

is hereby authorized to issue his warrant, directed to some member of the said north parish, requiring him to notify and warn the inhabitants of said parish, qualified to vote in parish affairs, to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their parish meetings.

[This act passed March 10, 1806.]

An act to revive and extend an act entitled "an act providing a passage for fish, from *Mystic-river* to *Eell-pond*, so called, in the town of *Malden*."

The town authorized to make a passage way over a certain dam.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the town of *Malden*, at their own expence, to construct a passage-way for the fish over the mill-dam of Samuel Tufts, which stands on the stream leading from said pond, and for that purpose to cut away so much of the waste board, between the two easternmost posts of said dam, as to reduce the same four inches below his right to flow, so as to admit of said passage-way, to pass over said dam in that place, and so up said stream, which said passage-way shall be built and kept in repair until the seventh day of March, in the year of our Lord, one thousand eight hundred and eleven, from the tenth day of April to the twentieth day of May, inclusive, in each year, at the expence of said town.

Samuel Tufts directed to keep the dam in repair, &c.

SECT. 2. *Be it further enacted*, That it shall be the duty of the said Samuel Tufts, during said term, to keep his said dam in as good repair as it now is ; and if at any time the same shall be out of repair, and he shall not repair the same in a reasonable time, it shall and may be lawful for the town to repair the same, and to recover of said Samuel Tufts, double the amount of the expence thereof, with costs of suit, by an action of the case, in any Court proper to try the same ; and also that the said Samuel Tufts shall not improve any mill from the fifteenth day of April to the fifteenth day of May, annually, except his mills for grain : And if the said Samuel Tufts, should at any time waste or draw off the water above said dam, with an intent to defeat the object of this act, he shall forfeit and pay for each offence, a sum not exceeding *fifty dollars*,

nor less than *twenty dollars*, to be recovered as is provided in this act.

SECT. 3. *Be it further enacted*, That it shall be lawful for the said town of *Malden*, at their annual meeting in March or April annually, during said term, to choose a committee, by ballot, of three, five or seven freeholders of said town; whose duty it shall be, and they, or the major part of them, are hereby authorized and empowered to keep the stream aforesaid free and clear of all obstructions to the passage of said fish, through the whole course of said stream from *Mystic-river* to *Eell-pond*: Provided, that nothing in this act contained, shall be so construed as in any manner to affect any interest in said stream; or the privileges or appurtenances thereto belonging, claimed by said town or by the said Samuel Tufts.

Committee to be appointed to keep the stream free of obstructions.

SECT. 4. *Be it further enacted*, That during the said term it shall not be lawful for any person to take any shad or alewives in the said stream, oftener, or more than two days in each week, viz. from sun-rise on Monday morning, to sun-rise on Tuesday morning, and from sun-rise on Friday morning, to sun-rise on Saturday morning, in each week: And if any person shall offend against this prohibition, he shall forfeit and pay the sum of *ten cents* for each fish which he shall so take, to be recovered with costs of suit, by any one or more of the said committee, who may first sue for the same, by action of debt in any Court proper to try the same, one half of which forfeiture, shall enure to the use of the said town, and the other half to him or them who may sue therefor.

Fish only to be taken on certain days.

SECT. 5. *Be it further enacted*, That if any person or persons shall erect any weare, or obstructions of any kind across the said streams, so as to obstruct the passage of said fish, he or they, so offending, shall forfeit and pay a sum not exceeding *twenty dollars*, nor less than *ten dollars* for each offence; to be recovered by action of debt, in any Court proper to try the same, by any person who may sue for the same, one half of which forfeiture shall enure to the use of the said town, and the other half to him or them who may sue therefor.

Penalty for erecting obstructions across the stream.

SECT. 6. *Be it further enacted*, That this act shall continue and be in force until the seventh day of March, in the year of our Lord, one thousand eight hundred and eleven, and no longer, except as to any prosecution, for any penalties, or actions for recovering any expences which

The continuance of the act limited.

may then be depending, according to the provisions thereof.

[This act passed March 10, 1806.]

An act to repeal divers laws respecting crimes and offences.

Titles of acts
which are re-
pealed.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act entitled "an act against duelling," passed the thirtieth day of June, in the year of our Lord, one thousand seven hundred and eighty-four; also an act entitled "an act against murder and man-slaughter," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act for the punishment of robbery," passed the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled, "an act against arson, and other malicious burning," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act for the punishing and preventing of larcences, passed the fifteenth day of March, in the year of our Lord one thousand seven hundred and eighty five, also an act entitled, "an act against sodomy," passed the third day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act to prevent forgery, and for the punishment of those who are guilty of the same," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act against counterfeiting or uttering counterfeit coin," passed the fourth day of July, in the year of our Lord one thousand seven hundred and eighty-six; also an act entitled "an act more effectually to prevent the forging of bank bills," passed the sixth day of March, in the year of our Lord one thousand eight hundred and one; shall be, and the same are hereby repealed; provided, that the same acts and every of them shall be and remain in force for the cognizance, trial and punishment of all such crimes and offences as are therein mentioned, which have been committed before the passing of this act, and respecting all proceedings and matters thereupon arising, this repeal notwithstanding.