

## CHAPTER 384

### THE ROADS ACT

#### Arrangement of Sections

#### Section

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either in addition to or in lieu of any punishment other than imprisonment, which may be inflicted upon any such offenders by the common law.

**Unlawful  
assembly after  
proclamation.**

**4.** If any persons to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace and being required or commanded by any District Magistrate, or by any Justice of the Peace, by proclamation to be made in the Queen's name in the form hereinafter directed, to disperse themselves and peaceably to depart to their habitations or to their lawful business, shall to the number of twelve or more, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain or continue together for the space of one hour or more after such request or command made by proclamation, then all and singular the persons so remaining or continuing together to the number of twelve or more after such request or command made by proclamation shall be guilty of felony and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

**Form and order  
of proclamation.**

**5.** The order and form of the proclamation that shall be made by the authority of this Act shall be as follows, that is to say, the Magistrate or Justice of the Peace authorized by this Act to make proclamation shall, among the rioters or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be, while proclamation is making, and after that shall openly and with a loud voice make or cause to be made proclamation in these words, or like in effect:

"Our Sovereign Lady the Queen charges and commands all persons, being assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business upon the pains contained in the Riot Act. God save the Queen":

and every District Magistrate and every Justice of the Peace as aforesaid are hereby authorized, empowered and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, to repair to the place where such unlawful, riotous and tumultuous assembly shall be, of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid.

## ROADS

(12th August, 1918.)

10/1918.  
18/1989.

1. This Act may be cited as the Roads Act. **Short title.**
2. In this Act— **Interpretation.**

“owner” means the owner, lessee or occupier of any estate or land, and the receiver, attorney, agent, manager, guardian or committee of any such owner, lessee or occupier; and includes any other person in charge or having control or possession of any estate or land in right of the owner, or having the possession in his or her own right or in that of his wife or as guardian of any other person, of any such estate or land;

“Surveyor” means the Surveyor appointed under the provisions of the Public Works and Road Act. **Cap. 360.**

3. (1) Where any ditch or drain runs along the side of any road mentioned in the First Schedule (whether such ditch or drain is in existence before, or is dug or made after, the commencement of this Act), the owner of the estate or land which adjoins that side of the road shall keep such ditch or drain, or that part thereof which is adjacent to such estate or land, open, dug out, and free from silt, roots, weeds and rubbish, and otherwise in such a condition as to allow of the free passage of water:

**Lateral ditches of roads to be maintained by owners of estates and lands adjacent thereto.**

Provided that the obligation imposed by this subsection shall not extend to any ditch or drain or such part thereof as may be within the city of Saint John's or within any village mentioned in the Second Schedule.

(2) Where any such owner fails to comply with any of the provisions of the preceding subsection the Surveyor may cause a notice to be served on him, requiring him to comply with such provisions within a time to be specified in such notice, and, in the event of such owner failing to comply

with the requirements of such notice within such time, such owner shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and the Surveyor may do the work required, and any expenses incurred by him in so doing shall be deemed to be a civil debt recoverable summarily from such owner.

Owners of estates and lands to be remunerated for work done under section 3.

**4.** The Cabinet shall cause to be paid from the general revenue to owners of estates and lands in respect of work done under the provisions of section 3 remuneration at such general or special rates as the Cabinet may from time to time determine.

Power of Cabinet to alter Schedules.

**5.** The Cabinet may by an Order published in the *Gazette* alter either of the Schedules by adding to or removing from such Schedule any road or part of a road in the case of the First Schedule, or any village in the case of the Second Schedule.

Service of notice under Section 3 (2).

**6.** (1) The notice mentioned in subsection (2) of section 3 may be served by post, and if served by post shall be deemed to have been served at the time when it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice was properly addressed and put into the post.

(2) Any such notice may be addressed by the description of the "owner" of the estate or land (naming it) in respect of which the notice is given, without any further name or description.

Prosecutions, &c., to be instituted in the name of the Surveyor.

**7.** Every prosecution in respect of an alleged offence under subsection (2) of section 3, and every proceeding for the recovery of any expenses incurred by the Surveyor under the said subsection shall be instituted in the name of the Director of Public Works.

Application of expenses recovered.

**8.** All expenses incurred by the Surveyor under subsection (2) of section 3 which may be recovered by him shall be paid into and form part of the general revenue.

## FIRST SCHEDULE

<i>No.</i>	<i>Road</i>
1	St. John's to All Saints (English Harbour Road).
2	St. John's to Old Road, <i>via</i> Bolans and Johnson Point.
3	St. John's to Galley Bay, <i>via</i> Grays Farm (Five Islands Road).
4	Herberts to Tyrells, <i>via</i> Buckleys.
5	Tyrells (road No. 39) to Belvedere (road No. 6), <i>via</i> Shirley Ghaut, Sweets and Body Ponds. Drews Hill (road No. 1) to Old Road, <i>via</i> Bendals and Wallings.
7	Bendals to Creekside, <i>via</i> Greencastle.
8	From road No. 3 to Green Bay.
9	From road No. 2 to Cedar Hall School.
10	From road No. 2 to Grays Hill.
11	From Bolans Bridge (road No. 2) to Roses.
12	Belle Vue (road No. 1) to Pims Pond (road No. 31), <i>via</i> Freemanville and Sandersons.
13	Herberts (road No. 1) to Sea View Farm.
14	All Saints to Vernons, <i>via</i> Jonas and Upper Freemans (road No. 20).
15	St. John's to Wetherills.
16	Fort James to junction with road No. 15.
17	Wetherills to Thibous, <i>via</i> St. James' Church.
18	St. John's to junction with road No. 17, <i>via</i> Friars Hill and Langfords.
19	St. John's to Parham, <i>via</i> Clare Hall and Fitches Creek.
20	St. John's to Vernons (Church Pond), <i>via</i> The Factory and North Sound Bridge.
21	Parham to Vernons (Church Pond).
22	Thibous to junction with road No. 19, <i>via</i> Judges.
23	Millars to junction with road No. 22, <i>via</i> Carlisles.
24	Judges to Winthropes, <i>via</i> High Point.
25	Winthropes to junction with road No. 19, <i>via</i> St. George's Church.
26	Dunbars to junction with road No. 22, <i>via</i> Cedar Valley.
27	North Sound Bridge to Weirs.
28	Scotts Hill to Clare Hall Village.
29	Potters Village to road No. 20.
30	Camacho Avenue and Victoria Park.
31	Vernons (Church Pond) to Potwork Bridge, <i>via</i> Parrys and Little Duers.
32	Potwork Bridge to Montpelier, <i>via</i> Marks Hill and Newfield.
33	Top of Sam Harmans Hill to Freetown, <i>via</i> Colebrooks.
34	Road No. 31 to Willikies, <i>via</i> Pares and Carrs Ghaut.
35	Seatons to junction with road No. 34.
36	All Saints to Yeamans.

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- 37 Liberta to Little Duers, *via* Bodkins and Delaps.  
 38 Road No. 36 to road No. 37, *via* Burkes and Laroques.  
 39 All Saints to English Harbour.  
 40 Falmouth to junction with road No. 37, *via* Piccadilly and Bethesda.  
 41 Montpelier to junction with road No. 37, *via* St. Philip's Church.  
 42 Road No. 32 to road No. 34, *via* Collins and Long Lane.  
 43 Road No. 32 to road No. 41, *via* Lyons.  
 44 Road No. 32 to road No. 41, *via* Lavingtons.  
 45 Road No. 6 to road No. 5, *via* Mill Hill and Folly.  
 46 Comfort Hall (road No. 34) to Elmes (road No. 32), *via* Wickhams and the Savannah.  
 47 Parham to Betty's Hope (road No. 34), *via* Crabbs, Cotton, Hawes and Mercers Creek.
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## SECOND SCHEDULE

Cedar Grove.	Christian Hill.
Grays Hill.	Falmouth.
Potters.	English Harbour.
Buckleys.	Willikies.
All Saints.	Syne.
Galley Bay.	Liberta.
Grays Farm.	John Hughes.
Pigotts.	Old Road.
Osborne.	Sweets.
Parham.	Bendals.
Freemanville.	Brecknocks.
Pares.	Hamiltons.
Sea View Farm.	Jennings.
Date Hill.	Bolans.
Winthropes.	Dunnings.
Barnes Hill.	Ebenezer.
Seatons.	Roses.
Newfield.	Crab Hill.
Freetown.	Johnson Point.
Bethesda.	

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