

*The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 25 (Session 5)

**An Ordinance to provide for the improvement, during the Winter season, of the Queen's Highways in this Province, and for other purposes.**

Whereas it is expedient to provide for the improvement of the Queen's Highways throughout this Province, during the Winter season, and for the introduction of more suitable Vehicles on the Winter Roads:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada,” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;” and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that from and after the fifteenth day of November one thousand eight hundred and forty, no Winter Carriage, or Vehicle without wheels, shall be used for the conveyance of any other load than passengers and their baggage to the amount of one hundred weight for each passenger, on any or any part of the Queen's Highways or Public Roads within this Province, except Sleighs or Sleds having runners at least six English feet in length on the straight part of the bottom thereof, and eight and a half feet in length including the curved part, and that have no part of the bottom of the Sleigh or Sled, or of the cross beams that support the bottom thereof, lower than ten English inches above the bottom of the runners, such Sleigh or Sled to have an open space between the runners and the rails on which the body rests, except where such space is broken by the perpendicular knees between the said rails and runners, and a clear distance of at least two and a half English feet between the inside of the runners at the bottom thereof, nor shall the shaft or pole be attached to the body of the Sleigh or Sled, or runners thereof, at a lower height than ten English inches above the bottom of the runners, nor shall any such Sleigh or Sled be used on any such Queen's Highway or Public Road, unless the horse or horses or other beasts of draught be harnessed abreast, or so attached to it that one or both of the runners shall follow in the track or tracks made by such horse or horses or other beasts of draught: Provided always, that if there be only one horse or beast of draught, or if no two of the horses or beasts of draught be harnessed abreast, then the left runner shall follow in the track of such horse or horses or other beasts of draught; and provided always that the length hereinbefore prescribed for the runners of the said Sleighs or Sleds, shall not effect the Sleds used for saw logs or heavy timber, commonly called bob-sleds.

II. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that nothing in this Ordinance shall extend to prevent any kind of Winter Carriage from being used for crossing any such Queen's Highway or Public Road, or proceeding along it for a distance not exceeding six arpents, for the purpose of passing from one part to another of the property of the owner or owners of such Carriage.

III. Provided also, and be it further Ordained and Enacted by the authority aforesaid, that no Cariole, Train, Berline, or other Winter Carriage, other than such Sleighs or Sleds as are hereinbefore described and permitted, shall be used on any such Queen's Highway or Public Road, within this Province, for the conveyance of passengers and their baggage as aforesaid, unless the horse or horses, or other beast or beasts of draught drawing such Carriage shall be harnessed thereto in the manner hereinbefore prescribed, with regard to the Sleighs or Sleds hereby permitted to be used, nor unless the shafts of such Carriage (if any there be) shall be attached to such Cariole, Train, Berline, or other Winter Carriage at the height above the bottom of the runners hereinbefore prescribed, and fixed otherwise than under the bottom thereof.

IV. And be it further Ordained and Enacted by the authority aforesaid, that when two Winter Vehicles meet, or a Winter Vehicle meets a person on horseback travelling on the same beaten track of snow, that it shall be the duty of the driver or drivers of such Vehicle or Vehicles, to drive their horse or horses or other beast or beasts of draught to the right, so that while passing but one of the runners of such Vehicle or of each of such Vehicles shall occupy the beaten track.

V. And be it further Ordained and Enacted by the authority aforesaid, that all and every the provisions of this Ordinance shall extend and be applicable to all Public Roads defined and laid out during the winter season by lawful authority, on the rivers and other waters when frozen, and on land: Provided always, that the said provisions shall not, during three years from the passing of this Ordinance, extend nor be construed to extend to any Public Road in the District of Quebec, except the main Public or Post Road by which communication is had between the Town of Three Rivers [Trois-Rivières] and the City of Quebec.

VI. And be it further Ordained and Enacted by the authority aforesaid, that each and every person offending against the provisions of this Ordinance, shall, for each such offence, incur a penalty often shillings currency, on conviction thereof before any Justice of the Peace for the District, on the oath of one credible witness other than the informer; and such Justice of the Peace may, if such penalty be not forthwith paid, with the costs of the prosecution, commit the offender to the Common Gaol of the District, for a period not exceeding eight days.

VII. And be it further Ordained and Enacted by the authority aforesaid, that one moiety of all pecuniary penalties recovered under the authority of this Ordinance, shall be paid over to the Receiver General, and shall belong to Her Majesty for the public uses of the Province,

and the other moiety shall belong to and be paid over to the informer; and the due application of all monies so paid over for the public use, or appropriated by this Ordinance, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of the Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that copies of this Ordinance shall be sent to each of the Grand Voyers for the Districts of Quebec, Montreal and Three-Rivers, who shall, within one month from the passing of this Ordinance, forward one of such copies to one of the Surveyors of Highways in each Parish in his District, through which any Queen's Highway or Public Road passes, and such Surveyor shall cause it to be read at the door of the Church of his Parish or Township, immediately after Divine Service in the forenoon, or at some other public place, if there be no Church, on the three Sundays immediately following the time at which he shall receive such copy.

IX. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance passed in the second year of Her Majesty's Reign, chapter thirty-four, intituled, "An Ordinance to provide for the improvement, during the Winter Season, of the principal Post Roads from various parts of the Province to Montreal, and for other purposes," shall be, and the same is hereby repealed.

X. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Thirteenth day of May, in the third year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.