

*Laws of His Majesty's Province of Newfoundland*, passed in the year 1835.

5 William IV – Chapter 5

**An Act to amend an Act passed in the second Session of the Parliament of this Colony, entitled “An Act to regulate the making and repairing of Roads and Highways in this Island.” (8th May, 1835.)**

Whereas it is expedient to alter and amend an Act passed in the second Session of the present Parliament of this Island, entitled “An Act to regulate the making and repairing of Roads and Highways in this Island:”

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that the first, second, eighth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, twenty-first, twenty-fifth and twenty-eighth sections of the said Act, be, and the same are, hereby repealed.

II. And be it further enacted, that every Person not being a hired Servant or common Laborer, who shall occupy a Dwelling-House within any District of Newfoundland as Owner or Tenant thereof, and not keeping any Horse or Team, as hereinafter mentioned, shall be liable to work on the Roads, Streets or Lanes in this Island, Six Days: and every Person who shall keep any Carriage, Cart, Truck, Team, Horse or Oxen, shall be liable in like manner to work on the said Roads, Streets or Lanes, Four Days, with one Cart, Team, or Truck, to be drawn by Two Horses, or Oxen, and One able-bodied Man, if such Person keep more than One Horse or Ox, and if but one, then by One Horse and One able Man; and every Inhabitant between the Age of Sixteen and Fifty, not being the Owner or Occupier of a Dwelling-House as aforesaid, or not keeping any Horse or Team, shall be liable to work in like manner for Two Days; and every common Labourer, or hired Servant, occupying such Dwelling-House, shall be liable to Work in like manner for Four Days, within the District wherein he shall reside: Provided always, that no Person shall be compellable to work more than Eight Hours each Day.

III. And be it further enacted, that any Person liable to perform Statute Labour on the Highways, as aforesaid, may compound for such Labour at the rate of Two Shillings and Six Pence, per diem, for Manual Labour, and Eight Shillings Sterling, per diem, for a Two Horse Cart or Carriage; and Six Shillings Sterling, per diem, for any other Cart or Carriage; and that every Person who shall neglect to attend and perform the Labour required of him by this Act at the time and place of which he shall be notified by the Road Surveyor, shall be taken to have made his Election to compound for the whole of his Road Duty then remaining unperformed for that Year, and shall be liable to pay the amount of such composition upon demand by the Road Surveyor of his Division, or any Person appointed by him to collect the same; and if the same, or any part thereof, shall remain behind and unpaid for the space of Ten Days after demand shall have been made as aforesaid, the said Road Surveyor shall levy the same by Distress and Sale of the Goods and Chattels of the party, and shall make return thereof to the Commissioners of Roads by whom he shall have been appointed, who shall have power to direct in what manner the same shall be expended in furtherance of the objects of this Act.

IV. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint, by an Instrument under the Great Seal, during His Majesty's pleasure, Five Commissioners of Roads, any three of whom shall be a Quorum, who shall constitute and form a Board of Commissioners for the Central District; and, as occasion shall require, in like manner to nominate and appoint others to fill such vacancies as shall from time to time occur by the death, resignation or removal of any one or more of the said Commissioners: and that in the other Districts of this Colony, any two or more Justices of the Peace, residing within Twenty Miles of any settlement where Statute Labour is hereby required to be performed, upon public notice being given of their intention so to do, may meet and form a Board of Commissioners of Roads, for the Settlements which may fall within their jurisdiction as aforesaid, and which Board shall thereafter consist of all such Justices as shall be resident within the jurisdiction aforesaid, and two of whom shall constitute a Quorum; which Boards shall respectively keep a detailed Record of all their orders, appointments, removals, and other proceedings, with the names of the Members present upon each occasion of their Meeting.

V. And be it further enacted, that the said Boards of Commissioners respectively, shall, during the First Week in the Month of June in each Year, nominate and appoint such and so many Persons as they shall deem necessary, for Road Surveyors for such Divisions, Settlements, or places, as they shall prescribe, within their Divisions, and shall from time to time give them such directions as they shall think proper, touching the time and place and manner of performing any part of their duty, and laying out the labor to be performed under their superintendence, which directions the said Surveyors are hereby required to obey.

VI. And be it further enacted, that each Road Surveyor so appointed, shall, within the time assigned to him for that purpose by the Board of Commissioners by whom he shall have been appointed, return to them an accurate List of all Persons within his Division who shall be liable to do Statute Labor, and of the number of Days' Labour which such Persons shall be liable to perform, according to the Provisions of this Act; and if he shall knowingly omit any name therefrom, which ought to be inserted therein, or after notice of such omission, shall neglect to return and add such name thereto, such Surveyor shall be liable to pay the composition for such Labor which the Person or Persons whose names shall have been omitted would have been required to pay, should he or they have neglected to perform his or their Labor as hereinbefore mentioned: Provided always, that any such Road Surveyor shall be at liberty to employ any of the Persons liable to perform Statute Labor within his Division, to assist him in taking such List, and whose time so necessarily occupied, shall be deducted from the number of Days' Work which he may be liable to perform, and that no Road Surveyor shall be liable to perform Statute Labour, in addition to his fulfilling the Duties of such Surveyor.

VII. And be it further enacted, that every Person who shall be careless or negligent in the performance of his Duty, as such Road Surveyor, shall be dismissed from his Office of Road Surveyor, by the Board who appointed him, if they shall deem it proper so to do, whereupon he shall pay a fine of Forty Shillings Sterling, and another Person shall be forthwith appointed in his place, who shall be forthwith appointed in his place, who shall levy such fine by Distress and Sale of his Goods and Chattels, unless the same be paid within Ten Days after notice of his dismissal.

VIII. And be it further enacted, that it shall and may be lawful for the said Board of Commissioners for the Central District, to appoint annually One Road Surveyor, for the Town of Saint John's, at a yearly salary of not more than Seventy-Five Pounds Sterling, to be paid out of the Fines and Composition Money levied and collected within the said Town, which Road Surveyor shall have the like power and authority, and be subject to the same provisions and penalties, as any other Surveyor appointed under this Act.

IX. And be it further enacted, that the several Boards of Commissioners shall have full power and authority to make such orders as they shall from time to time deem expedient, for altering, widening, or shutting up any old Road or Lane, or for opening any new one so as such alteration shall not occasion the removal of any Dwelling-House or other Building which cannot be conveniently removed without destroying the same, and which shall be valued at a Sum over Ten Pounds Sterling; and shall also have power to order any part of the Statute Labor, for the division where such alteration shall be directed to be made, to be employed in removing any House or Building which may lawfully be removed, and in rebuilding the same in such other adjacent situation on the Land of the Owner or Occupier thereof, as the said Commissioners shall think proper, and as the Occupier of such House or Building shall designate and approve of.

X. And be it further enacted, that if any Person shall conceive himself or herself to be injured, or prejudiced, by any such alteration as aforesaid, the Commissioners who shall have ordered the same to be made, shall appoint One Arbitrator, and the Person complaining shall appoint another, who, with the Road Surveyor, shall hear and determine the matter, and award such Damages to the party complaining, as, having due regard to the benefit accruing to the complainant from such alteration, shall be equitable and just; which Damages shall be assessed, in manner directed by the said in part recited Act.