

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 189

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. Assented to 14th June, 1853.

Whereas it has been found that the laws now in force in Upper Canada for the regulation of travelling on the Highways therein, are inadequate to the protection of Her Majesty's subjects and others, and to the prevention of the numerous and fatal accidents which have so repeatedly occurred, and it is therefore expedient to amend the same: 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 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, That so much of any Act or law now in force in Upper Canada, as may be inconsistent with the enactments hereinafter made, shall be repealed by the passing of this Act.

II. And whereas it is expedient to make better provision for the regulation of travelling on the said Highways, Be it therefore enacted, That all persons travelling upon the Highways of Upper Canada, whether in charge of stage coaches, waggons, carriages, sleighs, carioles, or any other vehicle to which oxen, horses or any other animal or animals shall be attached, or on horseback, shall, when meeting each other on the said Highways, turn out to the right hand from the centre of the said Road, and give to each other one half of the said Road.

III. And be it enacted, That if from the extreme weight of any load the driver thereof shall find it impracticable so to turn to the right hand as aforesaid, by reason of the centre ruts or waymark on the said Road, he shall, on meeting any coach, waggon, carriage, sleigh, cariole or other vehicle as aforesaid, immediately stop, and if required so to do, shall assist the person or persons so met to pass without damage.

IV. And be it enacted, That every person travelling with any vehicle or on horseback as aforesaid, when overtaken by any vehicle or horseman travelling at greater speed, shall quietly turn out to the right, giving one half the Road to the person so overtaking him, or if unable to turn out as aforesaid, the person so overtaken shall stop and allow the other to pass, giving assistance if required or necessary to effect such passing.

V. And be it enacted, That every person in charge of any stage coach, waggon, carriage, sleigh, cariole or other vehicle, horse or animal who shall be unable to drive or ride the same with care through drunkenness, shall, upon due proof thereof, be liable to the penalties imposed by this Act.

VI. And be it enacted, That any person riding or driving on the Highways aforesaid, shall, on meeting or overtaking any person or persons on foot, carefully pass the same by giving them a portion of the track or otherwise.

VII. And be It enacted, That 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 and using blasphemous or indecent language shall, on due proof thereof, be liable to the penalties imposed by this Act.

VIII. And be it enacted, That any person or persons riding or driving any carriage, horse or other animal 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; and notice to this effect shall be placed upon such Bridges by the Municipality in which the same shall be situate.

IX. And be it enacted, That no person shall leave any horse, team or animal upon any Highway, whether travelling or standing, unless it be properly secured or some person shall be travelling with or in charge of the same.

X. And be it enacted, That every person driving in a sleigh, cutter, cariole or other vehicle on runners in the Winter season, shall have not less than three Bells attached to each horse harnessed thereto; and if there be but. one horse, not less than six bells shall be attached thereto.

XI. And be it enacted, That for any violation of any of the preceding Sections of this Act, duly proved upon the oath of one credible witness, before any Justice of the Peace, the offender shall incur a fine of not less than Twenty Shillings nor more than Five Pounds, in the discretion of the said Justice, with costs to be levied by distress and sale of the offender's goods and chattels, — and on failure to levy the same by such distress and sale, the offender shall be imprisoned in the Common Gaol of the County -in which the offence was committed, or in the County where the offender may be tried and convicted, for a period of not less titan three days nor more than one month, at the discretion of the said 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.

XII. And be it enacted, That all fines collected under the provisions of this Act shall be paid to the Treasurer or Chamberlain of the Township, Town or City where the offence was committed, to be expended on the Public Roads or Streets within such Township, Town or City.

XIII. And be it enacted, That the Clerk of each and every Municipality, shall cause a sufficient number of copies of this Act to be printed immediately after the passing thereof, and send to every Inn-keeper within his Municipality two copies of the same; and the said Inn-keeper shall exhibit one of such copies publicly in his Bar-room, for the space of six months next after the receipt thereof.

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XIV. And be it enacted, That all convictions under this Act shall be subject to appeal in the same manner as other summary convictions before Justices of the Peace.

XV. And be it enacted, That this Act shall apply only to Upper Canada.