

Penalty for refusing.

person so chosen as aforesaid shall refuse or neglect to be sworn (after due notice given) he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of such town, to be recovered by the Treasurer of such Town or the Clerk of such Plantation, where the offence shall be committed, and such Town or Plantation shall proceed to a new choice, and so *toties quoties*; and any person or persons who shall refuse or prevent the person or persons so chosen from measuring any Seine or net which shall be used for the purpose of taking fish in said River, shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *twenty shillings*, for each and every such offence.

Writs of scire facias to issue, for breaches of this act.

*And be it further enacted*, that on complaint made in writing, to any Justice of the Peace for the County where any offence against this Act shall be committed, against any person or persons for any breach of this Act, or upon view of any Justice, such Justice is hereby impowered to issue his writ of *Scire Facias*, commanding such offender or offenders to appear before him at such time and place as the Justice shall direct, at least seven days previous to the day of trial, to shew cause (if any he or they have) why a warrant of distress shall not issue against him or them, to levy said fine or forfeiture on his or their goods or chattels, with all legal costs, in the same manner as writs of execution are issued, and in like manner returnable.

How fines shall enure.

*And be it further enacted*, That all fines and forfeitures incurred by any offence committed against this act, shall enure the one moiety thereof, to the poor of the town or plantation where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

Grand Jurors to present offences.

*And be it further enacted*, that all Grand Jurors are hereby enjoined diligently and faithfully to enquire after and duly to present all offences against this Act.

June 28, 1786.

## 1786. — Chapter 12.

[May Session, ch. 12.]

*Chap. 12.* AN ACT TO PREVENT DAMAGE BEING DONE TO THE HARBOUR OF CAPE COD, BY CATTLE, SHEEP AND HORSE KIND, FEEDING ON PROVINCE TOWN LANDS, AND FOR THE PRESERVATION OF THE SAME.

*Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of*

the same, that from and after the passing this Act, it shall not be lawful for the inhabitants of *Province Town*, or *Truro*, or any other person or persons whatsoever, to turn out, feed, or let run at large, any neat cattle, sheep, or horse kind, on the land, meadow, or beaches at *Cape Cod*, lying to the northward and westward of the head of the meadow in the said Town of *Truro*, known by the name of *East-Harbour Meadow*, from the first day of *April*, to the first day of *October* annually, upon the penalty, for each offence, of *five shillings* a head, for all neat cattle, and horse-kind, and *one shilling* a head for all sheep, so turned out, fed, or let run at large, on the lands, meadow, or beaches aforesaid, to be recovered by any Inhabitant of either of the said Towns, before any Justice of the Peace, for the County of *Barnstable*, by action of debt; and all such cattle, sheep, or horse-kind, found feeding, or running at large on said lands, shall be liable to be impounded, in the Town of *Truro*, (or *Province Town*, provided a pound be built therein) and immediate notice thereof shall be given to the owner or owners of such creatures, if known, otherwise, public notice thereof shall be given in writing, and posting up the same in some public place in each of the Towns aforesaid, by the person impounding the same; such creatures to be relieved by the pound keeper, with suitable meat and water, while impounded: and if the owner, or owners thereof, appear to redeem his, her, or their impounded creature, or creatures, he, she, or they, shall pay the following fees, viz. *three shillings* to the impounder, for each neat beast, or horse kind, and *six pence* for each sheep, so impounded, and to the pound keeper reasonable costs, for relieving such creatures, besides his fees established by law: and if no owner appear within the space of four days, to redeem such cattle, or horse-kind, so impounded, and to pay the cost, occasioned by impounding them, then, and in every such case, the person impounding such creature or creatures, shall cause the same to be sold at public vendue, to pay the cost and charges arising thereby; public notice of the time of such sale, to be given in the towns of *Truro* and *Province Town* aforesaid, forty-eight hours at least, previous to the said sale; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature, or creatures, so sold, at any time within twelve months next after such sale,

Penalty for turning out cattle, &c. at times not allowed by this act.

How recovered.

Cattle, &c. found running at large, liable to be impounded.

Notice thereof to be given.

Impounders fees.

If no owner appears in four days, the creatures may be sold.

upon his, her, or their demanding the same: but if no owner appear within the said twelve months, then the said overplus shall be, one half to the party impounding such creature, or creatures, and the other half to the use of the poor of the Town, where such creatures shall be impounded.

Proviso, re-  
specting *Prov-*  
*ince Town* in-  
habitants.

*Provided nevertheless*, that nothing in this Act shall be construed to debar the inhabitants of *Province Town*, from keeping and letting run at large, on land, meadow and beaches in *Province Town* aforesaid, thirteen cows, four oxen, one bull, and three horses, of which number the Minister of *Province Town* for the time being, shall be allowed to keep one cow and one horse for his own use, on condition the said cattle and horses shall be marked on the left shoulder, with a hot iron, with the letters P. T. and entered by the Town Clerk of *Province Town* in the said Town's book, with their marks, natural and artificial; and the said thirteen cows, four oxen, one bull, and three horses (excepting the cow and horse for the Minister's use, as before provided in this Act) shall be owned and improved by the Inhabitants of *Province Town*, as shall be agreed on by them, at their *March* or *April* meeting annually, or some other Town meeting, called for that purpose.

Penalty for cut-  
ting down, or  
carrying off any  
trees, &c. be-  
longing to this  
Commonwealth,  
in *Province*  
*Town*.

*And be it further enacted by the authority aforesaid*, that whosoever, after the publication of this Act, shall presume to cut down, or carry off any trees, poles, or brush, from any part of the land belonging to this Commonwealth, in *Province Town* aforesaid, shall forfeit and pay the sum of *six shillings*, for every tree, or pole, and *one shilling* for every bush, so cut down, or carried off, excepting twenty cords of wood to the use of the settled minister of said *Province Town*, for the time being, which shall be cut, and carted, in the month of *November* annually; and so much brush may be also cut and taken from the swamps in said *Province Town*, as shall be absolutely necessary for stakes, in the curing of Fish in the said Town, and no more: the forfeiture beforementioned, to be recovered by information, or complaint, before any Justice of the Peace, or by indictment, at any Court of General Sessions of the Peace, within and for the County aforesaid, one half to the use of any person, who shall sue for and recover the same, the other half to the use of the poor of the Town of *Truro*.

How recovered.

*And be it further enacted by the authority aforesaid,* that it shall be the duty of the Selectmen of the Towns of *Truro* and *Province Town*, to see that all breaches of this Act, be duly prosecuted.

*And be it further enacted by the authority aforesaid,* That all Laws heretofore made, to prevent damage being done to the harbour at *Cape Cod*, be, and hereby are, repealed.

Former laws repealed.

June 28, 1786.

### 1786. — Chapter 13.

[May Session, ch. 13.]

AN ACT FOR THE LIMITATION OF REAL ACTIONS.

*Chap. 13.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no Person shall hereafter sue or maintain any *Writ of right*, or make any prescription, title or claim to any lands, tenements or hereditaments, or to any rents, annuities or portions issuing therefrom, upon the possession or seizin of his or their ancestor, or predecessor, beyond the term of three-score years next before the Teste of the same Writ.

Time limited for bringing actions by writ of right.

*And be it further enacted by the authority aforesaid,* That no person shall sue, have or maintain any Writ of *entry upon disseizin* done to any of his Ancestors or Predecessors; or any action possessory upon the possession of any of his Ancestors or Predecessors, for any lands, tenements or hereditaments, unless the Ancestor or Predecessor under whom the demandant shall claim, should have been seized or possessed of the lands, tenements or hereditaments demanded, within fifty years next before the Teste of the same Writ, or bringing such action.

Actions, by writ of entry upon disseizen, limited.

*And be it further enacted by the authority aforesaid,* That no person or body-corporate or politic, shall sue for, have or maintain any action for any lands, Tenements or Hereditaments, upon his or their own seizin or possession therein, above thirty years next before the Teste of the same Writ.

Limitation of actions of seizen or possession.

*And be it further enacted by the authority aforesaid,* That all Writs of *formedon in descender*, *Formedon in Remainder*, *Formedon in Reverter* of any Lands, Tenements or hereditaments whatsoever, hereafter to be sued or brought, shall be commenced within *Twenty years* next

Limitation, by writs of formedon in descender, &c.