

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1836. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 25

An Act to prevent disorderly riding on streets and highways in this Province. Passed 8th March 1836.

'Whereas 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,'

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 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.

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 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.

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.