

CHAPTER 26.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN AND ADJOINING ON THE NORTH SIDE OF THE TOWN OF HARWICH, BETWEEN SKEKET-HARBOUR, ON THE EAST, AND SETUCKET-HARBOUR, ON THE WEST.

Preamble.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjo[y][i]ning to the north side of Harwich, lying between Skeket-harbour, on the east, and Setucket-harbour, on the west, whereby the ground is much broken and damnified and the sand blown on said adjo[y][i]ning meadows and uplands, to the great damage not only of sundry private persons in their property, but also to the inhabitants of said town in general,—

Be it enacted by the Lieutenant-Governour, Council and House of Represent[ati]ves,

Penalty for horses and sheep or swine feeding on Harwich beaches and meadows.

[SECT. 1.] That from and after the publication of this act, no person or persons shall presume to turn any neat cattle, horse-kind, sheep or swine, to or upon any of the beaches, meadows or shores that l[y][i]e on the north side of the town of Harwich, between Skeket-harbour, on the east, and Setu[c]ket-harbour, on the west, at any time between the first of April and the last of October yearly, during the continuance of this act, on penalty of paying for each offence five shillings a head for neat cattle, horses or mares of one year old or upwards, and one shilling and sixpence a head for each sheep or swine, that shall be turned or found on said beaches, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the selectmen or treasurer of the said town of Harwich, or any other person that shall inform of and sue for the same: the one half of said forfeiture to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of said town: *provided* the said town of Harwich, in conjunction with the town of Eastham, or proprietors of said beach or sedge ground, keep up a two-rail fence during said time, on or near the place, as usual, on the east side of great Skeket-harbour, beginning at the land of Nathan[i][a]el Freeman, Esq^[r], thence extending north-westerly on said flats or sedge ground, near half a mile as usual.

How to be recovered and disposed of.

Proviso.

And be it further enacted,

Cattle found feeding on said meadows, &c., to be impounded.

[SECT. 2.] That if any neat cattle, horse-kind, sheep or swine, shall, at any time hereafter, be found feeding on the said beaches, meadows or shores that l[y][i]e between said Skeket-harbour and said Setu[c]ket-harbour, in said Harwich, it shall and may be lawful for any person to impound the same, immediately giving notice thereof to the owners, if known, otherwise to give publick notice thereof by posting the same up in some publick place in said town, and the two next adjoining towns; and the impounder shall rel[ei][i]ve the said creatures with suitable meat and water while impounded; and if the owner thereof appear to redeem his impounded creatures, he shall pay one shilling and sixpence to the impounder, for each neat beast and horse-kind, and sixpence for each sheep and swine, and the reasonable costs of rel[ei][i]ving, besides the pound-keeper's fees as by law appointed for such creatures. And if no owner appear within the space of six days to redeem the said cattle, horse-kind, sheep or swine so impounded, and to pay the cost[s] and damage occasioned by impounding the same, then and in every such case the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at publick vendue, and pay the cost[s] and charges arising about the same (pub-

To be sold, where the owner doth not appear.

lick notice of the time and place of such sale, to be given in the said town of Harwich and in the towns of Eastham and Yarmouth, forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding such cattle, horse-kind, sheep or swine, and the other half to the use of the poor of said town of Harwich.

Disposal of the produce.

And be it further enacted,

[SECT. 3.] That the said town of Harwich, at a meeting of said town called for that purpose, or at their meeting in March, annually, for the choice of town officers, be authorized and impow[er]ed to chuse one or more meet person or persons whose duty it shall be to see to the due observance of this act, and to prosecute the breakers thereof, and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay ten shillings for the use of the poor of said town of Harwich; and upon such refusal, said town, from time to time, to proceed to a new choice of such officer or officers, until[] one or more person or persons will serve therein.

Persons to be chosen to see to the observance of this act.

Provided,—

[SECT. 4.] That nothing in this act shall be construed to prevent the owner or owners of said beach or meadows, or any improving under them, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadows while they are cutting or carting their hay off said beach or meadows adjo[y]ning.

Proviso.

[SECT. 5.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed April 18; published April 21, 1750.*]

Limitation.

CHAPTER 27.

AN ACT IN ADDITION TO THE ACT, INTIT[UL]ED “AN ACT TO ENCOURAGE THE INCREASE OF SHEEP AND GOATS.”

WHEREAS in and by an act made in the fourteenth year of his present majesty's reign, intit[ul]ed “An Act to [i]ncourage the increase of sheep and goats,” it is enacted, “That from and after the publication of the said act, no rams or he-goats shall be suffered to go at large, or be out of the inclosure of the owner thereof, from the tenth day of August 'till after the fifteenth day of November, annually, under the penalty of fifteen shillings”; which has been found inconvenient in some towns in this province, inasmuch as, by a strict adherence to the said act, the lambs and kids will annually come too late for prof[it]; wherefore,—

Preamble.
1740-41, chap. 23.

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

That it shall be in the power of any town, at a town meeting for that purpose appointed, by a vote, to give liberty for rams or he-goats to go at large, within the bounds of such town, at any other times than those limited in said act, or to restrain them, as the several towns at such meeting shall think proper; and in such case it shall be lawful for any and every person or persons to suffer his or their rams and he-goats to go at large, anything in the before-recited act to the contrary notwithstanding. [*Passed April 12; published April 21, 1750.*]

Towns may give liberty for sheep and goats to go at large, &c.