

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.

SEC. 37. *Provided*, 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 thing forfeited, together with all costs as shall be awarded, to prosecute the said appeal to effect, and to abide the order and judgment of the said court, which said court is hereby authorized to receive the said appeal, and to proceed therein according to usage and practice in cases of appeals.

SEC. 38. *Provided also*, That if any person or persons be sued or prosecuted for any thing done in pursuance of this act, he, she or they, may plead the general issue, and give this act and the special matter in evidence for their justification; and if the plaintiff or prosecutor become non-suit, or suffer a discontinuance, or if any verdict pass against him, the defendant shall have treble costs, to be recovered as in cases where costs by law are given to defendants.

SEC. 47. *Be it enacted*, That if any person or persons shall hereafter make and set up, or shall cause to be made or set up, in any street of fifty feet wide or upwards within the said town, any porch, cellar door, or step, which shall extend beyond the distance of four feet three inches in such streets, or a proportionate distance into any narrower street; and if any person or persons shall hereafter make and set up any bulk, jut window, or incumbrance whatsoever, whereby the passage of any street, lane or alley, shall be obstructed; or shall so place, or cause to be placed, any spout or gutter, whereby the passage of any street shall be obstructed or incommoded; any person so offending, and being legally convicted thereof before any justice of the peace, shall for every such offence, forfeit and pay the sum of thirty shillings, and shall forthwith remove or cause the said nuisance to be removed.

SEC. 48. *Be it enacted*, That the owner or owners of any house within the said town, having, at the publication hereof, any porch, cellar door or step, extending into any street, lane or alley, beyond the limitation aforesaid, or having fixed or fastened to such house any bulk, jut window, or other incumbrance whatsoever, shall yearly and every year pay, to such person or

Proviso.

Proviso.

*Porches,
&c. not to
be made,
&c.*

*If now
made to be
paid for &c.*