

1641-1647 Colonial Ordinance:

[Originally called “Liberty Commons Act”]:

“1641”

“Every inhabitant that is a house holder shall have free fishing and fowling in any great Ponds and Bayes, Coves and Rivers, so far as the Sea ebbs and flows within the precincts of the town where they dwell, unless the free-men of the same town or general court have otherwise appropriated them, proving that this shall not be extended to give lease to any man to come upon others propriety without their leave.”

“1647”

“Every Inhabitant who is a house holder shall have free fishing and fowling, in any great Ponds, Bayes, Coves and Rivers so far as the sea ebbs and flows, within the precincts of the town where dwell, unless the free-men of the same town, or the General Court have otherwise appropriated them. Provided that no town shall appropriate to any particular person or persons, any great Pond containing more than ten acres of land: and that no man shall come upon another’s propriety without their leave otherwise then as hereafter expressed; the which clearly to determine, it is declared that in all creeks, coves, and other places, about and upon salt water where the sea ebbs and flows, the Proprietor of the land adjoining shall have propriety to the low water mark where the sea doth not ebb above a hundred rods, and not more wheresoever it ebbs farther. Provided that such Proprietor shall not by his liberty have power to stop or hinder the passage of boats or other vessels in, or through any sea creeks or coves to other man’s houses or lands. **And for great ponds lying in common though within the bounds of the same town, it shall be free for any man to fish and fowl there, and may pass and repass on foot through any man’s propriety for that end, so they trespass not upon any man’s corn or meadow.”**