

C H A P. XVII. be paid, to be by him applied to the uses aforesaid, to be recovered with costs of suit.

Carriages to have broad wheels, &c.

XXXIII. **And**, whereas the paving the streets of Baltimore-town will be attended with a great expence to the inhabitants thereof, and it is necessary that due care be taken to preserve the pavements made or to be made from any and every avoidable and unnecessary injury: And whereas nothing can be more destructive to pavements of any kind, and particularly to those newly made, than the carrying large and excessive weights and 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 waggon, 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 waggons 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 shaft or thill horse) together with the geers, bridles, halter, and other accoutrements, to such beast of draught belonging.

Beasts seized to be delivered to a constable, &c.

XXXIV. **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 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, of the offence committed; and the said justice, 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 expences.

Penalty on persons hindering, &c.

XXXV. **And be it enacted**, That if any person or persons shall hinder, prevent or obstruct, the measuring or gauging of the felloes of such wheels, or the seizing or distraining of any horse or beast of draught hereby directed to be forfeited, every such person or persons so 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