

Act: Provided also, that the Inhabitants of the said *Two Mile*, relinquish all their right, title and interest in and to the common lands, of the Town of *Scituate*; and that the said Inhabitants shall not be included or charged in any future tax, for maintaining the poor of the Town of *Scituate*.

Future taxes,  
how assessed.

*And be it further enacted by the authority aforesaid,* that in all future taxes granted by this Commonwealth, and assessed on the present valuation, the sum of *five shillings and six pence*, on each *thousand pounds*, be taken from the Town of *Scituate*, and added to the Town of *Marshfield*.

March 10, 1788.

### 1787. — Chapter 35.

[February Session, ch. 3.]

*Chap. 35* AN ACT TO PREVENT THE DESTRUCTION OF FISH CALLED SHAD AND ALEWIVES, IN TEN AND THREE MILES RIVERS, IN THE COUNTY OF BRISTOL.

Preamble.

*Whereas it is necessary for the preservation of the fish called Alewives, in their passage up the Rivers, called & known by the names of ten mile & three mile river, in the County of Bristol, that some further provision should be made for the said purpose:*

Town to choose  
a Committee  
annually.

*Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same,* that the several Towns, through which the said *ten and three mile Rivers* run, shall be, & they hereby are impowered & directed, in the month of *March* or *April* annually, to chuse three or more persons in each town respectively, being freeholders within the same, as a Committee, who shall take an oath to the faithful discharge of his or their duty, & the said Committee or the major part of them shall have power to cause the natural course of the said streams through which the said fish pass, to be kept open, and without obstruction, and to remove all such obstructions as may be found therein, & to make the passage ways wider or deeper, if they shall find it necessary; and the Committee, or a major part of them, shall have authority for such purposes, to go on the land of any person, through which the said *ten & three mile rivers* run, without being considered as a trespassor or trespassors, and any person, who shall molest or hinder the said Committee or either

Their power.

of them in the execution of the business of his or their office, or who shall obstruct any passage way in the said Rivers, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine not exceeding the sum of *fifteen pounds*, nor less than *five pounds*.

*And be it further Enacted*, that the said Committee, or the major part of them, at any meeting by them duly notified, shall be, and hereby are authorized & impowered to open any dam or sluice way of any mill erected, or that may be erected on, over or across the said Rivers, at the expence of the owner or owners of such dam, provided such owner or owners shall neglect to open the same, when they are required by the said Committee, & the said dam or dams, or sluice way or ways, so opened, shall continue open to such depth & width, & for such length of time betwixt the first day of *April*, & last day of *May* annually, as the major part of the said Committee shall judge necessary; and in case any person or persons shall be found to obstruct the passage ways allowed or ordered by the said Committee in any dam or sluice, such person or persons so offending, shall forfeit and pay a fine, not exceeding the sum of *ten pounds*, nor less than *five pounds*.

Empowered to open any dam or sluice ways.

Proviso.

Penalty for obstructing passage ways.

*And be it further Enacted*, that all penalties incurred by a breach of this Act, may be sued for & recovered in any Court in the County of *Bristol*, proper to try the same, & all sums so recovered or forfeited by a breach of this act, shall be appropriated, one moiety thereof to the prosecutor or prosecutors, & the other moiety thereof to the use of the poor in such town where the offence is committed, & no person, by reason of his being one of the said Committee, or an inhabitant of either of the said towns, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

Penalties, how recovered, &c.

*March 10, 1788.*

## 1787. — Chapter 36.

[February Session, ch. 4.]

AN ACT GRANTING LIBERTY FOR TAKING THE FISH CALLED MENHADEN, IN NEPONSET RIVER, WITH SEINS.

*Chap. 36*

*Whereas the public and individuals may derive great benefit by taking with seines the fish called Menhaden, in Neponset River, after the first day of June, and without*

Preamble.