

HOUSE No. 272.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 10, 1882.

The Committee on Bills in the Third Reading, to whom was referred the Bill to regulate the herring and shad fishery in Cole's River (being Senate Document, No. 167), report recommending that the accompanying Bill be substituted therefor.

For the Committee,

HENRY H. SPRAGUE.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-two.

AN ACT

To regulate the Herring and Shad Fishery in Cole's River and its Tributaries, and in Milford Pond, in the County of Bristol.

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. The town of Swanzev is authorized
2 to create herring and shad fisheries in Cole's River
3 and its tributaries, and in Milford Pond, so called, in
4 the county of Bristol ; and the right to take herring
5 or shad from said river or its tributaries, or from
6 said pond, is suspended for the period of three years
7 next ensuing after the passage of this act ; and no
8 net, seine, or weir shall be set therein during said
9 period, except as hereinafter provided. The fish-
10 wardens chosen, as provided by section four of this
11 act, may, however, take or cause to be taken from
12 said river or its tributaries, or from said pond, at

13 any time after the passage of this act, such herring
14 or shad as may be required for the purpose of stock-
15 ing said pond or any of the tributaries of said river.

1 SECT. 2. The town of Swanzey may sell at pub-
2 lic auction, at a legal town-meeting to be held in
3 March, in the year eighteen hundred and eighty-five,
4 two privileges to take herring and shad from Cole's
5 River from the first day of April to the first day of
6 July in each year, for a period not exceeding five
7 years, as hereinafter provided, at such places on said
8 river as shall be designated by such fish-wardens.
9 The purchaser or purchasers of such privileges may
10 take herring and shad with one seine, at the places
11 so designated, from sunrise on Monday until sunset
12 on Wednesday in each week during such period;
13 but no herring or shad shall be taken in any man-
14 ner from said waters after the first day of July in
15 each year.

1 SECT. 3. The town of Swanzey, at its annual
2 meeting in March in each year, may choose two or
3 more suitable persons as fish-wardens, who shall be
4 sworn to the faithful discharge of their duties, and
5 shall cause this act to be enforced, and shall prose-
6 cute all violations of its terms. The fish-wardens so
7 chosen shall prevent and remove all unlawful ob-
8 structions in the course of said river or its tributaries
9 to the passing up and down of the said fish from the
10 first day of April to the first day of July in each
11 year; and may, for the purposes of this act, go upon
12 and pass over the land of any person through or by

13 which said river or any tributary thereof runs, or
14 which borders upon said pond, without being consid-
15 ered trespassers. Whoever wilfully hinders or molests
16 any such fish-warden, or any person authorized by
17 such fish-wardens, in the necessary clearing of said
18 river or its tributaries, and in the necessary and pro-
19 per use of lands on said river or its tributaries, or
20 said pond, for creating and protecting the said fish-
21 ery, shall forfeit and pay a sum not exceeding twenty
22 dollars for each offence, to be recovered in the man-
23 ner provided in section four of this act.

1 SECT. 4. If any person other than those who have
2 purchased such privilege as aforesaid fishes with a
3 seine or net at any time or in any manner, or sets any
4 net, seine, weir, or other obstructions in any part of
5 said river or its tributaries, or of said pond, with intent
6 to take or destroy any shad or herring, he shall forfeit
7 and pay twenty dollars for each offence, to be recov-
8 ered on complaint, one-half to the use of said town
9 of Swanzey, and one-half to the use of the person
10 who shall give information leading to the prosecu-
11 tion and conviction of such offender; and all seines,
12 nets, or weirs so used or set shall be forfeited to
13 the person who shall give such information.

1 SECT. 5. All laws relating to fishing in Cole's
2 River are repealed.