

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, (a) 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 draught or thill horse,) together with the geers, bridles, halter and other accoutrements, to such beast of draught belonging.

C H A P.  
XVII.  
Carriages to  
have broad  
wheels, &c.

(a) By 1796, ch. 42, the restrictions and regulations in this section are confined to waggons, &c. usually kept and employed in said limits, and are not to extend to waggons, &c. attached to any farm, plantation or estate, lying out of the said limits, and not usually employed within the same, although belonging to persons residing in the town, or within three miles thereof, and going occasionally in the paved parts of the town.

XXXIII. 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 expences.

Beasts seized  
to be delivered,  
&c.

XXXIV. 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 that 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 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 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.

Penalty on per-  
sons hindering,  
&c.

XXXV. AND BE IT ENACTED, That no dray or other carriage, used for any 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.

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