



No. 242.

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1st Session, 4th Parliament, 16 Victoria, 1853.

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**BILL.**

**An Act to provide for the safety of Her Majesty's Subjects and others on the Highways of this Province, and to regulate the Travelling thereon.**

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Received and read a first time, Wednesday, 23rd  
February, 1853.

Second reading, Wednesday, 2nd March, 1853.

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**MR. DIXON.**

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QUEBEC:

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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.

**W**HEREAS 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, &c.,

Preamble.

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of any Act or law now in force in Upper Canada as may be inconsistent with the enactments hereinafter made shall be repealed by the passing of this Act.

Inconsistent laws repealed.

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 left hand from the centre of the said Road, and give to each other one half of the said Road.

Carriages, &amp;c. meeting.

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 left 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, and shall be responsible for all damage which may occur through his inability to give one-half the Road.

When the weight of the load on one of the carriages is very great.

IV. And be it enacted, That every person travelling with any vehicle or on horseback as aforesaid, when overtaken by any vehicle or on 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

Carriages, &amp;c., going the same way.

overtaken shall stop and allow the other to pass, giving assistance if required or necessary to effect such passing.

Persons driv-  
ing carelessly,  
&c., being  
drunk.

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.

Meeting foot  
passengers.

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.

Furious driv-  
ing prohibited.

VII. 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.

Fast driving  
over bridges.

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                    feet, at any pace faster than a walk, shall be liable to the penalties imposed by this Act.

Leaving  
horses unat-  
tended.

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

Bells to carria-  
geson runners.

X. And be it enacted, That every person driving in 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.

Owners, names

XI. And be it enacted, That every coach, waggon, carriage, sleigh, cariole or other vehicle, whether on wheels or runners, shall have on some conspicuous place the name of the owner or owners thereof, together with the place of residence of such owner or owners, in letters of not less than two inches in height and having their other dimensions in proportion, in black on a white ground.

Punishment  
for violation of  
this Act.

XII. 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, to be levied by distress and sale—and if the offender shall not be possessed of sufficient goods or chattels upon which to levy distress, then he shall be imprisoned in the Common Goal 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 than three days nor more than one month, at the discretion of the said Justice.

XIII. And be it enacted, That if by the violation of any of the preceding Sections of this Act, any damage shall be done to any person or persons, or any horse, oxen or other animal, or any coach, waggon, carriage, sleigh, cariole or any other vehicle whatsoever, the Justice of the Peace before whom the complaint shall be made, shall assess the same to any amount of damage which the party suffering by such violation may be able to duly prove, and cause the sum at which such damage shall be assessed to be levied in like manner as the fine imposed, and the sum so levied as damages shall be paid over to the complainant:—Provided, 1st, That the sum so assessed shall not exceed the sum of *Ten Pounds*; And provided, 2ndly, That nothing in this Act shall be construed to exempt any offender from the punishment provided by law for persons committing personal injuries, manslaughter or murder: And provided, 3rdly, That the imposition of fine or imprisonment shall not exempt the offender from any civil action for damages, on the part of any person who shall not think proper to prosecute the recovery of damages under this Act.

Provision if damage be done by any violator of this Act.

Proviso.

Proviso.

Proviso.

XIV. 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 same shall be levied and collected, to be expended on the Public Roads or Streets within such Township, Town or City.

Application of fines.

XV. And be it enacted, That any complaint or information under this Act shall be brought within thirty days after the commission of the offence to which it relates, unless the injuries received by reason of such offence prevent the same, in which case, the person receiving such injuries may bring such complaint or information within thirty days after his recovery.

Time within which complaint must be made.

XVI. 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.

Copies of this Act to be distributed.

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

Extent of Act