

C H A P.
XVII.

offending shall, for every such offence, forfeit and pay the sum of ten pounds, being thereof legally convicted in any county court within this state; provided it shall appear, that the felloes of such wheels were originally made of the full breadth prescribed by this act, and to have become less by wear or use, except the same shall be less than three inches and one half wide, the penalties and forfeitures hereby imposed on the owner or owners shall not be incurred, nor the same recovered in manner aforesaid, or in any other manner; provided also, that nothing in this act shall be deemed, held, or construed, to debar or prevent any person or persons, residing as aforesaid, from transporting in his or their own waggon, wain, or cart, for his, her, or their, own use, but not for hire, any matters or things whatsoever, with two beasts of draught only, except stones, bricks, lime, loam, sand, gravel, iron, lead, cord wood, coal, scantling, timber, and boards, provided such matters and things do not exceed in any one load half a ton weight, on or through any of the paved parts of the said town, and with any greater number of beasts of draught within or through any other parts of the said town not paved, although the felloes of the wheels of said waggon, wain, or cart, be not of the dimensions aforesaid, any thing in this act to the contrary notwithstanding.

Drays, &c.
not to pass
with narrow
wheels, &c.

XXXVI. And be it enacted, That no dray or other carriage, used for transportation of merchandise from one part of the town to the other, by any porter or drayman, shall travel or be drawn on the paved parts of the said town, unless the felloes of the wheels of such dray or other carriage shall be of the breadth or gauge above directed, under the penalty of five pounds, to be paid by the owner of such dray or other carriage, and to be recovered as debts not exceeding five pounds, one moiety thereof to the person who shall sue for the same, the other for paving or repairing the streets; provided always, that this act is not meant to extend to carriages now in use.

Carters of
wood to have
marked stand-
ards, &c.

XXXVII. And be it enacted, That every waggoner, carter, or drayman, employed to haul wood for the inhabitants of said town, shall have in his said waggon or cart, of his own property, a sufficient number of hewn standards, for preventing the wood from falling off, marked with the initial letters of his christian and surnames on the outer side of the said standards, under the penalty of five shillings; and that if any waggoner, carter, or drayman, shall take and appropriate any wood belonging to any of the inhabitants aforesaid which he shall be hired to haul, or shall not deliver it to the true owner or purchaser thereof, every such person so offending shall forfeit and pay two shillings for every stick or piece of wood so appropriated or detained from the owner or purchaser thereof, being first legally convicted of the said offence before any justice of the peace.

Proviso.

XXXVIII. *Proviso*, That if any person shall conceive himself or herself aggrieved by any judgment given by virtue of this act, if the same shall exceed the sum of forty shillings, or the value thereof, it shall and may be lawful, within the space of six days next after judgment, but not after, to appeal therefrom to the next county court to be held for said county, he, she, or they, first entering into recognizance, with one sufficient security, in such sum as shall be sufficient to answer the said penalty or value of the things forfeited, together with all