

process of law in that time to answer the said fines & forfeitures with costs of suit. *Provided however*, that as soon as the owner or master of any such vessel, boat, or craft shall pay said fines and forfeitures and before sued, to the Treasurer of the town to the use thereof, wherein the same shall be incurred, such vessel, boat or craft shall be discharged with the effects therein. Proviso.

SECT. 4th. *And be it further Enacted*, that all fines & forfeitures which shall be incurred by virtue of this act & shall be sued for shall be one half thereof to the use of the town wherein the offence shall be committed, and the other half to him or them who shall sue for the same; and the same shall be recovered with legal costs of suit, in an action of debt before any Justice of the peace (not interested) in the County wherein the offence shall be committed, in case the forfeitures so recovered in such action shall not exceed four pounds, and if above that sum, then in the Court of Common pleas of the same County. Appropriation of fines, &c.

SECT. 5th. *And be it further Enacted*, that this act shall take effect & be in force on and after the first day of May next; and that an Act passed A. D. 1765 intituled “An Act to prevent the destruction of Oysters in the several bays and rivers hereinafter mentioned, within this province;” and also the several acts heretofore made relative to Oysters and other shell fish in the several specified towns aforesaid shall on and after that day be repealed, so far as they shall respect all offences which shall be committed, actions commenced therefor, and permits given after that day: *Provided* that nothing in this act shall extend to deprive any native Indians of the privilege of digging shell fish for their own consumption, or to prevent any fisherman from taking any quantity of Shell Fish which he may want for bait, so that it do not exceed seven bushels including their shells at any one time. Acts repealed.

*Approved February 26, 1796.*

## 1795. — Chapter 72.

[January Session, ch. 55.]

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT TO ESTABLISH A COLLEGE IN THE COUNTY OF BERKSHIRE WITHIN THIS COMMONWEALTH BY THE NAME OF WILLIAMS COLLEGE.”

*Whereas doubts have arisen whether the rights and credits which previous to passing the Act aforesaid, were vested in and belonging to The Trustees of the donation* Preamble.

of *Ephraim Williams Esqr.* for maintaining a Free School in Williamstown, are by virtue of the same Act transferred to & vested in the Corporation of the President and Trustees of Williams College.

*Be it therefore Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same,* that the said rights and credits be, and hereby are transferred to, and vested in the said Corporation of the President & Trustees of Williams College, who are hereby authorized to commence and prosecute to final judgment and execution any suit or action in law or equity which the said Trustees of the donation of Ephraim Williams Esqr. for maintaining a Free School in Williamstown might heretofore have commenced or prosecuted.

*Approved February 26, 1796.*

Rights and  
credits trans-  
ferred.

### 1795. — Chapter 73.

[January Session, ch. 49.]

AN ACT FOR SETTING OFF NOAH WISWALL AND HIS ESTATE FROM THE TOWN OF FITCHBURG TO THE TOWN OF WESTMINSTER.

*Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same,* That Noah Wiswall of Fitchburg in the County of Worcester, with his Estates, be, and hereby are set off from the said Town of Fitchburg and annexed to the Town of Westminster in said County; there to enjoy Town privileges, and to pay town charges that may arise therein.

Noah Wiswall,  
set off.

Proviso.

*Provided nevertheless, and be it further Enacted,* that the said Noah shall be holden to pay his just proportion of all Taxes now due from said Town of Fitchburg, and shall also continue to pay such proportion of the State & County taxes to the said Town of Fitchburg as heretofore, until a new valuation shall be taken of the rateable property of this Commonwealth, & no longer; and until such valuation be taken, shall be assessed for State & County Taxes in said Town of Fitchburg, and not in said Town of Westminster.

*Approved February 27, 1796.*