perlican* to *Hant's Harbour*—  
 John Tilly  
 George Haire  
 John Thompson  
 John Burt, Junior ;
- Hants' Harbour to Heart's Content. For Roads and Bridges from *Hant's Harbour* to *Heart's Content*—  
 Rev. Henry H. Hamilton  
 Henry Martin  
 George Haire  
 Richard Underhay ;
- Heart's Content to Heart's Delight. For Roads and Bridges from *Heart's Content* to *Heart's Delight*—  
 Thomas Bryant  
 Richard Underhay  
 Henry Martin  
 Robert Ollerhead ;
- Bonavista to Catalina. For Roads and Bridges from *Bonavista* to *Catalina*—  
 Rev. Nicholas Devereux  
 Samson Mifflin  
 Alexander Bremner  
 William Sweetland  
 Edmond Mallowney ;
- St. Mary's to Holyrood Pond. For Roads and Bridges at *St. Mary's* to *Holyrood Pond*—  
 Rev. James Duffy  
 William Burke  
 John Walsh  
 Thomas Whelan ;
- Great to Little Placentia. For Roads and Bridges and Ferry from *Great* to *Little Placentia*—  
 Rev. Pelagius Nowlan  
 Joseph Tucker  
 John Rielley  
 Richard McGrath  
 William G. Bradshaw  
 Francis L. Bradshaw  
 John Rielly, of Herring Bay ;
- Trepassey, &c. For Roads and Bridges at Trepassey, and the Bridge over *Biscay Bay*—  
 George Simms  
 John Devereux  
 George Sutton ;
- Twillingate and Fogo. For Roads and Bridges in the Islands of *Twillingate* and *Fogo*—  
 Rev. Joseph M. Bergan  
 Stephen Lawler  
 Patrick Buckley  
 Rev. John Chapman  
 Andrew Pierce  
 Robert Tremlett ;
- Burin. For Roads and Bridges for *Burin*—  
 Rev. Michael Bearney  
 Clement Benning  
 William Hooper  
 Thomas Darbay  
 John Marshall  
 John O'Neill  
 Thomas Anguin ;



For Roads and Bridges for *St. Lawrence*—

St. Lawrence.

Reverend Michael Bearney  
Henry Sleany;

For Roads and Bridges at *Grand Bank*—

Grand Bank.

William Evans  
James Leeke  
John Forsey.

III.—*Be it further enacted*, that no Road shall be finished and gravelled to a breadth exceeding Fourteen Feet, which shall be situated above Five Miles from Saint John's or Four Miles from Harbour Grace, except such Roads as are already gravelled to an extent exceeding the breadth above mentioned.

As to the gravelling of certain roads.

IV.—*And be it further enacted*, that if any of the Persons named in this Act as Commissioners under the same, shall refuse or decline to take upon himself or themselves the duties of Commissioners under this Act, or if any of such Persons shall resign their Office, or die, or be absent from this Colony Six Months, it shall be lawful for His Excellency the Governor, from time to time, by Warrant under his Hand and Seal, to appoint another Person or Persons to the respective Board or Boards of Commissioners in place of such Person or Persons refusing to act, resigning, or dying, or absenting himself or themselves from this Colony: Provided, that of each of the respective Boards of Commissioners, a number equal to a majority of the same shall be a Quorum. *Provided nevertheless*, that in the District of Saint John's, any Six Members, of whom the Chairman shall be one, will form a Quorum.

How vacancies occurring in such Boards are to be supplied.

Quorum.

V.—*And be it further enacted*, that it shall not be lawful for any of the said Boards of Commissioners to proceed in the Opening, Repairing or Making any Road, or Building any Bridge, for which any Sum or Sums of Money may have been appropriated, in any other way than by Contract, having first given Public Notice for such intended Contract, for the space of Twenty Days at the least; and all such Contracts shall be in Writing, and shall be signed by the Contractors respectively, with the Chairman of the respective Boards, the said Chairman being duly authorised by a majority of the said Boards, or shall be signed by a majority of the Commissioners of the respective Boards.

Commissioners to proceed by Contract for the opening and making Roads &c.; of which 20 days notice to be given.

VI.—*And be it further enacted*, that all such Public Notices shall specify in a clear and distinct manner the Work required to be performed, and shall be Posted on the places of Public Worship, in the Town, Harbour, or Settlement nearest the part where the Work is to be done, for at least Two Sundays previously to such Contract being entered into. And all Tenders put in for any Contract or Work shall, at the time appointed for Receiving or Opening the same, be Opened in presence of such of the Commissioners as may be in attendance, and likewise of all other Persons who may desire to be present at the Opening of such Tenders. And in the event of the Person or Persons whose Tender, having been the lowest, shall have been accepted, not being prepared with Security for the performance of his or their Contract within Forty Eight Hours after such Tenders shall have been Opened, the respective Boards of Commissioners shall in such case be at liberty to Contract with the Person or Persons whose Tender shall be the next lowest and who shall give the requisite Security for the due performance of the same, unless the said Commissioners shall think fit to extend the Period for giving such Security.

Such notice to specify full particulars of work to be contracted for.

Opening and acceptance of Tenders.

Lowest Tender (with adequate security) to be accepted, and where no Tenders are made, or the security offered be insufficient, further notice to be given.

VII.—*And be it further enacted*, that in all cases where any Contract is made by any of the said Boards of Commissioners, the lowest Tender made with sufficient Security shall be accepted; and in case no Tender be made within the Period advertised for Tenders, or in case the Tenders made be unreasonable, then, and in such case, Ten Days' further Public Notice for Tenders shall be given, and so on as many times as the same may be required.

Due security to be required previous to Contracts being entered into.

Advances to Contractors.

VIII.—*And be it further enacted*, that such Boards of Commissioners, before they enter into any such Contracts, shall require reasonable Security from the Contractor or Contractors that he or they shall perform such Contracts; and if such Contractor or Contractors shall require any Money to be paid in advance, such Commissioners may from time to time advance any part of the Amount of such Contract not exceeding in the whole One Third at any one time, and no advance shall be made until Two sufficient Bondsmen become bound with such Contractor or Contractors in double the Sum to be advanced, that he or they will Perform or Complete such Contract. And no second advance shall be made to such Contractor or Contractors until one half part of the said Work shall be Executed, Examined and Passed, as having been done in a Workmanlike manner agreeably to Contract. And the said Commissioners shall so frame their Contracts that the same shall be Finished in a limited time, and they shall always withhold the Payment of one-third of the full Amount thereof, respectively, until such Work shall be Finished and fully Executed: Provided that the Board of Control hereinafter mentioned, may, and they are hereby Authorized, on the recommendation of any Board or Boards of Commissioners appointed by virtue of this Act, sanction the payment to the said Commissioners of any Sum not exceeding one half of the last Instalment of any Contract or Contracts as aforesaid, anything hereinbefore contained to the contrary thereof notwithstanding.

No new line of Road to be opened till a survey has been made, and approved by the Commissioners.

Proviso as to altering of Roads already made.

IX.—*And be it further enacted*, that previously to any Sum or Sums of Money being expended in the Opening or Making of any New Road, the proposed line of Road shall first have been Surveyed by or under the Directions of the respective Boards of Commissioners, and approved by them. *Provided always* that no line of Road on which Monies have been expended by the Legislature, shall be altered without the expressed approval of the Board of Control hereinafter mentioned, in any case where such alteration shall be attended with an Expense of One Hundred Pounds, or upwards.

Regulation as to the survey and inspection of Roads and remuneration to Surveyors

X.—*And be it further enacted*, that such respective Boards of Commissioners may appoint Surveyors to lay down and Inspect new Roads and Bridges; Provided that for such primitive Survey and constant Inspection of Work on new Roads, the remuneration to such Surveyor and Inspector shall not exceed Five Pounds per Centum on the Sum voted for such work; and Provided, that for Survey and Inspection of Bridges and Work upon Roads already laid down, the remuneration to the Surveyor or Inspector shall not exceed Two Pounds Ten Shillings per Cent. on the Sum voted for such Work: *Provided likewise*, that no Commissioner shall on any occasion be entitled to any such compensation as Surveyor or Inspector; *Provided nevertheless*, that if in any case such Two Pounds Ten Shillings per Cent., or Five Pounds per Centum respectively, shall be an inadequate remuneration for the Services performed by any Surveyor, it shall be lawful for the respective Boards of Commissioners, by and with the consent and approbation of the Board of Control hereinafter mentioned, to afford such further remuneratson to any such Surveyor as may be reasonable and proper.

**XI.—***And be it further enacted,* that whenever it shall become necessary for the Opening, Making, or Widening of any Road, Highway or other Work, to appropriate any parcel or piece of Land, being the private Property of any Person or Persons, it shall and may be lawful for the respective Boards of Road Commissioners, before such Road or Bridge shall be laid down, to pay out of such Monies as shall be in their hands, for the purpose of making such respective Road or Highway, or other work, a fair and reasonable compensation to each and every Person or Persons holding or possessing any interest in the Land so intended to be appropriated for such Road, and the amount of such compensation shall be ascertained by the appointment of two Arbitrators on the part of the respective Boards of Commissioners, and two Arbitrators on the part of the respective Persons so possessed of or holding any interest in the Land so intended to be appropriated for such Road or Highway, which four Arbitrators shall appoint an Umpire, and such Court of Arbitration shall be Sworn to make award justly and impartially, and shall and may decree the proper Amount of compensation, having taken into account the improvement, if any, to the value of the Property made by the erection of such Bridge or the Opening or Widening of such Roads; and such Sum or Sums of Money as shall be awarded under the hands of any three or more of such Arbitrators, or two of such Arbitrators and the Umpire, shall be deemed to be a sufficient compensation to each and every person respectively, having or possessing any right or interest in Land so appropriated or intended to be appropriated to such Road or Highway; Provided that in every case of such intended encroachment, due Notice of the same shall be given to the Person or Persons possessed of, or reputed to be possessed of, a beneficial interest in the Lands in question; and Provided further, that such Court of Arbitration shall be and they are hereby required to make final award in every case within Twelve Days after such notification shall have been so made as aforesaid.

Private property may be taken for widening Roads under this Act.

Amount of compensation to proprietors to be ascertained by arbitration.

**XII.—***And be it further enacted,* that upon the tender of such compensation to the respective Person or Persons having or possessing any right or interest in such Land respectively, or in the event of such Owner or reputed Owner of Land having refused or neglected to appoint Arbitrators, or such Arbitrators so appointed by the parties aforesaid, having refused or neglected to make award within the time and further limitation hereinbefore provided, then upon the tender of such compensation as Four Arbitrators, to be appointed by the respective Commissioners, shall Certify under their hands as sufficient, it shall and may be lawful for the respective Boards of Commissioners to enter upon, take and appropriate, or make order for the entry upon, taking and appropriation, of all such Lands respectively, for the Opening, Making, or Widening of such respective Road or Highway, and thereupon the Right, Title, and Interest of all and every such Person or Persons aforesaid, of and in such Land, shall cease, and the same shall be deemed and taken to be a Public Road and Highway.

Proceedings in cases of proprietors refusing to accept the compensation offered.

**XIII.—***And be it further enacted,* that in all cases where any Sum or Sums of Money herein declared to be applicable to any particular Road, or any Bridge, shall be more than sufficient for the same respectively, it shall and may be lawful for such respective Boards of Commissioners (by and with the consent of the Board of Control hereinafter mentioned) to appropriate and apply all or any such surplus Monies to any other Road or Bridge herein-before mentioned within the jurisdiction of the said Board.

Where the sum voted for any road be more than sufficient, surplus may be appropriated to other Roads.

Commissioners not to be concerned in any contract or work.

Penalty.

Board of Control to be appointed by the Governor for the supervision and approval of the proceedings of the respective Boards of Commissioners.

The Governor to appoint a Clerk to the Board of Control.

Monies granted under former Acts for Roads, &c. to be appropriated for such Roads by the Commissioners appointed by this Act.

Cellars, Hatchways, Excavations, &c., in the Public Streets declared Nuisances and liable to be removed by virtue of this Act.

Commissioners appointed by this Act, or two Justices of Peace, empowered to abate such Nuisances.

XIV.—*And be it further enacted*, that no Commissioner shall be directly or indirectly engaged or concerned in any Contract or Agreement for the Making of any Roads or any Bridges, or for any Work, Labour or Services to be compensated under this Act, under a penalty of *One Hundred Pounds* for every such offence.

XV.—*And be it further enacted*, that there shall be a Board of Control of the Public Works on all Roads, Highways and Bridges in this Colony, and it shall and may be lawful for His Excellency the Governor, by Warrant under his Hand and Seal, to appoint Five Persons who shall constitute such Board of Control; and it shall and may be lawful for the respective Boards of Commissioners of Roads and Bridges, and they are hereby required to transmit to such Board of Control all Tenders made for any Work or Contract, as well those rejected as accepted; and all Contracts whatsoever entered into by such respective Boards of Commissioners, and likewise a Report of the appointment of all Surveyors or Inspectors of Public Works, with the extent of Work under Inspection and the amount of intended remuneration for Survey and Inspection; and such Boards of Commissioners shall likewise transmit sworn statements of the Expenditure of all Monies, so far as the same shall have come to their hands and been applied, and also sworn proof of the completion of their respective Contracts according to Agreement, before the Payment of the last Instalment on any such Contracts shall be permitted or allowed: all which Tenders, Contracts and Reports so made before the Payment of the last Instalment, shall be subject to the approval, order and control of the said Board.

XVI.—*And be it further enacted*, that it shall and may be lawful for His Excellency the Governor to appoint a Clerk to such Board of Control, and such Clerk shall receive a Salary not exceeding *Fifty Pounds*.

XVII.—*And be it further enacted*, that all Monies granted under former Acts for the Making or Repairing of any particular Road or Bridges which shall after the passing of this Act remain unappropriated or uncontracted for, shall be appropriated and applied to the purposes for which they had been so granted by the Commissioners appointed under this Act in their respective jurisdictions.

XVIII.—*And Whereas* divers Cellars, Cellar Doors, and Hatchways, and other Excavations, Erections, Fences, Flakes and Obstructions to the convenience and safety of the Roads and Passage Ways along and upon divers of the Streets and Lanes of the Town of Saint John's, and other Towns and Places in the said Colony, have been dug, excavated, made, erected, and placed in, upon, and under the said Streets and Lanes, to the great injury of the same, and in obstruction of their repair and improvement: *It is therefore hereby declared and enacted*, that all such Cellars, Cellar Doors, and Hatchways, and all such Erections, Fences, Flakes, and Excavations as aforesaid, at any time heretofore dug, excavated, made, erected, or placed, or that at any time hereafter may be dug, excavated, made, erected, or placed, in, upon, or under the said Streets or Lanes, or any of them, shall be deemed to be Public Nuisances, and be subject to be removed and abated by the Person or Persons who have made, caused, or continued the same.

XIX.—*And Whereas* as the continuance of such Nuisances aforesaid, have been heretofore found by the Commissioners and Surveyors of Roads and Highways, greatly to hinder and obstruct the proper Making and Improving of the Roads and Streets of the said Town, and

other Towns and Places in this Colony, and it is necessary and expedient to make provision for the more speedy Abatement thereof; *It is therefore hereby further enacted*, that the Commissioners of Roads for the several Districts of this Island, or any Two of Her Majesty's Justices of the Peace for the said Districts for the time being, respectively, shall be authorized and empowered, and they are respectively hereby authorized and empowered to make, order and direct the Removal and Abatement of all such Nuisances aforesaid, on inspection and view of the same, and to give Notice in Writing to the Person or Persons who may have erected, made or continued, or who may hereafter erect, make or continue such Nuisances, or any of them, as aforesaid, to remove and abate the same, within the space or time of Ten Days after such Notice shall be given; and if the Person or Persons so liable, as aforesaid, to abate and remove such Nuisances, shall refuse or neglect so to abate and remove such Nuisances after such Notice shall have been given as aforesaid, the Person or Persons so offending shall be subject and liable to pay a penalty of not less than *One Pound*, and not exceeding *Twenty Pounds*, to be recovered in a summary way before any Two of Her Majesty's Justices of the Peace, together with such Costs of Suit as such Justices may award; and all Penalties so recovered and paid, shall be paid over to the said Commissioners of Roads, to be applied to the purposes of this Act. Penalty.