

structive to pavements of any kind, and particularly to those newly made, than the carrying large and excessive burthens in carriages, the felloes of the wheels whereof are of small breadth, whereby the stones of such pavements are loosened and torn up, and the pavements themselves in a great measure ruined; for remedy whereof, *Be it enacted*, that no wagon, wain or cart, whatsoever, belonging to any person whatsoever, residing or inhabiting within the said town, or within three miles of the said town, shall travel, pass or be drawn, on any of the paved parts of the said town, with any greater number of beasts of draught than three if a four-wheeled carriage, and if a two-wheeled carriage with any greater number of beasts of draught than two, unless the felloes of such wheels shall be of the breadth or gauge of four inches from side to side at the least; and that no such wheeled carriage belonging to persons residing as aforesaid, shall travel or be drawn in the said town, with or by any number of oxen whatsoever, unless the felloes of the wheels thereof shall be of the breadth or gauge of four inches from side to side at the least, carts with one horse, stage and light travelling wagons for passengers excepted; and that every owner or owners of such wheel carriage, which shall pass or be drawn contrary to the directions and meaning of this act, shall, for every such offence, forfeit and pay the sum of five pounds, or otherwise shall forfeit any one of the beasts of draught drawing such wheel carriage, (excepting the draught or thill horse,) together with the gears, bridles, halter and other accoutrements, to such beast of draught belonging.

See 1807, ch. 116, post 1614.

SEC. 33. *And be it enacted*, That the person or persons making such seizure or distress as aforesaid, shall deliver the horse or ox so seized and distrained, with the accoutrements, into the custody of some one of the constables of said town, and every such constable is hereby required to take and receive and safely keep the same, till the person or persons making such seizure shall make proof upon oath or affirmation before some justice of the peace, before whom such proof shall be made to their satisfaction, is hereby empowered and required to issue his precept to such constable, to sell and dispose of the beast so forfeited, with the accoutrements, at public auction or vendue, first giving due notice of such sale, and the money arising therefrom, the said constable shall pay, one moiety thereof to the party or parties so seizing and distraining the said beast, and the other moiety to the special commissioners, or the treasurer, to be applied towards paving the streets, after deducting from the whole such reasonable charges as the justice shall allow; but in case no such proof shall be made within twenty-four hours after such seizure, that then such beast shall be returned to the owner or owners thereof without any costs or expenses.

Beasts
seized to
be delivered
&c.