

Mode of conviction.

[SECT. 6.] And all convictions upon this act, where the penalty does not amount to more than the sum of twenty pounds, may be, upon complaint before a justice of the peace, and in all other cases, upon indictment or complaint, before the court of general sessions of the peace, or superior court of judicature, court of assize and general goal delivery: *saving* to the party convicted, an appeal in all cases, as usual.

*And it is further enacted,*

Sheriffs, deputy sheriffs, or constables empowered to apprehend offenders, and to deal with them according to law.

[SECT. 7.] That when any sheriff, deputy sheriff, or constable, shall see any person sell provisions, after having purchased the same of any person who shall have brought the same to a market, or any place of common resort for selling the same, such sheriff, deputy sheriff, or constable shall, without further warrant, apprehend such offender, and carry him before some justice of the peace in the town where the offence is committed, to be dealt with as the law directs.

*And be it further enacted by the authority aforesaid,*

Persons to be chosen to see this act put in execution, and to prosecute violators thereof.

[SECT. 8.] That it shall and may be lawful for any town, immediately upon the publishing this act, at a town meeting duly called for that purpose, to elect and appoint one or more discreet persons, inspectors of the market (not exceeding the number of twelve for the town of Boston, nor six for any other town), whose business it shall also be to execute such powers as are herein assigned to the sheriff, deputy sheriff and constables, and also to make [e][i]nquiry into, and prosecute, breaches of this law, and who shall be sworn to the faithful[ ] execution of this office.

Fines and penalties, how applied.

[SECT. 9.] And all fines and penalties incurred by this act shall be applied one moiety thereof to the informer or prosecutor, the other moiety to be paid into the treasury of the town where the offence shall be committed: *provided*, that no inhabitant of any town where any of the above offences shall be supposed to be committed, shall be thereby excluded from being a witness respecting the same.

Proviso.

Limitation.

[SECT. 10.] This act to be in force until the twentieth day of October next, and no longer. [*Passed February 8, 1779.*]

## CHAPTER 32.

### AN ACT TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN AGAWAM OR WESTFIELD RIVER.

Preamble.

WHEREAS the salmon and other fish taken in Agawam River, have been of great service to the inhabitants of some part of this state, and still will be so if due care is taken to prevent the unnecessary destruction thereof; *and whereas*, by the constant fishing with seines, net[t]s and pots, and by erecting wears and other incumbrances there, to prevent the passage and facilitate the taking of the fish, they are greatly diminished, and there is danger of their being wholly destroyed; therefore, —

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

Certain times allowed to catch fish.

[SECT. 1.] That no person or persons whatsoever be allowed, from and after the fifteenth day of March next, and so during the continuance of this act, to catch salmon or other fish, of any kind whatso-

ever, with seines, net[t]s or pot[t]s, in any part of Agawam or Westfield River, or in any of the rivers or streams running into said river, oftener than three days in a week; the days to be Tuesday, Wednesday and Thursday, in every week: and if any person or persons shall presume to catch fish there at any other times than hereby is allowed, each and every person so offending shall, for each offence, forfeit and pay the sum of fifty pounds; and the same 'ne[t]t or po[t]t used in such fishing shall be forfeited. Penalty.

*And be it further enacted,*

[SECT. 2.] That all wears, fence-hurdles, and other incumbrances whatsoever, now erected, or that hereafter shall be erected, in any part of said Agawam River, or in any stream running into the same, for the stopping the course of the fish, or to facilitate the taking of them by seines, net[t]s, pot[t]s, or otherwise, be deemed common nuisances, and as such shall be pulled down and demolished; and all persons that hereafter shall erect any such wears, fences, or other incumbrances, or that shall continue any such already erected, on due conviction thereof, shall forfeit and pay the sum of thirty pounds. Penalty for erecting weirs, fences and other incumbrances.

*And whereas* it is found that fishing at the mouth or entrance of said river Agawam into the great, or Connecticut, River, and in the mouth or entrance of the rivers and streams that run into said Agawam River, and in the ponds from which said streams issue, prevents the said salmon, shad and alewives from going into said rivers and streams, and so into the ponds above, to cast their spawn, and tends to destroy the increase of said fish; therefore, —

*Be it enacted,*

[SECT. 3.] That no person or persons, from and after the said fifteenth day of March next, shall, at any time during the continuance of this act, catch, or attempt to catch, any salmon, shad or alewives, with seines, net[t]s or pot[t]s, at the mouth or entrance of said Agawam River into Connecticut River, — nor in said Connecticut River, within forty rods of the south side of the mouth of said Agawam River, or within ten rods of the north side of the mouth of said Agawam River, — nor anywhere in said river Agawam, between the mouth of said river and ten rods west of Mitteneague Falls, so called, nor within twenty rods of the mouth or entrance of any river or stream that runs into said Agawam or Westfield River, nor in any of the ponds from which said streams may issue. And if any person or persons shall presume to catch any of the above-mentioned salmon, shad or alewives, otherwise than is hereby allowed, each and every person so offending shall, upon due conviction thereof, forfeit and pay the sum of fifty pounds for each offence. Penalty for breach of this act.

*And be it further enacted,*

[SECT. 4.] That all fines and forfeitures incurred by any breach of this act shall and may be recovered by action or information, in any of the courts of record within the county where such offence shall be committed: one moiety thereof to be paid into the county treasury, to be appropriated for the payment of the necessary charges of the county, the other moiety to him or them who shall commence the prosecution by action or information; and all offences for fishing, or obstructing the course of the fish, contrary to this act, shall and may be presented by the grand jurors for the respective counties where the offence is committed: and the said grand jurors are hereby enjoined dilig[en]tly to inquire after, and duly to present such offences. How fines may be recovered.

[SECT. 5.] This act to continue and be in force five years from and after the said fifteenth day of March next, and no longer. Limitation.  
[Passed February 9, 1779.]