

SENATE...No. 125.

Commonwealth of Massachusetts.

IN SENATE, March 28, 1856.

The Joint Committee on Fisheries, to whom was committed the Petition of Josiah G. Handy and others, and George Lovell and others, praying that a law might be passed to prohibit seining between Succanesset and Point Gammon in the town of Barnstable, report the accompanying Bill.

By order of the Committee,

JOHN H. SHAW.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Six.

AN ACT

For the Protection of the Fisheries on the South Shore and Bays, on the South Side of the Town of Barnstable and District of Marshpee.

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

1 SECT. 1. It shall be unlawful to set or draw any
2 seine or drag net, to take fish, in any of the bays, or
3 in waters within one mile from the beach and shore
4 on the south side of the town of Barnstable and dis-
5 trict of Marshpee, within the limits between Succa-
6 nasset Point and Point Gammon, between the first

7 day of April and the first day of November, in each
8 year.

1 SECT. 2. The provisions of the sixteenth section
2 of the fifty-fifth chapter of the Revised Statutes, con-
3 cerning the taking of shell fish in the town of Chat-
4 ham, shall be, and the same hereby are, extended to
5 the town of Barnstable and District of Marshpee.

1 SECT. 3. Every person violating any provision of
2 this act, shall forfeit and pay, for each offence, not
3 less than twenty nor more than one hundred dollars,
4 to be recovered, together with costs of suit, by an
5 action of tort, brought by any inhabitant of said town
6 or district, in any court competent to try the same.

1 SECT. 4. Any boat, craft or seine, being in the
2 possession or use of any person violating the pro-
3 visions of this act, at the time and place of such
4 violation, may be seized by any inhabitant of said
5 town or district, and detained not exceeding forty-
6 eight hours, in order that the same, if need be, may
7 in that time be attached or arrested by due process of
8 law, for the better security of the payment of the
9 said fines and forfeitures with cost: *provided, however,*
10 that if the person owning, or so in the possession or
11 use of such boat or craft, shall, before being sued
12 therefor, pay said highest-named penalty, to either
13 the treasurer of the town of Barnstable or of the
14 district of Marshpee, such boat or craft shall be dis-
15 charged, with the contents therein: and, *provided,*
16 *also,* that if the person owning, or so in the posses-
17 sion or use of such seine, shall, as aforesaid, pay, as

18 aforesaid, the said lowest-named penalty, such seine
19 shall be discharged in like manner.

1 SECT. 5. All forfeitures and penalties recovered
2 and received by virtue of this act, shall go, one-half
3 to the complainant and the other half for the use of
4 the said town, if the complainant shall be an inhabi-
5 tant thereof, or for the use of said district, if the
6 complainant shall be an inhabitant of said district.

1 SECT. 6. Nothing in this act contained shall be
2 construed to prevent the taking of menhaden or
3 mackerel, by the use of seines, within the said waters
4 between Succanisset and Point Gammon, when used,
5 *bona fide*, for that purpose, and not for the purpose of
6 taking other fish.

1 SECT. 7. This act shall take effect from and after
2 its passage.