

SUPPLEMENT

TO THE

GENERAL STATUTES

OF THE

COMMONWEALTH OF MASSACHUSETTS.

"Laws, statutes, etc. Collections"

CONTAINING THE GENERAL LAWS FROM THE PASSAGE OF THE GENERAL STATUTES TO THE YEAR 1872,
INCLUSIVE, WITH THE AMENDMENTS TO THE CONSTITUTIONS OF THE STATE AND THE
UNITED STATES.

VOLUME I. — 1860–1872.

SECOND EDITION.

WITH ADDITIONAL NOTES AND REFERENCES.

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CHAPTER 304.

AN ACT TO AID IN THE PRESERVATION OF BIRDS, BIRDS' EGGS, AND DEER.

SECTION

1. Penalty for unlawfully killing woodcock and partridge ;
2. pinnated grouse, or heath hens ;
3. wood duck, black duck, and teal ;
4. marsh and beach birds ;
5. any undomesticated birds except birds of prey, &c. ;
6. for snaring birds, or killing with battery or swivel.

SECTION

7. Deer not to be killed between April 1, 1870, and January 1, 1872, nor afterwards between December 1 and October 1.
8. Prosecutions to be commenced within sixty days from time offence is committed.
9. State constabulary and municipal authorities to enforce law. Forfeitures, how paid.
10. Repeal of 1869, 246.

Penalty for unlawfully killing woodcock and partridge ;
G. S. 82.
1869, 246.

See 1871, 260.

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Proviso

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SECTION 1. Whoever, within this commonwealth, takes or kills any woodcock, between the first day of January and the fifteenth day of August in any year, or any ruffed grouse, commonly called partridge, between the first day of January and the first day of October in any year, or any quail between the fifteenth day of December and the fifteenth day of the next October, or within the respective times aforesaid, sells, buys, has in possession or offers for sale, any of said birds so taken or killed, shall forfeit for every such bird twenty-five dollars.

SECT. 2. Whoever, at any season of the year, in this commonwealth, within six years from the passage of this act, takes or kills any of the birds called pinnated grouse, or heath hens, or sells, buys or has in possession any of said birds so killed or taken, unless upon grounds owned by him, and grouse placed thereon by said owner, shall forfeit for every such bird twenty-five dollars.

SECT. 3. Whoever, within this commonwealth, takes or kills any wood or summer duck, black duck or teal, between the first day of March and the first day of September in any year, or within the respective times aforesaid, sells, buys, has in possession or offers for sale, any of said birds so taken or killed, shall forfeit for every such bird twenty-five dollars.

SECT. 4. Whoever, within this commonwealth, kills any rail, snipe, plover, sandpiper, or any of the so-called marsh, beach or shore birds, between the first day of April and the fifteenth day of July in any year, or within the respective times aforesaid, sells, buys, has in possession or offers for sale any of said birds so killed, shall forfeit for every such offence ten dollars: *provided*, that nothing in this section shall be held to apply to Wilson's snipe, or red-breasted, black-breasted or chicken plover.

SECT. 5. Whoever, within this commonwealth, takes or kills, at any season of the year, any undomesticated birds not named in the preceding sections of this act, except birds of prey, crow blackbirds, crows, herons, bitterns, Canada geese, and such fresh-water or sea-fowl as are not named in section three of this act, or wilfully destroys or disturbs the nests or eggs of any undomesticated birds, except the nests and eggs of birds of prey, crow blackbirds or crows, shall forfeit for every such offence ten dollars: *provided*, that any person may, during the months of September, October and November take or kill wild pigeons, or having first obtained the written consent of the mayor and aldermen of any city, or the selectmen of any town, may take the nest and eggs, or at any season of the year kill any undomesticated birds for the purpose of preserving them as specimens in cabinets of natural history, or for any scientific purpose whatever.

SECT. 6. Whoever, at any season of the year, takes, kills or destroys any game birds by means of traps, snares, nets or springs; or

shoots at or kills any water fowl, by the use of any battery, swivel, or pivot gun, shall forfeit for each such offence twenty-five dollars: *provided*, that between the first day of October and the first day of January in any year, any person may on his own premises, or for his own personal use and not for sale, take or kill by means of traps or snares any of the birds known as ruffed grouse or partridge.

with battery or swivel.
Proviso.

SECT. 7. Whoever, between the first day of April, eighteen hundred and seventy, and the first day of January, eighteen hundred and seventy-two, and thereafter between the first day of December in any year, and the first day of October following, takes or kills any deer except his own tame deer kept on his own grounds, shall forfeit for every such offence one hundred dollars.

Deer not to be killed at certain times, &c.
G. S. 82, §§ 12, 13.
See 1871, 320.

SECT. 8. All prosecutions under the provisions of this act shall be commenced within sixty days from the time the alleged offence is committed; and the possession by any person of any deer, or of birds mentioned as protected in this act, taken or killed out of place or season as aforesaid, shall be prima facie evidence to convict under this act.

Prosecutions to be commenced within sixty days.
Possession of, &c., to be prima facie evidence.

SECT. 9. The state constabulary, the mayor and aldermen, and selectmen of the several cities and towns of this commonwealth shall cause the provisions of the preceding sections to be enforced in their respective places; and all forfeitures accruing under these sections shall be paid, one-half to the informant or prosecutor, and one-half to the city or town where the offence is committed.

State constabulary and municipal authorities to enforce law.
Forfeitures, how paid.

SECT. 10. Chapter two hundred and forty-six of the acts of the year eighteen hundred and sixty-nine is hereby repealed. [June 2, 1870.]

Repeal of 1869, 246.

CHAPTER 305.

AN ACT CONCERNING THE ERECTION OF BUILDINGS WITHIN THE FIRE LIMITS OF CITIES.

SECTION

1. Supreme judicial court may prevent erection of buildings within fire limits contrary to municipal regulations.

SECTION

2. When act takes effect.

SECTION 1. The supreme judicial court, or any justice thereof, either in term time or vacation, may issue an injunction or other suitable process in equity, to restrain any person or corporation from erecting, maintaining, occupying or using any building or structure within the fire limits of any city, contrary to the lawful rules, regulations, orders or ordinances established and in force in such city, relative to the erection or construction of buildings within such fire limits, and for the purpose of enforcing all such rules, regulations, orders and ordinances; and may order and enforce the abatement or removal of all such illegal buildings and structures: *provided*, that this act shall not apply to any building or structure actually completed and occupied more than three months prior to the passage hereof.

Supreme judicial court may prevent erection of buildings within fire limits contrary to municipal regulations.
G. S. 24.

Proviso.

SECT. 2. This act shall take effect upon its passage. [June 2, 1870.]

When act takes effect