

ner as aforesaid, then this act, so far as the same relates to said other Falls, & each of them, or to the receiving of toll for the passage thereof, shall be void & of no effect.

Approved June 27, 1792.

1792. — Chapter 14.

[May Session, ch. 14.]

AN ACT REGULATING IN CERTAIN PARTICULARS THE IMPROVEMENT OF PLUMB-ISLAND IN THE COUNTY OF ESSEX, AND REPEALING AN ACT FOR THE EFFECTUAL PREVENTING OF HORSES, NEAT CATTLE, SHEEP AND SWINE FROM RUNNING AT LARGE OR FEEDING UPON A CERTAIN ISLAND CALLED PLUMB ISLAND LYING IN IPSWICH BAY IN THE COUNTY OF ESSEX PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED & THIRTY NINE.

Preamble.

Whereas the Island called Plumb Island, in Ipswich Bay in the County of Essex, consisting partly of upland or beach valuable for pasturing, and partly of salt marsh, cannot be sufficiently fenced or divided, so that the respective proprietors might securely enjoy their different improvements.

Proprietors to improve the Island, conditionally.

Be it enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that from [and] after the passing of this act, no proprietor or owner of or in the upland, beach or other pasturing of the said Island, shall be allowed to improve the same for the pasturing of neat cattle or horses, unless they shall be secured by a sufficient and lawful fence or inclosure, or by a keeper, and at least one keeper shall be required and employed for every twenty five head of neat cattle or horses there put to feed, & shall be continued during their stay, and no sheep or swine shall be allowed to feed or run upon the said Island unless belonging to any owner or tenant resident thereon, and being kept within a sufficient inclosure, & if any neat cattle or horse shall be found at large, or not under a keeper on said Island, or any sheep or swine contrary to the intent of this Act, the owner or owners thereof, shall forfeit and pay a fine of forty shillings for every head of neat cattle or horse, and a fine of five shillings for every sheep or swine, which shall be there found as aforesaid, to be recovered by any person or persons by impounding and by selling the same if payment shall not be made, as in other cases of cattle found damage feasant; such fine or fines,

Forfeiture.

when recovered to be three quarters for the use of the poor of the town where the owner of such cattle, horse, sheep or swine shall reside, and the other quarter for the use of the person or persons prosecuting therefor.

And be it further enacted, that if any neat cattle or horses put to feed on said Island, shall stray from the upland, beach or other pasturing there, and shall be found upon the salt marsh, the keeper or keepers having charge thereof, or if not under the care of a keeper, the owner or owners thereof, shall forfeit and pay a fine of five shillings for each and every head of neat cattle or horse which shall be so there found, to be in like manner recovered by impounding the same, which the owner or lawful occupant of any tract of marsh or parcel of said Island is authorized to execute & pursue:— And when cattle or horses under the care of a keeper shall be so found and impounded, the owner or owners thereof, who shall thereupon be liable and shall pay any fine or fines therefor as aforesaid, shall & may recover the amount thereof with all costs and damages from the keeper or keepers who had charge of such cattle or horse by action of the case to be brought before any Court proper to try the same:—

Penalties for strayed cattle put to feed.

Provided nevertheless, — *And be it further enacted*, that no proprietor or tenant actually resident on said Island, whose cattle horses, sheep or swine shall be found at large on said Island, shall be thereby liable to the penalties established by this Act, but only as in other cases of cattle damage feasant.

Proviso.

And be it further enacted that if the cattle, horses, sheep or swine of any person or persons having no right or lawful authority to feed the said upland or beach, shall be found on said Island straying or feeding there, he or they shall besides the fines and forfeitures before established, be liable & answerable as in other cases of cattle found damage feasant, the want of fences notwithstanding, and the owner of the land trespassed upon or any agent or agents who shall be appointed by the proprietors to prevent trespasses, may sue, or otherwise prosecute for such damages, for their own use, or the use of the proprietors as the case may be.

Penalty for cattle belonging to persons, who have no right.

And be it further enacted, that any person or persons whether a proprietor in said Island or otherwise, who shall cut down or destroy any of the shrubs or small trees

— for damaging Trees.

of a less diameter than six inches or shall set fire to the grass there growing, shall be liable to a fine not exceeding six pounds nor less than forty shillings, to be recovered by complaint, indictment or information, to the use of the person or persons who shall prosecute therefor.

Act repealed.

And be it further enacted, that the Act entitled “an Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large or feeding on a certain Island called Plumb Island lying in Ipswich bay in the County of Essex, passed in the year of our Lord one thousand seven hundred and thirty nine shall be & the same is hereby repealed. *Approved June 27, 1792.*

1792. — Chapter 15.

[May Session, ch. 15.]

AN ACT TO INCORPORATE THE PLANTATION OF BUCKSTOWN IN THE COUNTY OF HANCOCK INTO A TOWN BY THE NAME OF BUCKSTOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the following described tract of land, *viz* — Beginning at a pine tree marked IBEBEM, standing on the shore of the thoroughfare, so called, it being the southwesterly corner of township number two, thence running north sixty two & a half degrees east, one mile and one hundred & six rods to Penobscot eastern river, thence northerly by said river about one mile & a half to an oak tree standing by said river marked as above, thence north fifty two degrees east five miles & one hundred & twenty five rods to a birch tree marked, thence north twenty degrees and [a] half west five miles and forty rods to a spruce tree marked, thence south seventy degrees west five miles and one hundred and eighty four rods to an oak tree marked standing on the bank of Penobscot main river being the southwesterly corner of Orington, thence southerly by said river to the first mentioned bounds, together with the inhabitants thereon, be and they hereby are incorporated into a town by the name of Buckstown, and the said town is hereby invested with all the powers, privileges & immunities, which other towns in this Commonwealth do or may enjoy by law.

Boundaries.

Buckstown, incorporated.

Jonathan Buck, jun. to issue a warrant.

And be it further enacted by the authority aforesaid, that Jonathan Buck junior Esquire be & he is hereby em-