

used in such capture, in all cases where such forfeiture is not already provided for in said act.

SECTION 2. The proprietor of any unnavigable tidal stream, where the same empties into salt water, and in which fishes are lawfully cultivated or maintained, shall control the fishery of said stream within his own premises; and also beyond and around the mouth of said stream so far as the tide may ebb: *provided*, it does not ebb more than eighty rods; and whoever fishes within the above described limits without the permission of said proprietor, shall forfeit not less than one dollar nor more than twenty dollars for the first offence, and not less than five nor more than fifty dollars for any subsequent offence, and shall in addition forfeit any boat, net, line, rod, or other apparatus used in such illegal fishing.

Control of fisheries in unnavigable tidal streams.

Proviso.

*Approved May 12, 1871.*

AN ACT IN RELATION TO MORTGAGES OF REAL ESTATE BY GUARDIANS.

Chap. 282

*Be it enacted, &c., as follows:*

SECTION 1. Upon petition of the guardian of a minor and due notice and hearing thereon, the judge of the probate court having jurisdiction thereof may authorize such guardian to mortgage the real estate of his ward, whenever in the judgment of the court it is necessary or expedient.

Guardian of a minor may mortgage real estate under authority from probate court.

SECTION 2. The petition shall set forth a description of the lands to be mortgaged, the amount necessary to be raised, and the reasons therefor, and the decree of the court shall fix the amount of the mortgage.

Petition to set forth description of lands.

SECTION 3. The mortgage shall set forth that the same was executed by license of court and the date of such license, and such mortgage shall bind only the estate described therein. And the court shall require the guardian to give bond, with sufficient surety or sureties, for the faithful application of the money received on such mortgage.

Mortgage to set forth that it was executed by license of court, &c. Guardian to give bond.

SECTION 4. This act shall take effect upon its passage.

*Approved May 12, 1871.*

AN ACT CONCERNING THE APPOINTMENT OF SURGEONS IN THE MILITIA.

Chap. 283

*Be it enacted, &c., as follows:*

SECTION 1. There shall be commissioned in each separate battalion one surgeon with the rank of major.

Surgeon in each battalion.

SECTION 2. So much of the twenty-seventh section of the two hundred and nineteenth chapter of the acts of eighteen hundred and sixty-six, as allows an assistant surgeon with the rank of first lieutenant to each separate battalion, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1871.*