

## C H A P. II.

An Act to prevent Neat Cattle, Horses and Sheep running at large and feeding on the Beaches between *Wells* and *Ogunquit Harbours* in the Town of *Wells*, and to prevent the Mowing of the same.

Preamble.

*W*HEREAS there is a large Quantity of *Marish* within the Township of *Wells*, in the County of *York*, on which most of the Inhabitants of said Town depend for their Hay, and the said *Marish* lies adjoining to two long Sandy Beaches between *Wells* and *Ogunquit Harbours*, which is the only Barrier to prevent said *Marish* from being destroyed, and by Reason of Cattle and Horses trampling and feeding there, and by some Persons Mowing the Grass on said Beaches, which was wont to preserve the Beaches and prevent the Seas breaking over the same, and covering said *Marish* with Sand, by which some Part of said *Marish* is already destroyed, and the whole is in Danger of being buried with the Sand, if not timely prevented :

Persons forbidden to drive Cattle &c. on the Beaches between *Wells* and *Ogunquit Harbours*, on Penalty.

Be it therefore enacted by the Governour, Council and House of Representatives, That from and after the first Day of *September* next, no Person shall presume to turn or drive any Neat Cattle, Horses or Sheep upon the said Beaches to feed, or leave them at large there, on the Penalty of four Shillings a Head for all Neat Cattle and Horse-kind, and six Pence for every Sheep so turned upon any of said Beaches to feed, or that shall be found at large there, which Penalty may be recovered by any Person of the said Town of *Wells*, one Moiety thereof to be to the Informer that shall sue for the same, and the other Moiety to be to and for the Use of the Poor of said Town.

Cattle to be impounded in Case.

And be it further enacted, That it shall and may be lawful for any Person or Persons of the said Town of *Wells*, finding any Cattle, Horse-kind or Sheep, feeding or going at large upon the Beaches aforesaid, or any of them, to impound the same, and the Person or Persons impounding them shall give publick Notice thereof in said Town of *Wells*, and shall relieve said Creatures whilst impounded, with suitable Meat and Water, and the Owner thereof appearing shall pay to the Impounder two Shillings for each Head of Neat Cattle and Horse-kind, and four Pence for each Sheep so impounded, and Cost of impounding them ; and if the Owner do not appear within the Space of six Days and pay the Damages and Cost occasioned by Impounding the same, then and in every such Case the Person or Persons Impounding such Cattle, Horse-kind or Sheep, shall cause them to be sold at public Vendue for paying such Damages and Costs, and the Charge arising by such Sale, publick Notice of the Time and Place of such Sale being given forty-eight Hours before Hand, and the Overplus, if any be, to be returned to the Owner of such Cattle, Horse-kind or Sheep on his Demand, at any Time within twelve Months next after the Sale; and if no Owner shall appear within the said twelve Months, then one Moiety of the Overplus shall be to the Party impounding, and the other Moiety thereof to the Use of the Poor of said Town.

Cattle to be sold in Case.

## Wells and Ogunquit Harbours.

*And be it further enacted,* That if any Person shall presume to Mow any Grass on said Beaches, or carry away any from off said Beaches, shall forfeit and pay the Sum of *Five Pounds* for every Tun, and so in Proportion for a greater or less Quantity; which Penalty may be recovered by any Person of the Town of *Wells*, one Moiety thereof to be to the Informer that shall sue for the same, and the other Moiety to be to and for the Use of the Poor of said Town.

Penalty for  
Mowing &c.  
said Beaches.

*And be it further enacted,* That no Person shall presume to leave open any Bars or Gates athwart any Road that leads to the said Beaches, on Penalty of *Six Shillings*, which Penalty may be recovered by any Person of the Town of *Wells*, the whole thereof to be to him or them that shall sue for the same.

Penalty for  
leaving open  
Bars &c. lead-  
ing to said  
Beaches.

*And be it further enacted,* That in Case any Dispute arise upon any Action, Bill, Plaint or Information, brought as aforesaid, where the Plaintiff, Complainant or Informer shall charge the Defendant in Trespass for cutting or carrying off any Grass from said Beaches, or leaving open any Bars or Gates as aforesaid, then and in such Case if the Plaintiff, Complainant, or Informer, or his Agent or Attorney, shall make Oath *bonâ fide*, that there hath been cut or carried away to the best of his Judgment, any certain Quantity of Grass, or that any Bars or Gates have been left open as mentioned in the Writ, and that he suspects the Defendant to have committed the said Trespasses, and although the Plaintiff, Complainant or Informer, or his Agent or Attorney, may not be able to produce any other Evidence thereof, than such Circumstances as render it highly probable in the Judgment of the Court or Justice before whom the Trial is, then and in every such Case, unless the Defendant shall acquit himself upon Oath (to be administered to him by the Court or Justice that shall try the Cause) the Plaintiff shall recover against the Defendant Damages and Costs; but if the Defendant shall acquit himself upon Oath as aforesaid, the Court or Justice may and shall enter up Judgment for the Defendant to recover against the Plaintiff double his Cost occasioned by such Prosecution.

In Case any  
Dispute arise,  
how the same  
may be deter-  
mined by the  
Oath of the  
Plaintiff &c.  
unless.

*And be it further enacted,* That the said Town of *Wells* at their Meeting in *March* annually for the Choice of Town Officers be and hereby are authorized and impowered to chuse two or more Persons, whose Duty it shall be to see that this Act be observed and prosecute the Breakers thereof, 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 *sixteen Shillings* for the Use of the Poor of the said Town of *Wells*, and the said Town of *Wells* at a Town Meeting warned for that Purpose, may at any Time before *March* next chuse such Officers who shall continue until their annual Meeting in *March* next.

Officers to be  
chosen to see  
this Act car-  
ried into Exe-  
cution.

Penalty for  
not serving.

This Act to be in Force until the first Day of *September* One Thousand Seven Hundred and sixty, and to the End of the then next Sitting of the General Court, and no longer.

Limitation.

Revised and Continued till January 24. 1771.

This and the foregoing Acts were Published September 1. 1757.