

Laws of Her Majesty's Province of Newfoundland, passed in the year 1843.

6 Victoria – Chapter 4

An Act for granting to Her Majesty a Sum of Money for making, constructing, and repairing Roads, Streets, and Bridges, in this Colony, and for regulating the Expenditure of the same. (Passed 22nd May, 1843.)

Whereas it is expedient to provide for the internal improvement of this Colony, by the making, repairing, and construction of Roads, Streets, and Bridges, therein:

I. Be it therefore enacted, by the Governor, Council and Assembly, in General Assembly convened, that from and out of such Monies as shall from time to time remain in the hands of the Treasurer, unappropriated, there be granted to Her Majesty, Her Heirs, and Successors, the Sum of Twenty-eight Thousand Pounds, for exploring, opening, making, and repairing Roads and Streets, and for constructing and repairing Bridges in this Colony; which said sum shall be distributed and appropriated as follows, that is to say:—

Towards opening, repairing, and constructing Roads, Streets and Bridges in the District of St. John's the sum of Ten Thousand Five Hundred and Seventy-five Pounds, to be expended as follows:—

On the Road from the King's Bridge to Portugal Cove, Two Hundred and Seventy Pounds.

On the Road from Goff's Bridge to Westward Point, at Portugal Cove, One Hundred and Thirty-seven Pounds.

On the Road from Goff's Bridge to the Public Wharf at Portugal Cove, Seventy Pounds.

On the Road from Broad Cove to join the Portugal Cove Road, Two Hundred and Twenty Pounds,

On the Road from the Kings Bridge to the North Side of Torbay, Eight Hundred and Twenty Pounds.

On the Road from the North Side of Torbay to Biscayan Cove, Seven Hundred and Twenty Pounds.

On the Road from Torbay Road to Outer Cove, by Bally Haly, Three Hundred and Twenty Pounds.

On the Road from Outer Cove Road to Dwyers Room, Logy Bay, Ninety Pounds.

On the Road from the Road on the North Side of Logy Bay, to Ryan's Room, Seventy Pounds.

On the Road leading from Ryan's Room to the School House, Forty-five Pounds.

On that part of the Outer Cove Road which leads to the School House, by the Farms of Carrigan and others, Seventy-five Pounds.

On the Road from Middle Cove to join the Outer Cove Road, Ninety Pounds.

On the Road from Moses Neill's, at Freshwater, towards Wigmore's Gulley, Two Hundred and Seventy Pounds.

On the Road from Moses Neill's, at Fresh-water, and leading on-wards by Ken Mount, One Hundred and Seventy-five Pounds.

On the Road leading from Major Green's to W. Irvin's, and thence to Rennie's Mill Road, Ninety Pounds.

On the Road leading from Waterford Bridge to the Goold's, Six Hundred Pounds.

On the Road from the Bay Bulls Road to Petty Harbor, Five Hundred and Fifty Pounds.

On the Road from Petty Harbour to Maddoek's Cove, and towards Black Head, One Hundred and Thirty-five Pounds.

On the Road from Petty Harbour to the First Pond, South Side, Ninety Pounds.

On the Road from Jeremiah Merrigan's to George's Pond, Seventy-five Pounds.

On the Road from James Fergus's to John Carroll's, by the Barking Kettle, One Hundred and Thirty Pounds.

On the Road from John Carroll's along Pokeham Path Road, Fifty Pounds.

On the Road leading from James Fergus's by Dreelan's Well, to-wards John Casey's Farm, and thence to Monday Pond, One Hundred and Eighty Pounds.

On the Road from Belle Isle Beach to Lance Cove, One Hundred and Thirty-five Pounds.

On the Road from Upper Long Pond to Three Ponds, Ninety Pounds.

On the Road leading to Upper Long Pond Road, by the Eastern Side of the Farm of the Right Reverend Dr. Fleming, to meet Rennie's Mill Road, Seventy Pounds.

On the Pennywell Path Road, commencing from the Freshwater Road, Seventy Pounds.

On the Road from the Episcopal Church, over the Garrison Hill, to meet the Upper Long Pond Road, Ninety Pounds.

On the Road leading from the Head of King's Road to Brine's Bridge, Ninety Pounds.

On the Road leading from the Residence of the late John Perkins, to meet the Freshwater Road, Fifty-five Pounds.

For Roads and Bridges connecting the Old Placentia Road through Pearl's Town, with the Bay Bulls and Petty Harbour Roads, One Hundred Pounds.

On the White Hills Road, leading from Rutledge's, and crossing the River near Kearney's toward Edward Byrne's Farm, One Hundred and Eighty Pounds.

On the Road leading from Sinnott's to Sweeny's Marsh, Ninety Pounds.

On the Road leading from the Topsail Road, by Dunscomb's Bridge, through Pearl Town, One Hundred and Thirty-five Pounds.

On the Road from Waterford Bridge to Dunscomb's Bridge, Seventy Pounds.

On the Road from Job's Bridge towards the Narrows, on the South Side, Three Hundred Pounds:

Provided nevertheless, that such last mentioned Sum of Money shall not be expended for making the said Road unless sufficient Ground be given up by the Proprietors thereof for the purposes of the said Road.

For repairing King's Bridge and other Bridges, Two Hundred and Twenty Pounds.

On the Cockpit Road, Ninety Pounds.

On the Road from Fort Townshend to New Town, Ninety Pounds.

On the Road from Brine's Bridge to the Portugal Cove Road, Ninety Pounds.

On the Road from Torbay Road to Middle Cove, Forty-five Pounds.

On the Road from Coakers Farm to Quidi Vidi, Fifty Pounds.

On the Road from Mr. Bennett's Cottage to the Bridge at Quidi Vidi, Two Hundred Pounds.

On the Road from the Outer Cove Road to the White Hills, Forty-five Pounds.

On the Road from the Ordnance Coal Yard to the Quidi Vidi Road, through the Forest, Seventy Pounds.

On the Road from the Road which crosses to the South of Monday Pond, to Pennywell Path Road,

Forty-five Pounds.

On the Road from Waterford Bridge to the School House on the Brookfield Road, Forty-five Pounds.

On the Road from Quidi Vidi Bridge to Martin's on the White Hills, Forty-five Pounds.

On the Road from the South Side of Job's Bridge to the South Side of Waterford Bridge, One Hundred and Thirty-three Pounds: Provided nevertheless, that such last mentioned Sum of Money shall not be expended for making the said Road, unless sufficient Ground be given up by the Proprietors thereof for the purposes of the said Road.

On the Road from the Ordnance Yard towards Signal Hill, One Hundred and Fifty Pounds.

On Gower Street, Four Hundred and Fifty Pounds.

On Princes Street, Fifty Pounds.

On Williams's Lane, Thirty Pounds.

On Duckworth Street, Four Hundred and Thirty-five Pounds.

On the Safety Wall and the Street opposite McBride's Cove and on the lane leading to the Roman Catholic Church, Two Hundred and Thirty Pounds.

On the Meeting House Lane, to the Barrens, Seventy Pounds.

On the Hill of Chips to Magotty Cove, One Hundred and Thirty Pounds.

On Waldegrave Street, Fifty Pounds.

On the Road from Gower Street to Tarrahan's Town, Seventy Pounds.

For a retaining Wall at Pitts's ground on the Road leading to Freshwater, Seventy Pounds.

On Water Street, Two Hundred and Seventy Pounds.

On the repairs of sundry Gross Streets and Lanes in Saint John's, Ninety Pounds.

On the Circular Road from the King's Bridge to the Long Pond Road, Eighty Pounds.

On the Military Road from Fort William to Fort Towtshend, Ninety Pounds.

On the Lane from the Court House to the Orphan Asylum School, Fifty-five Pounds.

On the King's Road, Ninety Pounds.

On the Road from Fort William to the King's Bridge, Forty-five Pounds.

In completing the improvements in Beck's Cove, near Patrick Power's House, Seventy Pounds.

On the Road near Wyatt's Cottage from the Portugal Cove to the Torbay Road, Forty-five Pounds.

On the construction of a Bridge at the West of the River leading from the Three Ponds to Upper Long Pond, near to Thomas Ambrose's, Twenty Pounds.

On the Road and Cross-drains thereon from the Stone Bridge at Magotty Cove to the Forest Road, Twenty-five Pounds.

On the Repairs of Barter's Hill, Forty-five Pounds.

Towards opening, repairing and constructing Roads, Streets, and Bridges in the District of Conception Bay, the sum of Five Thousand Seven Hundred and Twenty-five Pounds, to be expended as follows:—

From Holyrood Southern Bridge to Salmon Cove Bridge, both inclusive, Five Hundred Pounds.

From Salmon Cove to Brigus, One Hundred and Fifty Pounds.

From Brigus to Spaniards Bay Southern Gut Bridge inclusive, One Hundred and Fifty Pounds.

From Spaniard's Bay Southern Gut Bridge to Southern Bridge, River Head, Harbor Grace, inclusive, One Hundred and Thirty Pounds.

From River Head, Southern Bridge to Bear's Cove Bridge inclusive, Two Hundred and Seventy Five Pounds.
From Bear's Cove Bridge to Keefe's Grove, Twenty-five Pounds.
For Martin's Brook Bridge, Fifty Pounds.
For Carbonear Road, One Hundred and Thirty Pounds.
For Poweli's Brook Bridge, Forty Pounds.
From Pack's Bridge to Crocker's Cove Bridge, both inclusive, Two Hundred Pounds.
From Pack's Bridge to William Penny's, South Side, Eighty Pounds.
From Crocker's Cove Bridge to Main Brook, Lower Island Cove, Eight Hundred Pounds.
From Main Brook, Lower Island Cove, to Episcopal Church, Bay de Verde, Four Hundred and Forty Pounds.
For Road over Kenneall Hill, Fifty Pounds.
From Southern Brook, River Head, to Feather Point, One Hundred Pounds.
From South Side to Bryan's Cove, Fifty Pounds.
From Spaniard's Bay Road to Island Cove and Bishop's Cove, One Hundred and Fifty Pounds.
From Carbonear to Heart's Content, Four Hundred Pounds.
From Caplin Cove to Old Perican, One Hundred Pounds.
For Roads in Chapel's Cove, Fifty Pounds.
For Roads in Harbor Main, Sixty Pounds.
From Main Road to Colliers, Forty-Five Pounds.
From Main Road to Cat's Cove and Bacon Core, Thirty-five Pounds.
From Frog Marsh to the Battery, One Hundred and Fifty Pounds.
From Brigus to Bull Cove, Sixty Pounds.
For the Town of Brigus, Sixty Pounds.
From Brigus to Cupids, Forty Pounds.
From Main Road to Cupids, including Bridge on South Side, One Hundred and Forty Pounds.
From Hibb's Hole to Port-de-Grave, Fifty Pounds.
From Main Road to Port-de-Grave, One Hundred and Fifty Pounds.
For Town of Port-de-Grave, Thirty Pounds.
From Main Road to Pack's House, (Bay Roberts,) Seventy Pounds.
From French's Cove to the Church, (Bay Roberts,) Seventy Pounds.
For Musquitto, to the North and South Point, One Hundred Pounds.
From Spaniard's Bay, through Bishop's Cove, Spoon Cove, to Island Cove, One Hundred Pounds.
From Feather Point to Bryan's Cove, Forty-five Pounds.
For Roads from River Head Harbor Grace, Hard Path, Cooper's Path, and Fisherman's Road, Ninety Pounds.
For Battery Hill Road at Carbonear, Seventy Pounds.
For London Road at Carbonear, Sixty Pounds.
For Middle Street and Drain of Carbonear, Seventy Pounds.
For Pike's Bridge and Road, Forty-five Pounds.
For Road to Lady Pond, (Harbor Grace,) One Hundred Pounds.
For Sullivan's Hill Road, (Harbor Grace,) Forty Pounds.
From Black Head, through Gussett's Cove, to Adam's Cove, Thirty Pounds.,
From William Johnston's, Job's Cove, to the Main Road, Thirty Pounds.

From Western Bay, South Side, to Main Road, Thirty-five Pounds.
From Southern Gut Bridge, through Salmon Cove, to Burnt Point, Thirty Pounds.
From Main Road to Juniper Stump, leading to the Goolds, Fifty Pounds.

Towards opening, repairing, and constructing Roads, Streets, and Bridges in the District of Trinity Bay, the sum of One Thousand Six Hundred and Eighty Pounds, to be expended as follows:--

On the Road from Grates Cove to Bay-de-Verds, Fifty Pounds.
On the Road from Grates Cove to Old Perlican, One Hundred and Fifty Pounds.
In the erection of a Bridge over Admiral's River in the Harbor of Old Perlican, Fifty Pounds.
On a Road from Old Perlican to Seal's Cove and Hants Harbour, One Hundred and Fifty Pounds.
On the Road from Hants Harbor to Scilly Cove, One Hundred and Fifty Pounds.
On the Road from Scilly Cove to New Perlican, One Hundred and Fifty Pounds.
On the Road from New Perlman to Heart's Content, One Hundred Pounds.
On the Road from Heart's Content to Heart's Delight, One Hundred and Fifty Pounds.
On the Road from New Harbour to Dildo Cove, Fifty Pounds.
In making a Road and building three Bridges from Trinity North Bide, to Catalina, passing through Ship Cove, Robin's Hood, Salmon Cove and English Harbor, Three Hundred Pounds.
In making Roads and building Bridges from Trinity to New Bonaventure, passing through Trouty, Spaniards Bay, and Old Bonaventure, Three Hundred Pounds.
Repairing Streets in the Town of Catalina, Forty Pounds.
Repairing Main Street and Simpson's Lane, in the Town of Trinity, Forty Pounds.

Towards opening, repairing, and constructing Roads, Streets, and Bridges in the District of Bonavista Bay, the sum of One Thousand Two Hundred and Sixty Pounds, to be expended as follows:--

On Roads and Bridges between Bonavista and Catalina, Four Hundred Pounds.
On the Road from Bonavista to King's Cove, Three Hundred Pounds.
On Roads and Bridges in and through King's Cove, Seventy Pounds.
On the Road from Keels towards Broad Cove, Fifty Pounds.
On the Road from Bonavista to Bird Island Cove, Seventy Pounds.
In re-building Walkham's Bridge, Seventy Pounds.
In repairing Connell's Bridge, Fifteen Pounds,
In repairing Canaille's Bridge, Ten Pounds.
In repairing Roads from Canaille's to the Main Road to Catalina, Twenty-five Pounds.
In repairing Roads from Walkham's Bridge towards Bayley's Core and Red Cove, Sixty Pounds.
In making and repairing Streets in Greenspond, Ninety Pounds.
In repairing the Road from Lance Cove Beach to Bayley's Cove, Seventy-five Pounds.
In making and repairing Roads in Salvage, Twenty-five Pounds.

Towards opening, repairing, and constructing Roads, Streets, and Bridges in the District of Twillingate and Fogo, the sum of Two Hundred Pounds.

Towards opening, repairing, and constructing Roads, Streets, and Bridges in the District of Ferryland, the sum of One Thousand Six Hundred and Fifty-five Pounds, to be expended as follows:—

- On the Road from the Goold's to within two miles of Bay Bulls, Four Hundred Pounds.
- On the two miles of Road next to Bay Bulls, Two Hundred Pounds.
- On the Road from Bay Bulls to La Manche, Three Hundred Pounds.
- On the Road from La Manche to Cape Broyle, One Hundred Pounds.
- On the Road from Cape Broyle to Ferryland, Two Hundred Pounds.
- On the Road from Ferryland to Renewse, One Hundred Pounds.
- On Roads and Bridges in the Harbor of Bay Bulls, One Hundred Pounds.
- On Roads and Bridges in the Harbor of Witless Bay, after repairing the Roads and making a Bridge near Fortune's Beach, Fifty Pounds.
- On Roads and Bridges in the Harbor of Toad's Cove, Fifty Pounds.
- On Roads and Bridges in the Harbor of Renewes, Fifty Pounds.
- On Roads and Bridges in the Harbor of Fermeuse, Fifty Pounds.
- On a Road from Stone Island towards Caplin Bay, Fifty-five Pounds.

Towards opening, repairing, and constructing Roads, Streets and Bridges in the District of Placentia and St. Mary's the sum of Eight Hundred and Fifty-five Pounds, to be expended as follows:—

- On a Road in Barren Island, Fifty Pounds.
- On a Road at Merasheen, Fifty Pounds.

In opening a Road from Great Placentia to Distress Cove, leading to Cape St. Mary's, One Hundred and Fifty Pounds.

In completing the Road from Great to Little Placentia, Seventy-five Pounds.

In completing the Bridge over the Pond at St. Mary's Harbour, Fifty Pounds.

- On the Road from St. Mary's to Holyrood Pond, Sixty Pounds.
- On the Road from Presque to Oliver's Cove, Fifty Pounds.
- On the Roads in the Isle of Valen, One Hundred Pounds.
- On the Road from Great to Little Paradise, Thirty Pounds.
- On Roads in Woody Island, Twenty Pounds.
- On Roads in Sound Island, Twenty Pounds.
- On Roads in Harbour Buffett, Twenty-five Pounds.
- On Roads in Oderin, Twenty Pounds.
- On a Road from Little Placentia to Pond Head, One Hundred Pounds.
- On a Road from Point LaHaye to St. Mary, Fifty-five Pounds.

Towards opening, repairing and constructing Roads, Streets, and Bridges in the District of Burin, the sum of Seven Hundred and Fifty Pounds, to be expended as follows:—

On the Road from Fortune to Grand Bank, One Hundred Pounds.
On the Road from Fortune to Lamaline, Fifty Pounds.
On the Road from St. Lawrence to Lamaline, Seventy Pounds.
On the Road from Spoon Cove to Corbin and St. Lawrence, One Hundred Pounds.
On the Road from Little St, Lawrence to Great St. Lawrence, to and from the Bridge at the Head of Great St. Lawrence, Sixty Pounds.
On the Road from Olive Point to Great Burin, Fifty Pounds,
On the Road from the Court House to Burin Bay, Ninety Pounds.
On the Road from the Court House to Bull's Cove, Seventy Pounds.
On the Road from Bulls Cove to Port-au-Bras, Eighty Pounds.
On the Road from Port-au-Bras to Mortier, Beau Bois, and Mortier Bay, Eighty Pounds.

Towards opening, repairing, and constructing Roads, Streets, and Bridges in the District of Fortune Bay, the sum of Four Hundred Pounds, to be expended as follows:—

On the Road from Harbour Britain to the West side of Connaigre Bay, and from the South side of Connaigre Bay to Hermitage Cove, Three Hundred Pounds.
On the Road from Belleore to St. Jaques, One Hundred Pounds.

Towards defraying the expense of exploring and opening a Road from Fortune Bay to Placentia Bay, the sum of Two Hundred Pounds.

Towards defraying the expense of repairing the Road from Palk's House to Topsail, the sum of One Thousand Pounds.

Towards defraying the expense of repairing the Roads and Bridges from Topsail to Holyrood, One Thousand Two Hundred Pounds.

Towards defraying the expense of opening and making a Road and Bridges from Renewes to Trepassey, Five Hundred Pounds.

Towards defraying the expense of opening and making a Road from Holyrood to Salmonier, One Thousand Pounds.

Towards defraying the expense of opening and making a Road from the most eligible point at the Head of Conception Bay to Ship Harbour, One Thousand Pounds.

II. And be it further enacted, That for the purposes of this Act it shall and may be lawful for the Governor, or person administering the Government for the time being, by and with the advice of Her Majesty's Council, to appoint Boards of Commissioners for the several Districts and portions of Districts, and the several Roads and Bridges, hereinbefore specified, and to appoint Chairmen of the same respectively; and also, by and with such advice as aforesaid to fill up from time to time such vacancies as may occur in such Boards by the death, absence from the Colony, or refusal to act, of any

of the Members: Provided always, that a majority of the Members of every such Board respectively, shall form a quorum.

III. 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 Roads, or building any Bridges, for which any Sum or Sums of Money may have been appropriated, in any other way than by Contracts, having first given public notice of such intended Contracts for the space of Ten 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 authorized by a majority of the said Board,) or shall be signed by a majority of the Commissioners of the respective Boards.

IV. And be it further enacted, That all such 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, if any, in the Town, Harbor, or Settlement nearest the place where the Work is to be done, for at least Ten days previously to such Contract being entered into; and all Tenders put in for any Contract or Work, shall be signed by the person or persons making such Tender, with his or their name or names, with the addition of the place of abode, and occupation of such parties respectively; and to every such Tender shall be annexed an undertaking in Writing, signed by two sufficiently responsible persons, under a Penalty equal in amount to the sum specified in such Tender, as Sureties for the due performance of the Work for which the person or persons Tendering shall offer to Contract, in the event of such Tender being accepted; and the said undertaking shall set forth the addition of the place of abode and occupation of the said Sureties, and their Signatures shall be attested by some householder of the District, who shall sign his name as Witness of the same, and such undertaking shall be in the form following;

“In consideration of the Contract for (describe the work tendered for) being given to (name of person tendering) we hereby undertake to become bound to our Sovereign Lady the Queen, her Heirs and Successors, in the sum of (amount for which the Tender may be made) conditioned for the due performance by the said (person tendering) of the said Work in manner prescribed in the Specification of the same.

In presence of E. F.

Witness our hands the _____ day of _____ 1848.

A. B.

C. D.”

And all such Tenders shall be opened by the said Board of Commissioners as aforesaid, respectively, in the presence of the parties tendering and their proposed Sureties, if they should desire it, at the time and place appointed for opening the same.

V. And be it further enacted, That in all cases the lowest Tender, made with sufficient Security, shall be accepted, unless the same shall be considered unreasonable; and in case no tender be made within the period advertised for tender, or in case all Tenders made be considered unreasonable, then and in such case Ten Days further Notice shall be given for Tenders, and so on as many times as the same may be required.

VI. And be it further enacted, That such Boards of Commissioners, before they enter into any such Contracts, shall require Security as hereinbefore provided, 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 onetime; 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, to sanction the payment to the Contractor or Contractors of any Sum not exceeding one-half of the last Instalment on any Contract or Contracts as aforesaid, anything herein before contained to the contrary thereof notwithstanding.

VII. 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 Controul hereinafter mentioned.

VIII. And be it further enacted, That such respective Boards of Commissioners as may not have Surveyors appointed to them, may appoint Surveyors to lay down and inspect new Roads and to inspect other Work proceeding under their direction: Provided that no Commissioner who shall be selected to act as such Surveyor or Inspector shall obtain a Salary or pecuniary compensation for the performance of such duty.

IX. And be it further enacted, That if any complaint shall arise as to the unsuitableness of any line of Road adopted by any Board of Commissioners acting under this Act, as aforesaid, and such complaint shall be preferred to the Board of Control hereinbefore mentioned, by any Five persons residing within the vicinity of any District in which such line of Road shall be laid out, then it shall be lawful for the said Board of Control, if they shall see fit, to order the same to be re-surveyed by a Surveyor acting under their instructions, whose survey, and report or decision, shall be final, if adopted by the said Board of Control.

X. And be it further enacted, That whenever it shall become necessary for the opening, making, or widening any Road, Highway, or other work, to appropriate any piece or parcel 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 Roads or Bridges shall be laid down, to pay out of such monies as shall be at their disposal, 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 also to compensate any person or persons for any damage which may be occasioned to their property by the making or repairing such Road; and if the Commissioners and the parties owning such Land cannot agree upon the amount of compensation to be paid, the amount shall be ascertained by one of the Justices of the Peace within the District where the Land is situate, who, together with two Assessors, one of whom shall be nominated by the Commissioners and the other by the Owner of the Land, shall constitute a Jury to assess and award the amount of compensation (if any) that shall be paid for the value of the said Land, or damage, as aforesaid, together with all reasonable costs incurred by the attendance of Witnesses, which award shall be final: and if the party being the Owner of the Land shall neglect to nominate an Assessor within the space of Five Days after being required by such Commissioners to nominate as aforesaid, the said Justice of the Peace, upon the requisition of the Commissioners, shall nominate such Assessor on the part of the said owner of the Land; and the said Justice of the Peace, and the two Assessors, shall each be paid the Sum of Ten Shillings for such service aforesaid: And the award of the said Assessors shall be made in Writing, within the space of Ten days from the day appointed by the said Justice of the Peace for the hearing of the Case: And the Sum so awarded, together with the Costs incurred, as aforesaid, shall be paid by the said Commissioners.

XI. And be it further enacted, That in all cases where any Sum or Sums of Money herein appropriated to any Road, Street, or Bridge, shall be found to be more than sufficient for making, constructing or repairing the same, as the case may be, it shall be lawful to appropriate and apply such surplus Monies to the making, constructing, or reparation of any other Road, Street, or Bridge, within the District to which such Monies shall have been appropriated: Provided always, that where any Sum of Money granted herein for any particular part of any Main Road, shall be found more than sufficient for the purpose of such Grant, the surplus thereof shall be expended on such other parts of the same Line of Road, within the District, as may require the same.

XII. And be it further enacted, That the Chairman of the Board of Commissioners of each District shall, on or before the First day of July in every Year, and oftener if required, transmit in duplicate to the Colonial Secretary, to be laid before the Governor or Administrator of the Government for the time being, a correct Statement of all Works done and Monies paid on such Roads, Streets, and Bridges, as may be within his District, which Statement shall have been previously submitted to a Meeting of Commissioners for such District, for that purpose to be called by him.

XIII. And be it further enacted, That no Commissioners shall be, directly or indirectly, engaged or concerned in any Contract or Agreement for making, constructing, or repairing any Road, Street, or Bridge, to be entered into in pursuance of the provisions of this Act, under a Penalty of One Hundred Pounds for every such Offence.

XIV. And be it further enacted, That no Road to be hereafter opened or made under the provisions of this Act, shall be gravelled to a greater width than Seven Feet, or shall have a base of a less width from drain to drain than Fourteen Feet, when such Road shall be situated more than Five Miles from St. John's, or Four Miles from Harbor Grace, Carbonear, or Brigus respectively; and that where any Land within Thirty Feet of the centre of any Road now laid out remains unappropriated—and where any Land within Thirty Feet of the centre of any Road hereafter to be laid out, shall, at the time of such

Road being laid out, be unappropriated—such land shall not be granted, conveyed or appropriated to any private purposes.

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 the Governor, by Warrant under his hand and seal, to appoint Five Persons who shall constitute such Board of Control, and to appoint the Chairman of the same; 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 Board of Commissioners shall likewise transmit 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 Contracts and Reports so made shall, before the payment of the last instalment, be subject to the approval, order and control of the said Board.

XVI. And be it further enacted, That all Monies granted under any former Act, for the making or repairing any Road or Bridge, and unappropriated, and not Contracted for, shall be applied to the purposes for which they have been so granted by the respective Commissioners to be appointed under this Act, and by none others.

XVII. And Whereas divers Cellars and other Excavations, and divers Doors, Hatch-ways, Flakes, Fences, and other Erections, have been excavated, placed, and erected, under, over, and upon various Streets, Lanes, and Roads, upon the North Side of the Towns of St, John's, Harbor Grace and Carbonear, to the great danger and annoyance of passengers, and to the obstruction of such Streets, Lanes, and Loads, and the prevention of their repair and improvement; It is therefore hereby declared and enacted, that all such Cellars and other Excavations, and all such Doors, Hatchways, Flakes, and other Erections, heretofore, or which shall be hereafter, excavated, placed, or erected under, over, or upon, any such Street, Lane or Load as aforesaid, are and shall be deemed Public Nuisances, and that it shall and may be lawful for the Chairmen of the Boards of Commissioners appointed under this Act, within their Districts respectively, or for any Two of Her Majesty's Justices of the Peace for such Districts respectively, to order and direct the abatement of the same, or to direct the abatement thereof by the owner, or occupier, or by the party who shall have excavated, placed, or erected such Nuisances respectively; and if any such owner, occupier, or party, shall, after Ten Days notice in writing from such Justices or Chairman aforesaid, refuse or neglect to abate any of such Nuisances respectively, such owner, occupier, or party, shall pay a fine not exceeding Five Pounds, to be recovered in a summary manner before Two Justices, together with Costs, to be levied by Distress and Sale of the Offender's Goods, and paid over to the Board of Commissioners, to be applied to the purposes of this Act

Provided always, that it shall be lawful for the proprietor or occupier of any such Cellar, as aforesaid, to continue to use the same, on arching or roofing such Cellar to the satisfaction of the said Chairman of the Board of Commissioners, as aforesaid, with a brick or stone and lime mortar arch: Provided also, that it shall and may be lawful for the proprietor or occupier of every such Cellar, Door, or Hatchway as

aforesaid, to continue to use the same on covering such Cellar, Door, or Hatchway, to the like satisfaction of the said Chairmen respectively, with a strong iron grating, level with the surface of the ground.

XVIII. And be it further enacted, That it shall and may be lawful for the Governor, or Administrator of the Government for the time being, by Warrant on the Colonial Treasurer, to pay to the Colonial Secretary, out of monies remaining in the Treasury unappropriated, a Sum not exceeding one half per cent, on the gross amount herein granted, to defray the expense of employing a Clerk to assist the said Secretary in discharging the duties imposed by this Act.

XIX. And be it further enacted, That for the purposes of this Act the District of St. John's shall comprehend all Loads, Streets, and Bridges within the Electoral District of St. John's, and also the Main Roads between St. John's and Bay Bulls, St. John's and Holyrood, Holyrood and Salmonier, and Colliers and Ship Harbour: That the District of Conception Bay shall comprehend all Roads, Streets, and Bridges within the Electoral District of Conception Bay North of Holyrood aforesaid, and including the Road connecting the Bays of Conception and Trinity: That the District of Trinity Bay South shall comprehend all Roads, Streets, and Bridges within the Electoral District of Trinity Bay, from Dildo Cove to Split Point: That the District of Trinity Bay North shall comprehend all Roads, Streets, and Bridges, from Bonaventure to Catalina: That the District of Bonavista shall comprehend all Roads, Streets, and Bridges, within the Electoral District of Bonavista, and also the Roads between Bonavista and Trinity Bays, and in the Town of Catalina: That the District of Fogo shall comprehend all Roads, Streets, and Bridges, within the Electoral District of Fogo: The District of Burin shall comprehend all Roads, Streets and Bridges within the Electoral District of Burin; and the District of Fortune Bay shall comprehend all Roads, Streets and Bridges within the Electoral District of Fortune Bay: That the District of Placentia and St. Mary's shall comprehend all Roads, Streets, and Bridges, within the Electoral District of Placentia and St. Mary's, except the Main Roads hereinbefore included in the District of St. John's: That the District of Ferryland shall comprehend all the Roads, Streets, and Bridges, within the Electoral District of Ferryland, South of Bay Bulls and inclusive thereof.

XX. And be it further enacted, That every Contractor under this Act shall be entitled, upon the production of proper Certificates, to be paid the amount of Money payable to him on his Contract, by Warrant of the Governor or Administrator of the Government on the Colonial Treasurer.

XXI. And be it further enacted, that it shall and may be lawful for the Governor or Administrator of the Government for the time being, to nominate and appoint so many Surveyors, not exceeding three in all, as may be necessary for carrying into effect the provisions of this Act, and such Surveyors shall be under the management and direction of the Board of Control; and it shall be further lawful for the Governor or Administrator of the Government for the time being to appoint one or more additional Surveyors, upon the representation of the Board of Control that any such appointment is necessary for the purposes of this Act.

XXII. And be it further enacted, that it shall and may be lawful for the Governor or Administrator of the Government for the time being, to appropriate a further sum not exceeding in the whole Nine per centum upon the amount hereinbefore granted for the making and repairing of Roads, Streets, and

Bridges within this Colony, towards defraying all the expenses incident upon the fulfilment of this Act; that is to say,—the expenses of surveying, inspecting, overseeing,—the remuneration of Chairmen, Secretaries, and all other necessary officers,—printing, stationery, and postage,—to be paid by the Treasurer of the Colony out of any monies remaining in his hands unappropriated, by Warrant from the Governor or Administrator of the Government for the time being.