

‘inconvenient, and the inhabitants have subscribed a sum of money towards the erection of a new building for that purpose: And whereas for the better accommodation of the inhabitants it has been found desirable to alter the site thereof;’

Authority given to sell the school house land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the trustees and directors of the said grammar school be and they are hereby authorised and empowered to grant, bargain and sell all and singular the lands and premises belonging to the said school, being a part of the lot number forty four, and all the estate, right, title and interest of the said trustees and directors in, to or out of the same: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with private rights.

Appropriation of the proceeds.

II. And be it enacted, That the money arising from such sale, shall after payment of the debts due by the said trustees and directors of the said school, be appropriated towards the erection and completion of a new school house in the said County.

CAP. XXIV.

An Act to continue an Act relating to parish schools.

Passed 8th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of His present Majesty's reign, intituled *An Act relating to parish schools*, be and the same is hereby continued until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty eight.

3 W. 4, c. 31, continued.

CAP. XXV.

An Act to prevent disorderly riding on streets and highways in this Province.

Passed 8th March 1836.

‘**W**HEREAS the practice of horse racing and disorderly riding upon streets and highways in this Province, is dangerous and alarming to His Majesty's subjects passing and repassing therein; for prevention thereof;’

A Justice of the Peace may issue summons or warrant against persons for disorderly riding.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any person or persons shall be guilty of disorderly riding or horse racing upon any street or highway in this Province, whereby His Majesty's subjects passing and repassing therein might be obstructed or endangered, it shall and may be lawful for any one of His Majesty's Justices of the Peace, within whose jurisdiction such offence shall be committed upon complaint thereof made to him upon oath, to issue his summons or warrant at his discretion to bring the party or parties so complained against before him, and shall examine upon oath any witness or witnesses who shall appear or be produced to give evidence touching such offence, which oath the said Justice is hereby authorised and required to administer; and if the said party or parties so complained against shall be convicted of such offence either by his or their own confession, or upon such evidence as aforesaid, he or they so convicted shall forfeit and pay a sum not exceeding five pounds nor less than five shillings at the discretion of the said Justice, to be by him paid

Penalty on conviction.

paid over to the overseers of the poor of the town or parish where such offence shall have been committed, for the use of the poor thereof, and if such fine together with the costs of prosecution, if so ordered by such Justice, shall not be paid either immediately after conviction, or within such time as the said Justice shall at the time of the said conviction appoint, it shall and may be lawful for the said Justice to commit the person or persons so convicted to the common gaol of the County wherein such offence had been committed, or to the next legally established lock-up house, there to remain without bail or mainprize, for a space of time not exceeding twenty days, unless such fine and costs be sooner paid: Provided always, that all prosecutions under this Act shall be made within two days after the offence had been committed and not afterwards.

Prosecutions to be within two days.

II. ' And whereas many accidents happen and much inconvenience is sustained by the negligence or wilful misbehaviour of persons driving and riding upon the public streets or roads in this Province;' Be it therefore enacted, That all and every person and persons who shall drive any carriage, cart, waggon, dray, truck, sleigh, sled or other vehicle of any description, or shall ride upon any of the public streets or roads, and who shall meet or be overtaken by any other person or persons driving or riding on such streets or roads, do not on meeting or on being overtaken by such person or persons as aforesaid, keep his or her carriage or other vehicle as aforesaid, or his or her horse, on the left or near side of the street or road, thereby giving to such person or persons one half of the said street or road, or if any person or persons shall in any manner negligently or wilfully hinder or prevent any other person or persons from passing him or her, or any carriage or other vehicle as aforesaid under his or her care, upon such street or road, or by negligence or misbehaviour prevent, hinder or interrupt the free passage of any carriage or other vehicle as aforesaid, or of His Majesty's subjects, on any such street or road, or shall suffer his or her horse or horses, or other beast or beasts of draught, to proceed on such road without having some person to direct and govern such horse or horses, or other beast or beasts of draught, or shall be at such a distance from such carriage or other vehicle as aforesaid, or in such a situation whilst it shall be passing on such road as aforesaid that he or she cannot have the direction or government of such horse or horses, or other cattle drawing the same, or if any person or persons whatsoever driving any cart, waggon, sled or other vehicle of any description having any matter or things thereon, do not place and secure such matter or thing so that the same shall not project beyond the side of such cart or other vehicle as aforesaid in such manner as to obstruct or impede the passage of any person, horse, beast, carriage or other vehicle as aforesaid, every such person or persons so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace of the County where such offence shall be committed or where such offender shall be apprehended, shall for every such offence forfeit a sum not exceeding twenty shillings in case such person shall not be the owner of such horse, carriage or other vehicle of any description, or in case the offender be the owner of such horse, carriage or other vehicle as aforesaid, then a sum not exceeding forty shillings, over and above the damages occasioned by such offence and expenses; and in either of the said cases shall, in default of payment of such fine and the costs of prosecution, be committed to the common gaol of the County where such offence shall be committed or where such offender shall be apprehended, for any time not exceeding ten days, unless such fine and costs shall be sooner paid; all which penalties and forfeitures so recovered shall be paid and applied in the same

Persons riding or driving not keeping on the left side of the road, or preventing any person from passing, or suffering their horses &c. to proceed without a driver, or not securing articles carried, to be liable to a penalty.

On default of payment to be committed.

manner

Proviso as to loaded sleds or carriages.

manner as is hereinbefore provided in and by the first section of this Act : Provided always, that nothing herein contained shall extend or be construed to extend to compel the driver or owner of any such sleds or carriages being laden to turn out or give one half of the road or street to any light or unloaded sled or carriage during the winter months, so always that the driver or owner of such laden carriage or sled shall upon request made for that purpose stop in some convenient place to let such light or unloaded carriage, sleigh, sled or other vehicle pass by.

Limitation.

III. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty and no longer.

CAP. XXVI.

An Act to provide for the erecting of fences with gates across highways leading through the sand beaches and marshes in the County of Kent.

Passed 8th March 1836.

Two Justices of the County, upon petition of the proprietor or occupant of marsh lands for leave to erect fences with gates, to appoint commissioners to report thereon to the General Sessions.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any proprietor or occupant of any marsh land or sand beaches in the County of Kent over which any highway or public road passes, shall think it necessary or expedient for the protection of such marsh land or sand beaches, that a fence or fences should be erected across such road or highway with a swinging gate or gates therein, and with a fence or fences extending into the water from the place or places where such road or highway may require fencing, (if the same shall be at or near the shore or river or other water,) it shall be lawful for such proprietor or occupant to prefer a petition to any two Justices of the Peace in the said County, stating particularly the object and grounds of such application, and praying for permission to erect such fence or fences; upon the presenting whereof the said Justices are authorised and required forthwith, by order thereon endorsed, to appoint five substantial and disinterested freeholders of the said County, not resident in the town or parish in which such fence or fences is or are proposed to be erected, to be commissioners to examine and report upon such petition, which commissioners shall be sworn to the faithful discharge of their trust before the said Justices or either of them, a certificate of which shall be endorsed upon the same petition; and the said commissioners shall thereupon proceed to view the said place or places where the said fence or fences are proposed to be erected, and to report thereon in writing to the then next Court of General Sessions of the Peace for the said County; and if it shall appear to the Justices of such Court from the report so made by the commissioners or by any three of them, that it is necessary or expedient that the fence or fences prayed for should be erected, they are hereby authorised and required to make an order for the erection of such fence or fences with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet, and that it shall be lawful for the person or persons so petitioning, at his, her or their own expense to erect such fence or fences with such swinging gate or gates agreeably to the direction of the said Court.

Sessions to make an order for the erection, if it appear necessary from the report of the commissioners.

Destroying fences, or taking down, destroying or fastening open gates.

II. And be it enacted, That if any person or persons shall break or throw down, or in any way destroy any fence or fences so to be erected or any part thereof, or shall block up and fasten or stake open, or take down or destroy any gate or gates which