

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1837.*

1 Victoria – Chapter 2

**An Act for Grating to Her Majesty a Supply of Money for the Making and Repairing of Roads and Bridges in this Colony, and to Regulate the Expenditure of the same (18th November, 1837.)**

Whereas it is expedient to provide for the internal improvement of this Colony by the opening of Roads and constructing Bridges therein:

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in General Assembly convened, that from and out of such Monies as from time to time shall 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 Sixteen Thousand Eight Hundred and One 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,—within the District of Saint John's the Sum of Five Thousand Nine Hundred and Twenty Five Pounds, to be appropriated and divided as follows: —

For a Road from Saint John's to Topsail, Five Hundred Pounds.

For a Road from Saint John's to Bay of Bulls, Eight Hundred Pounds.

For a Road from Saint John's to Petty Harbour, Six Hundred Pounds.

For a Road from King's Bridge to Outer Cove, Two Hundred Pounds.

For a Road from King's Bridge to Goff's Bridge, Portugal - Cove, One Hundred Pounds.

For a Road from Logy Bay to meet the Road from Saint John's to Outer Cove, Fifty Pounds.

For a Road from Goff's Bridge, Portugal Cove, to Westward Point, being part of the Road from Portugal Cove to Broad Cove, One Hundred and Fifty Pounds.

For a Road from Topsail to Holyrood, Five Hundred Pounds.

For a Road from Brine's Bridge to Long Pond, by Rennie's Mill, Two Hundred Pounds.

For a Road from Apple Tree Well to George's Pond, Two Hundred Pounds.

For a Street from the Custom-House to Boden's Cove, Two Hundred and Fifty Pounds.

For a Street called the King's Road, Two Hundred and Fifty Pounds.

For a Bridge in Duckworth Street, opposite Beck's Cove, One Hundred Pounds.

For a Safety Wall in Duckworth Street, opposite McBride's Cove, on the property of William Newman, Eighty-five Pounds—provided an equal sum be advanced on account of the said William Newman.

For Repairing the Bridge near River-Head Hospital, Twenty Pounds.

For Re-building Waterford Bridge, One Hundred and Eighty Pounds.

For a Road to Blockmakers' Hall, Two Hundred and Fifty Pounds.

For a Road from Saint John's to Wigmore's Gully, Two Hundred Pounds.

For a Road from Brookfield, westward,—being part of the Old Placentia Road,—Two Hundred Pounds.

For a Road from King's Bridge to the White Hills, by Quidi Vidi Pond, Two Hundred and Fifty Pounds.

For the general improvement of Roads and Streets in the Town of Saint John's, Six Hundred Pounds,—of which Sum Two Hundred and Fifty Pounds shall be appropriated to the completion of the Bridge leading from Mr. Job's Cottage to the South Side.

For Repairing the Road and Bridges from the Barrens to Upper Long Pond, by Allen, Junior's, Farm, Two Hundred and Forty Pounds.

To be expended in the District of Conception Bay, the Sum of Four Thousand Seven Hundred and Ninety Six Pounds, to be appropriated and divided as follows:—

For a Road from Holyrood to Brigus, Seven Hundred and Sixty Pounds.

For a Street in the Town of Brigus, Fifty Pounds.

For Bridges at Holyrood, Chappel's Cove, Harbour Main, Collier's, Turk's Gut, and South Side, Brigus, Two Hundred and Twenty Pounds.

For a Road from Harbor-Grace to Spaniards' Bay, and a Bridge at Northern and Southern Gut, Four Hundred and Sixty Pounds.

For a Road from the River-Head of Harbor-Grace to the Town of Harbor-Grace, One Hundred and Fifty Pounds.

For Streets in the Town of Harbor-Grace, One Hundred and Fifty Pounds.

Towards Bridges at the River-Head of Harbor-Grace, Martin's Brook, Fox's, Pendergast or Thistle's Brook, and Bear's Cove, One Hundred and Eighty-five Pounds.

Towards a Road from Harbor-Grace to Carbonear, Two Hundred Pounds.

For the Main Street at Carbonear, One Hundred and Fifty Pounds.

For a Road to Irish Town, Fifty Pounds.

For the Erection of a Bridge over Powel's Brook, Forty-five Pounds.

For Bridges over the following Brooks, Collins's Brook, Legg's Brook, Crocker's Cove Brook, and Pack's Brook, Two Hundred and Ten Pounds.

For a Road from Harbor Rock Hill, Carbonear, to Bay-de-Verds [Bay-de-Verde], One Thousand Two Hundred Pounds.

Towards a Bridge at Northern Brook, Western Bay, Seventy-eight Pounds.

Towards a Bridge at Southern Brook, Western-Bay, Seventy-eight Pounds.

Towards a Bridge at Northern Bay, One Hundred Pounds.

Towards a Bridge at Ochre Pit Cove, Sixty Pounds.

Towards Roads in the Town of Port-de-Grave, Fifty Pounds.

For a Road from Harbor-Grace to Island Cove and Bread-and-Cheese Cove, Two Hundred Pounds.

Towards a Road from Spaniards' Bay to Brigus, Four Hundred Pounds.

To be expended in the District of Ferryland, including a Bridge over Biscay Bay River, the Sum of One Thousand Seven Hundred Pounds, to be appropriated and divided as follows:—

For a Road from Renews to Fermeuse River-Head, One Hundred and Eighty Pounds.

For a Main and Branch Road from Fermeuse to Aquafort, Two Hundred and Ninety Pounds.

For Two Ferry Boats at Aquafort, Twelve Pounds.

For a Road from Aquafort to Ferryland, Two Hundred and Twenty-five Pounds.

For a Bridge over Spout River, Twenty Pounds.

For a Road through the Town of Ferryland, Twenty Pounds.

For a Bridge over Biscay Bay River, Sixty Pounds.

For a Road from Caplin Bay to Cape Broyle, Two Hundred and Two Pounds.

For a Road from Bay Bulls to Witless Bay, One Hundred Pounds.

For a Road from Witless Bay to Toad's Cove, Two Hundred and Thirty Pounds.

For a Main Road from Toad's Cove to River-head of Cape Broyle, One Hundred and Eighty-one Pounds.

For a Branch Road from Brigus, Fifty Pounds.

For a Branch Road from Bauline, Fifty Pounds.

For a Branch Road from Caplin Cove, Forty Pounds.

For a Branch Road from Burn Cove, Forty Pounds.

To be expended in the District of Bonavista Bay, the Sum of Nine Hundred and Twenty Pounds, to be appropriated and divided as follows:—

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

For a Road from King's Cove to Broad Cove, Fifty Pounds.

For a Road from Broad Cove to Keels, Seventy Pounds.

For a Road from Keels to Tickle Cove, Fifty Pounds.

For a Road from Tickle Cove to Open-hall, One Hundred Pounds.

For a Road from Open-hall to Plate Cove, Fifty Pounds.

For improving the Streets in the Town of Bonavista, Fifty Pounds.

For improving the Streets in the Town of Greenspond, Fifty Pounds.

For Roads in the Islands of Twillingate and Fogo, Seven Hundred Pounds.

To be expended in the District of Trinity Bay, the Sum of Five Hundred and Eighty Pounds to be appropriated and divided as follows :—

For a Road from Old Perlican to Hants' Harbour, Two Hundred Pounds.

For a Road from Hants' Harbour to Heart's Content, Two Hundred Pounds.

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

To be expended in the District of Placentia and St. Mary's, the Sum of Nine Hundred and Sixty Pounds, to be appropriated and divided as follows:—

For making a Road from Lance Cove, in St. Mary's Harbour, to meet the line of Road to River-Head Thirty feet wide, with Cross-road to the Court House, Thirty feet wide, Cross-road to the Bridge hereinafter mentioned, Twenty feet wide, and Crossroad to the Beach, Twenty feet wide, One Hundred and Fifty Pounds.

For a Road from St. Mary's to Holy-rood Pond, Three Hundred and Forty Pounds.

For erecting a Bridge over the Pond in the Town of St. Mary's, Sixty Pounds.

For erecting a Bridge over Coote's Pond, Sixty Pounds.

For a Road from Great Placentia to Little Placentia, Three Hundred Pounds.

For providing a Ferry-Boat and erecting a House for a Ferryman to ply across the Gut of Placentia, Fifty Pounds.

To be expended in the District of Burin, the Sum of Five Hundred and Fifty Pounds, to be appropriated and divided as follows:—

For a Road from the Court House at Burin to Burin Bay, One Hundred Pounds.

For a Road from the aforesaid Court House to Bull's Cove, One Hundred Pounds.

For a Road from Ship's Cove to Kerby's Cove, Seventy Pounds.

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

For a Road from Bull's Cove to Port a Bras, Forty Pounds.

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

For erecting a Bridge across the Brook at Butcher Cove, Ten Pounds.

For a Road and Bridge from Great St. Lawrence, to Little St. Lawrence, Forty Pounds.

For Two Bridges at Lamaline, Forty Pounds.

And for a Road from Spaniard's Bay to New Harbor and Dildo Cove, Two Hundred and Fifty Pounds.

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

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—

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

Joseph Noad  
Charles Fox Bennett  
Robert Job  
John Dunscomb  
Patrick Doyle  
John Kent  
William Richards  
Nicholas Gill  
Venerable Edward Wix  
William Hart Gaden  
Patrick Mallowney  
John O'Mara  
James Douglas  
Reverend Edward Troy  
John Harding, and  
Lawrence O'Brien;

For Roads and Bridges from Holyrood to Brigus—

Reverend Denis Mackin  
Charles Cozens  
Anthony William Gedfrey  
James Hearn, and  
William Munden;

For Roads and Bridges from the River-Head of Harbor-Grace to Spaniards' Bay—

William Donnelly  
Thomas Ridley  
John Munn, and  
William Dixon;

For Roads and Bridges in and about the Town of Harbor-Grace—

Peter Brown  
George Thorne  
Thomas Foley  
Andrew Drysdale, and  
Thomas Dunford;

For Roads and Bridges from Harbor-Grace to Carbonear—

James Bayly  
Roger Hanrahan, Junior  
William Collins, and  
Michael Howley;

For Roads and Bridges in and about Carbonear—

John Walsh  
John Elson  
Edward Hanrahan, and  
William Haynton Taylor;

For Roads and Bridges from Carbonear to Bay de Verds—

Robert Pack  
James Power  
William Bemister  
Felix McCarthy, and  
William Brown;  
For Roads in the Town of Port de Grave,  
Revd. Charles Blackman, and  
Thomas Martin;

For Roads from Harbor Grace to Island Cove and Bread and Cheese Cove—

Reverend Charles Dalton  
Reverend John Burt  
William Stirling, and  
George Crane;

For the Road from Spaniard's Bay to Brigus—

Walter Whelan  
Nathaniel Munden  
John Jacob, and

Nicholas Mulloy;

For the Road from Spaniard's Bay to New Harbour and Dildo Cove,—

William Donelly  
Robert Cranford  
Andrew Hacket, and  
Thomas George;

For the Bridge over Biscay Bay River,—

George Simms  
John Devereux, and  
George Sutton;

For the Roads from Renew's to Aquafort,—

Allen Goodridge  
John William Saunders  
Reverend James Duffy, and  
Owen O'Neill;

For the Roads from Aquafort to Ferryland,—

Henry Winsor  
Arthur H. Carter  
Thomas Meagher and  
Michael Devereux;

For the Road from Ferryland to Cape Broyle,—

Matthew Morey  
John Power  
Henry Coryear, and  
Walter Shelley;

For the Road from Cape Broyle to Bay of Bulls,—

Edmund Power  
James Doyle  
Reverend Patrick Cleary  
John L. McKie  
R. Avery, and  
Thomas Blackler;



For the Roads from Old Perlican to Hant's Harbor,—

John Tilley  
George Haire  
John Thompson, and  
John Burton, junior;

For the Road from Hant's Harbor to Heart's Content,—

John Tilley  
George Haire  
Reverend Henry H. Hamilton, and  
Richard Underhay;

For the Road from Heart's Content to Heart's Delight,—

Thomas Bryant  
Richard Underhay  
Reverend Henry H. Hamilton, and  
Robert Ollerhead;

For the Road from Bonavista to Catalina,—

Samson Mifflin  
Alexander Bremner, and  
William Sweetland;

For the Road from King's Cove to Broad Cove,—

Edward Mallowney, and  
Reverend Nicholas Devereux;

For the Road from Broad Cove to Keels,—

John Murphy  
John Ryan, and  
John Ducey;

For the Road from Keels to Tickle Cove,—

Dando, and  
William Over;

For the Road from Tickle Cove to Open-hall, and from thence to Plate Cove,—

John Shears, and  
John Walsh;

For Roads in the Town of Bonavista,—

Joseph Shears, and  
Archibald Arnott;

For the Roads in the Town of Greenspond,—

George Frampton, and  
John Smith;

For the Roads in the Islands of Twillingate and Fogo,—

Reverend Joseph M. Bergan  
Stephen Lawler  
Richard Dwyer  
Thomas Piccott  
Andrew Brine  
Patrick Burk  
John Bryan  
John Dwyer  
Reverend John Chapman  
Andrew Pearce  
Robert Tremlett  
John Peyton, and  
Robert Watkins;

For the Roads and Bridges at Saint Mary's,—

Reverend James Duffy  
William Burk  
John Walsh, and  
Thomas Whelan;

For Roads and Ferry at Placentia,—

Reverend Pelagius Nowlan  
Joseph Tucker  
John Rielly  
Richard McGrath  
John O'Donnell

William G. Bradshaw  
Francis L. Bradshaw, and  
John Rielly, of Herring Bay;

For the Roads and Bridges at Burin,—

Reverend Michael Birnie  
Reverend John Hennigar  
Daniel Mackey  
Clement Benning  
William Hooper  
John O'Neill, and  
John Marshall;

For the Roads and Bridges from Great Saint Lawrence to Little Saint Lawrence,—

John Thorne, and  
Henry Slaney;

For the Road from Grand Bank to Fortune Harbour,—

William Evans  
John Forsey  
George Leek, and  
James Leek;

For Two Bridges at Lamaline,—

James Pittman, and  
Richard Cake;

And, from Carbonear to Heart's Content,—

Thomas Chancey  
Thomas Newell  
Butler Aldridge, and  
Robert Ollerhead.

III. 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 Commissioner 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, dying, or absenting himself or themselves

from this Colony: Provided, that of each respective Board of Commissioners, a number equal to a majority of the same shall be a Quorum.

IV. 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 of 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 one or more of the Members of the respective Boards of Commissioners ; Provided, that for the Making of any Road, or Erection of any Bridge, the Execution of which may be commenced before the Thirtieth Day of November of this Year, it shall be lawful for any such Boards of Commissioners to enter into a Contract or Contracts upon Ten Days' Public Notice of the same being given.

V. 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 place 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 whose Tender, having been the lowest, shall have been accepted, not being prepared with Security for the performance of his Contract within Forty-eight Hours after such Tenders shall have been opened, the Respective Board of Commissioners shall in such case be at liberty to Contract with the Person 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.

VI. 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.

VII. 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 Workman-like 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.

VIII. 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 Board 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.

IX. 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 or 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 Centum 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 Centum 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 Remuneration to any such Surveyor as may be reasonable and proper.

X. 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 Person or Persons so possessed of, or holding any interest in the Land so intended to be appropriated to 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 condemn or approve of the incroachment complained of, and 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.

XI. 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 Owners of Land having refused or neglected to appoint Arbitrators, 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 Board of Commissioners to enter upon, take and appropriate, or make order, entry upon, taking and appropriation, of all such Land 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.

XII. 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 Board 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 hereinbefore mentioned within the jurisdiction of the said Board.

XIII. 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.

XIV. 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 those 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 the 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.

XV. 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.