

CAP. CXXXVII.

An Act to amend the Act relating to Line Fences and Water Courses in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

8 V. c. 20.

WHEREAS it is by the third section of the Act of the eighth Victoria, Chapter twenty, provided, that the party who shall neglect or refuse to make or repair an equal or just proportion of the division or line fence, shall pay therefor a sum not exceeding the sum of two shillings and six pence currency, per rod; And whereas it is found from the scarcity of timber and materials in many localities, that the said sum of two shillings and six pence per rod aforesaid, is not an adequate or fair remuneration to the party who shall make such fence: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Value of fence to be determined in the same way as the proportion to be made by each party.

I. So much of the said third section of the above recited Act, as limits the said sum to two shillings and six pence per rod, is hereby repealed, and the amount shall be determined in like manner as is provided by the said Act as to the parties who shall pay therefor, and the parties may be heard to ascertain the amount in like manner as they may be heard as to the proportion of fence to be made.

CAP. CXXXVIII.

An Act to repeal the Act of last Session, Chapter one hundred and eighty-nine, and to regulate travelling on Public Highways in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is necessary to make better provisions than exist, to regulate travelling on the Highways in that part of this Province formerly Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I.

I. The Act of the Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, chaptered one hundred and eighty-nine, and intituled, *An Act to provide for the safety of Her Majesty's Subjects and others on the Highways in Upper Canada, and to regulate the Travelling thereon*, and all other Acts and parts of Acts now in force, inconsistent with the provisions of this Act, shall be and are hereby repealed.

Repeal of 16
V. c. 189, and
other Acts in-
consistent
with this
Act.

II. All persons proceeding, going or travelling upon any highway in Upper Canada, in charge of any vehicle drawn by one or more horses, or other animal or animals, shall, when meeting any other vehicle drawn by one or more horse or horses, or other animal or animals, turn out to the right from the centre of the road, allowing to such vehicle so met one-half of the road; and if by reason of the extreme weight of the load on either of such vehicles the driver thereof shall find it impracticable so to turn out, he shall immediately stop, and if necessary for the safety of the other vehicle, and when required so to do, he shall assist the person or persons in charge thereof to pass without damage.

Carriages
meeting to
drive to the
right, giving
half the road.

If the weight
of one of them
prevents this.

III. Every person proceeding, going or travelling on any highway as aforesaid, or on horseback, when overtaken by any vehicle or horseman travelling at greater speed, shall quietly turn out to the right, and allow the said vehicle or horseman to pass; and in the case of one vehicle being overtaken by another, if by reason of the extreme weight of the load on the vehicle so overtaken the driver thereof shall find it impracticable so to turn out, he shall immediately stop, and if necessary for the safety of the other vehicle, and when required so to do, shall assist the person or persons in charge thereof to pass without damage.

Carriage over-
taken to turn
to the right.

If the weight
of one of them
prevents this.

IV. Every person in charge of any vehicle on any highway aforesaid, or of any horse or other animal used as the means of conveyance, who shall through drunkenness be unable to ride or drive the same with safety to Her Majesty's subjects and to others travelling the said highway, shall, upon conviction thereof, be liable to the penalties imposed by this Act.

Penalty on
drivers, &c.,
too drunk to
manage their
horses.

V. All racing or furious driving upon any highway in Upper Canada, shall be unlawful, and the person or persons so racing or furiously driving, or shouting or using blasphemous or indecent language, shall, on conviction thereof, be liable to the penalties imposed by this Act.

Racing,
swearing, &c.,
on highway
forbidden.

VI. Any person or persons riding or driving any vehicle, horse or other beast of burden, over any bridge above the length of thirty feet, at any pace faster than a walk, shall be liable to the penalties imposed by this Act: Provided always, that a notice of the regulation hereby imposed shall first be conspicuously placed on such bridge.

Fast driving
over bridges
forbidden.

Proviso.

VII.

Sleigh horses
to have bells.

VII. Every person travelling on any highway aforesaid, with any sleigh, sled or cariole, drawn by one or more horse or horses, or mule or mules, shall have at least two bells attached to the harness of such horse or horses or mule or mules.

Penalty for
contravening
this Act, and
how enforced.

VIII. For any contravention of any of the preceding sections of this Act, duly proved upon the oath of any credible witness, before any Justice of the Peace having jurisdiction within the County where the offence shall have been committed, the offender shall incur a penalty of not less than five shillings nor more than five pounds, in the discretion of the said Justice, with costs, to be levied by distress and sale of the goods and chattels of the offender; and in default of payment and distress, the offender shall be imprisoned in the Common Gaol of the County, for a period of not less than one day and not more than twenty days, at the discretion of the convicting Justice: Provided always, that the said fine and imprisonment shall be no bar to the recovery of damages by the injured party before any Court of competent jurisdiction.

Proviso: not
to bar action
of damages.

Application of
penalties.

IX. All fines collected under this Act shall be paid to the Treasurer or Chamberlain of the Township, Village, Town or City where the offences for which they were imposed were committed, to be applied to the general purposes of such Township, Village, Town or City.

Appeal.

X. All convictions under this Act shall be subject to appeal in the same manner as other summary convictions before Justices of the Peace.

Extent of Act.

XI. This Act shall apply only to Upper Canada.

C A P . C X X X I X .

An Act to amend the Upper Canada Road, Bridge, Pier or Wharf Joint Stock Companies Act of 1853.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is expedient that the Municipal Corporations of Cities and Towns in Upper Canada should be authorized to assist with Subscriptions for Stock or Loans of Money, the formation or construction of Roads or Bridges within or without such Cities or Towns, the making whereof will benefit the inhabitants thereof, as well as those passing through or along the boundaries of such Cities and Towns: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces*
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