

HOUSE No. 1292.

House, No. 1244, as passed to be engrossed.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

AN ACT

To provide for the Protection and Cultivation of Quahaugs in the Towns of Eastham, Orleans and Wellfleet.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. No person shall take quahaugs
2 from their natural beds, or wilfully obstruct or
3 interfere with such natural beds, within the towns
4 of Eastham, Orleans and Wellfleet, except as
5 hereinafter provided.

1 SECTION 2. No inhabitant of said towns shall
2 sell or offer for sale little neck clams or quahaugs

3 which measure less than one and one-half inches
4 across the widest part, and no person shall in any
5 of said towns sell or offer for sale little neck
6 clams or quahaugs which measure less than one
7 and one-half inches across the widest part.

1 SECTION 3. The selectmen of any one of said
2 towns may give to any inhabitants of any of said
3 towns permits in writing to take quahaugs from
4 their beds in the town which the selectmen repre-
5 sent, at such times, in such quantities and for
6 such uses as they shall deem expedient. Such
7 permits shall be good for such time as the select-
8 men may determine, not exceeding one year. Any
9 inhabitant of the Commonwealth may without
10 such permit take from the natural beds in said
11 towns quahaugs for the use of his family, not ex-
12 ceeding in quantity one bushel, including shells,
13 in any one day; and any fisherman may without
14 such permit take quahaugs from the natural beds
15 in his own town for bait for his own use, not
16 exceeding in quantity one bushel, including shells,
17 in any one day.

1 SECTION 4. The selectmen of the said towns
2 may, in their respective towns, grant licenses or
3 permits for such periods, not exceeding two
4 years, and under such conditions as they may
5 deem proper, not, however, covering more than
6 seventy-five feet square in area, to any inhabitants
7 of the town to bed quahaugs in any waters, flats
8 and creeks within the respective town at any

9 place where there is no natural quahaug bed, not
10 impairing the private rights of any person, or
11 materially obstructing any navigable waters. It
12 shall be unlawful for any person, except the
13 licensee and his agents, to take any quahaugs in
14 or remove them from the territory covered by
15 any such license.

1 SECTION 5. Whoever violates any provision
2 of this act or of any regulation made by the
3 selectmen under authority hereof shall be pun-
4 ished by a fine of not more than one hundred
5 dollars, or by imprisonment for not more than six
6 months, or by both such fine and imprisonment.

1 SECTION 6. So much of section eighty-five of
2 chapter ninety-one of the Revised Laws as is
3 inconsistent herewith shall not apply to the said
4 towns.

1 SECTION 7. This act shall take effect in any
2 of said towns when accepted by the voters thereof
3 voting thereon at a meeting called for the purpose;
4 otherwise it shall not take effect.

HOUSE OF REPRESENTATIVES, April 14, 1904.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

