

1792. — Chapter 10.

[May Session, ch. 8.]

AN ACT SECURING THE FREE PASSAGE OF THE FISH CALLED ALEWIVES IN THE RIVERS IN THE TOWN OF DARTMOUTH IN THE COUNTY OF BRISTOL, AND FOR THE PRESERVATION OF THE SAME.

Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that the owner or owners of each and every Mill Dam on the River Pasequamanset, so called, & other Rivers situate in the town aforesaid, shall make, provide and continue a sluice way of three feet wide, & eight inches deep for the said fish to pass their respective Dams, as far as the Selectmen of the said town shall judge convenient and proper for the said fish to pass in; And the Selectmen of the said town of Dartmouth are hereby authorized and empowered on the second Monday of April annually, to open the said sluice ways, which when opened by them, shall remain open untill the tenth day of May annually, & the owner or owners, proprietor or proprietors of any Dam or Dams on the said respective rivers, who shall neglect or refuse to make, provide and continue a sluice way as aforesaid, or that after such Sluice way is opened as aforesaid, shall shut or obstruct, or cause the same to be shut or obstructed, during the term the said sluice way is to be kept open as aforesaid, shall forfeit and pay the sum of Forty pounds for each offence.

Owners of dams to provide sluice way.

Selectmen empowered.

And be it further enacted, that the said town of Dartmouth, at their annual meeting for the choice of town Officers in the month of March or April annually, are hereby authorized & impowered to chuse a Committee, consisting of not more than twelve, nor less than two suitable persons for Inspectors of the said river, whose duty it shall be, within four days after their appointment, to put up in four public places nearest the said River, a notification or Notifications under their hands, or under the hands of the major part of them, pointing out the time when, and designating the places where the said fish may be taken in the said River, & if any person or persons shall pull down, marr or deface such notification or notifications, he or she shall for each offence forfeit & pay ten shillings; & if such Committee shall neglect or refuse to

Inspectors appointed.

— Their duty.

Forfeiture.

put up such notification or notifications, within the said term of four days, such Committee shall forfeit and pay ten shillings. And any person who shall presume to take any of the said fish in the said Rivers except at the times and places pointed out, and designated by the said Committee as aforesaid, shall forfeit and pay three pounds for each offence.

Obstruction to the passage forbidden.

And be it further enacted, that if any person or persons shall make any Wear or Wears or any other obstruction to hinder the passage of the said fish up the said Rivers, each person so offending shall forfeit and pay the sum of five pounds, & any person who shall take or catch any of the said fish, in the said Rivers with any other instrument than a Dip net, shall forfeit & pay four pounds for each offence.

Catching Fish forbidden in a certain time.

And be it further enacted that if any person or persons shall set or draw any seine, drag net, or Marsh net in the said Rivers, from and after the tenth day of April to the twentieth day of May annually, each person so offending shall forfeit and pay ten pounds.

Taking any fish at any time forbidden, excepting.

And be it further enacted, that if any person or persons shall set or draw any Seine, drag net, or Marsh net in the said Rivers, or ponds belonging to the said town of Dartmouth, for the taking any fish (Manhaden excepted) at any time whatsoever, he or they so offending shall forfeit and pay the sum of Twenty pounds.

Forfeitures how recoverable.

And be it further enacted, that all the forfeitures incurred by this Act, shall accrue to the said town of Dartmouth, to be recovered by the Treasurer of the said town, in an action of debt in any Court proper to try the same; & no person shall be considered as disqualified from giving evidence in any such action, on account of his living in, or being an inhabitant of the said town of Dartmouth.

Approved June 27, 1792.

1792. — Chapter 11.

[May Session, ch. 9.]

AN ACT INCORPORATING JOSEPH STORER AND OTHERS FOR THE PURPOSE OF MAKING A BETTER HARBOUR IN MOUSOM RIVER IN WELLS.

Preamble.

Whereas it appears to this Court from the representation of Joseph Storer & others, that Mousom River in Wells, in the County of York is not at present navigable by Ves-