

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 tun 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 feloes of the wheels of said waggon, wain or cart, be not of the dimensions aforesaid, any thing in this act to the contrary notwithstanding.

C H A P.
XVII.

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 feloes 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.

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

Carters of
wood to have
marked stan-
dards, &c.

XXXVIII. **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 things 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.

Provido.

XXXIX. **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 nonsuit, or suffer a discontinuance, or if a verdict pass against him, the defendant shall have treble costs, to be recovered as in cases where costs by law are given to defendants.

Provido.

XL. **And,** whereas the laws to prevent the going at large of hogs in the streets, lanes and alleys, of said town, are found insufficient, and as great injury arises to the streets from said animals going at large, Therefore, **Be it enacted,** That the special commissioners appoint a proper person or persons to seize all the hogs found at large in the said streets, lanes or alleys, and sell the same, for the use of paving and repairing the said streets, paying to the persons so seizing said hogs a reasonable reward.

Persons to be
appointed to
seize hogs,
&c.

XLI. **And,** in order to perpetuate the said special commissioners for the above-mentioned purposes, **Be it enacted,** That it shall be lawful for the inhabitants of the town of Baltimore, qualified to vote for delegates, or having real property in said town above thirty pounds, on the first Monday in October, in the year of

Special com-
missioners to
be elected,
&c.