

HOUSE....No. 116.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 22, 1854.

The Joint Special Committee to whom was referred the Report of the Commissioners on Cape Cod and East Harbor, have considered the same, and Report the accompanying Bill and Resolves.

EBEN. HOWES, *Chairmn.*

Commonwealth of Massachusetts.

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

AN ACT

For the Protection of Province Lands in Provincetown.

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. If any person shall pull up or destroy
2 any beach-grass, bushes or pines, on the Province
3 Lands in Provincetown, in the county of Barnstable,
4 to the injury of public or private property in said
5 town, or to the injury of Provincetown Harbor, or if
6 any person shall use any of the said lands for pastur-
7 age, without the consent, in writing, of the agent to
8 be appointed, as hereinafter mentioned, he shall for-
9 feit and pay the sum of five dollars for the first
10 offence, and ten dollars for every subsequent offence,

11 to be recovered on a complaint to any justice of the
12 peace for said county of Barnstable.

1 SECT. 2. It shall be the duty of his excellency the
2 governor, by and with the advice and consent of the
3 council, immediately after the passage of this act, and
4 in the month of February in each year thereafter, to
5 appoint an agent who shall be an inhabitant of Pro-
6 vincetown, and who shall be sworn to the faithful
7 discharge of his duty, and who shall prosecute for the
8 penalties before mentioned, and the same, when re-
9 covered, shall be for the use of said town; and the
10 said agent may give written permits to take sods and
11 brush from low and swamp-like places, and also for
12 the purpose of pasturage, when, in his opinion, after
13 he shall have made a personal examination of the
14 place applied for, such permits may be granted, with-
15 out causing injury to Cape Cod Harbor, or to any
16 public or private property. For each permit granted
17 by said agent, he shall receive from the party receiving
18 the same, the sum of one dollar. The said agent
19 shall hold his office for one year, unless sooner re-
20 moved by the governor and council.

1 SECT. 3. The said town of Provincetown shall
2 annually elect a committee of three persons, who shall
3 be sworn to the faithful discharge of their duty, and
4 said town is hereby authorized to enter, by said com-
5 mittee, chosen as aforesaid, upon any of the Province
6 lands, enclosed or unenclosed, for the purpose of set-
7 ting out pines, bushes, or grass, whenever said com-
8 mittee may deem it necessary, for the preservation of
9 said harbor, or of any highway on public or private
10 property.

1 SECT. 4. Whenever, in the opinion of said com-
2 mittee, it shall become necessary, in consequence of
3 any of the violations of the provisions of this act, to
4 set out pines or beach-grass on any lot of said lands
5 enclosed, the expense thereof shall be paid by the
6 person or persons in the occupancy of the same; and
7 in case of refusal, by any occupant, to pay such ex-
8 pense, it may be recovered by said committee in an
9 action of assumpsit in any court proper to try the
10 same.

1 SECT. 5. The said town of Provincetown is hereby
2 empowered, annually, to raise such sum of money as
3 may be deemed necessary to defray the expenses of set-
4 ting out pines or beach-grass on said Province lands;
6 and any sum raised for this purpose, shall be assessed
7 and collected as other taxes now are.

1 SECT. 6. The act of April eighteenth, in the year
2 eighteen hundred and thirty-eight, entitled, "An Act
3 for the protection of the Province Lands in the town of
4 Provincetown," and all other acts or parts of acts, in-
5 consistent with the provisions of this act, are hereby
6 repealed.

1 SECT. 7. This act shall not affect any complaint or
2 action now commenced, or that shall be hereafter
3 commenced, by virtue of said act of April 18, 1838,
4 before this act shall take effect, and the justice of the
6 peace or the court before whom such complaint or
7 action may be commenced, or pending at the time
8 when this act shall take effect, shall have the same
9 jurisdiction, power and authority, in respect to them,
10 as they now have.

1 SECT. 8. The title of the Commonwealth as owners
2 thereof, in fee, to all of the lands of Provincetown, is
3 hereby asserted and declared, and no adverse posses-
4 sions or occupation thereof, by any individual or cor-
5 poration for any period of time, shall be sufficient to
6 defeat or divert the title of the Commonwealth
7 therein.

1 SECT. 9. The provisions of the 12th section of the
2 119th chapter of the Revised Statutes, shall not be
3 held to apply to any of the lands in Provincetown.

1 SECT. 10. This act shall take effect from and after
2 its passage.

