

Witnesses. Court of Common Pleas to be holden in and for the said County; and all sums of money, recovered in consequence of any breach of this Act, shall be to the use of said town, and no person by reason of his being one of said Committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution or suit for any breach of this act.

[Approved by the Governor, February 14, 1816.]

CHAP. CX.

An Act authorizing the President, Directors and Company of the Springfield Bank to reduce the amount of their Capital Stock.

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 of this act, the Capital Stock of the President, Directors and Company of the Springfield Bank shall be one hundred thousand dollars, the number of shares to be the same as at present established by law, and that the sum necessary to complete the said Capital, shall be paid in by the first day of April next, any thing in the several acts to which this is in addition to the contrary notwithstanding.

Stock reduced.

[Approved by the Governor, February 14, 1816.]

CHAP. CXI.

An Act to regulate the Fishery within the town of Middleborough in the county of Plymouth.

SEC. 1. **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 of this act it shall not be lawful for any person or persons (except as is hereinafter provided) to catch or destroy any of the fish called Alewives within the lim-

Prohibition.

its of the town of Middleborough, or in Titicut river, so called, either within the limits of the town of Middleborough, Bridgewater or Raynham; *provided* however, that it shall and may be lawful for the inhabitants of said town of Middleborough to catch said fish with scoop nets or set nets only at the following places Proviso. in said Middleborough, to wit; at Oliver's works (so called) three days in each week only, to wit, on Mondays, Tuesdays and Wednesdays, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; at the Old Stone Ware four days in each week, to wit, on Tuesday Wednesday, Thursday and Friday, beginning at midnight next preceding Tuesday, and ending at midnight next succeeding Friday; and at Assawampset brook, three days in each week, to wit, Monday, Tuesday and Wednesday, beginning at midnight next succeeding Sunday and ending at midnight next succeeding Wednesday; *provided* also that said town of Middleborough shall, at a legal town meeting, dispose of and grant upon such conditions, and under such restrictions and regulations as said town shall establish for that year, and so from year to year, the sole privilege of catching Alewives with scoop nets or set nets only, on the days and at the places designated by this act to such person or persons, as shall give most for the same, and give sufficient security for payment, such person or persons so purchasing to have the right to take fish, and no other person whatever. Time for fish. ing. Proviso.

SEC. 2. *Be it further enacted*, That if any person or persons shall, at any time or place other than those admitted by this act, catch or destroy any of the fish aforesaid, or, by any other means whatever, shall interrupt, impede or hinder the passage of said fish up the streams, brooks and ponds within said town, or in Titicut river, which divides said town of Middleborough from the towns of Bridgewater and Raynham, or any of the waters connected therewith, within the limits of either of said towns, he or they shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars, to be recovered by indictment, complaint, or action of debt, in any court proper to try the same; one half to the use of the said town of Middle- Fines for stopping fish.

borough, the other half to him who shall prosecute or sue for the same.

SEC. 3. *Be it further enacted.* That if any person or persons be found fishing with any seine or net, or other machine and instrument, or any seine or other instrument which shall be used by any person or persons, contrary to the true intent and meaning of this act, it shall be lawful for any person to seize and take such seine, net, or other instrument to his own use: and if prosecuted therefor, to plead the general issue and give this act in evidence, as though the same had been specially pleaded.

SEC. 4. *Be it further enacted,* That said town of Middleborough shall, at the annual meeting in the month of March or April in each year, choose four or more persons, being freeholders in said town, whose duty it shall be to see that this act be duly observed, and to prosecute for all breaches thereof; and each person, so chosen, shall be sworn to the faithful discharge of his duty: And if any person so chosen shall refuse to serve, he shall forfeit and pay, to the use of said town of Middleborough, the sum of five dollars, to be sued for and recovered by the town Clerk of said town; and said town shall immediately proceed to a new choice.

SEC. 5. *Be it further enacted,* That all laws heretofore made for the regulation of the Fishery in the said town of Middleborough be, and the same hereby are repealed: *Provided,* nevertheless, that an act passed on the sixth day of March, in the year of our Lord one thousand eight hundred and two, for the preservation and regulating the taking of fish called Alewives, in the brook running from the west Quiticus pond. to the east Quiticus pond, shall be and remain in full force; any thing in this act to the contrary notwithstanding.

SEC. 6. *Be it further enacted,* That any Justice of the Peace for the county of Plymouth shall be deemed and considered competent to try any action, complaint, or suit, prosecuted under this act, notwithstanding said Justice may be an inhabitant of the said town of Middleborough.

[Approved by the Governor, February 14, 1816.]