

SENATE . . . No. 277.

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Commonwealth of Massachusetts.

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SENATE, May 25, 1887.

The Committee on Towns, to whom was referred the petition of O. W. Draper and others for a division of the town of Attleborough, report the accompanying Bill.

For the Committee,

E. D. G. JONES.

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**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Eighty-seven.

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**AN ACT**

To incorporate the Town of North Attleborough.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. All that part of the town of  
2 Attleborough comprised within the following  
3 limits, that is to say, beginning at a stone monu-  
4 ment situated in the boundary line between the  
5 town of Attleborough and the town of Cumber-  
6 land, in the state of Rhode Island, and on the  
7 northerly side of the road leading westerly from  
8 the Polly Chace place, so called; thence running  
9 easterly in a straight line to a point on the east  
10 side of the road one hundred feet southerly of  
11 the house of Howard E. Rhodes; thence deflect-  
12 ing to the north and following a straight line  
13 passing midway between Lepriete P. Fisher's  
14 house and the house of the late Tisdole E.  
15 Fisher; thence in the same course to a monument  
16 in the boundary line between the towns of Attle-

17 borough and Mansfield five thousand four hun-  
18 dred and fifty feet northerly of a monument at  
19 the corner of the towns of Mansfield and Norton;  
20 thence northwesterly on the boundary line as it  
21 now exists between the towns of Attleborough  
22 and Mansfield till it comes to a corner marking  
23 the boundary of the towns of Attleborough,  
24 Mansfield and Wrentham; thence southwesterly  
25 by the boundary line as it now exists between  
26 the towns of Attleborough and Wrentham to a  
27 corner marking the boundary of the said towns  
28 of Attleborough and Wrentham and the town of  
29 Cumberland in the state of Rhode Island; thence  
30 about southerly along the boundary line between  
31 the said towns of Attleborough and Cumberland  
32 to the point of beginning, is hereby set off from  
33 Attleborough and incorporated a town under the  
34 name of North Attleborough; and the town of  
35 North Attleborough is hereby invested with all  
36 the powers, privileges, rights and immunities and  
37 made subject to all the duties and liabilities of  
38 other towns of the Commonwealth.

1     SECT. 2. The inhabitants and estates within  
2 the territory hereby set off and the owners of  
3 such estates shall be holden to pay all taxes  
4 assessed and in arrears to the same persons, and  
5 such taxes may be collected in the same manner  
6 as if this act had not been passed; and until the  
7 next state valuation the town of North Attle-  
8 borough, annually, in the month of November,  
9 shall pay to the town of Attleborough the pro-

10 portion of any state or county tax which the said  
11 town of Attleborough may be required to pay  
12 upon the inhabitants or estates hereby set off,  
13 said proportion to be ascertained by the last val-  
14 uation next preceding the passage of this act;  
15 and the assessors of Attleborough shall make  
16 returns of said valuation, and the proportion  
17 thereof in the towns of Attleborough and North  
18 Attleborough, respectively, to the secretary of  
19 the Commonwealth and to the county commis-  
20 sioners of the county of Bristol.

1     SECT. 3. The towns of North Attleborough  
2 and Attleborough shall be liable, respectively, for  
3 the relief and support of all persons now or here-  
4 after needing aid as paupers, or who may derive  
5 or acquire, or who have derived or acquired, a  
6 settlement within their respective limits. And  
7 the town of North Attleborough shall pay an-  
8 nually to the town of Attleborough such propor-  
9 tion of all costs for the relief and support of  
10 persons now or hereafter needing aid as paupers  
11 who may or have derived or acquired a settle-  
12 ment by reason of military service as part of the  
13 quota of Attleborough, or who cannot be located  
14 on the site whence their settlement is derived or  
15 whereon it was acquired, as the valuation of the  
16 town of North Attleborough bears to that of  
17 Attleborough as it is now bounded, according to  
18 the last state valuation prior to said relief and  
19 support.

1    SECT. 4. Existing rights of action in favor of  
2 or against the town of Attleborough may be in-  
3 stituted and prosecuted or defended by said town  
4 in the same manner and with like effect as before  
5 the passage of this act, and the amount recovered  
6 therein shall be paid or received as the case may  
7 be by the town of Attleborough, and reckoning  
8 costs and expenses, including counsel fees, shall  
9 be divided between the towns in the ratio of one-  
10 half to North Attleborough and one-half to Attle-  
11 borough.

1    SECT. 5. The corporate property of the town  
2 of Attleborough, both real and personal, in being  
3 at the time of the passage of this act, and the  
4 town debts then existing, shall be divided between  
5 the towns of Attleborough and North Attle-  
6 borough according to the valuation of the property  
7 within their respective limits, as assessed May  
8 first, eighteen hundred and eighty-six. The  
9 towns shall severally retain and hold all the real  
10 and personal property now within their respective  
11 limits, upon a valuation to be agreed upon by the  
12 boards of selectmen of both towns in concurrence,  
13 and differences in valuation shall be equalized and  
14 balances adjusted by apportionment of the town  
15 debt. In case of a failure to agree upon a valua-  
16 tion or division of the assets and liabilities, the  
17 same shall be determined by a board of three  
18 commissioners, neither of whom shall be residents  
19 of either of said towns, to be appointed by the  
20 superior court for the county of Bristol in term

21 time or vacation, upon petition of either town  
22 with notice to the other. The commission so  
23 appointed shall sit and, after hearing both parties,  
24 determine the matters of disagreement aforesaid,  
25 and return their award into said court, and the  
26 award of the majority, when accepted by the  
27 court, shall be final; and said court may issue  
28 any writ or make any order thereon necessary to  
29 carry the same into effect. The award may be  
30 set aside for fraud or manifest error, but for  
31 no other cause, and thereupon may be recom-  
32 mitted to the same or other commissioners to be  
33 appointed for the same purpose, with like powers  
34 and duties as aforesaid.

1   SECT. 6. The town of North Attleborough  
2 shall, until otherwise provided by law, continue to  
3 be a part of the second congressional district, of  
4 the second councillor district, of the first Bristol  
5 senatorial district and the first Bristol representa-  
6 tive district; and at all elections the inhabitants  
7 of the town of North Attleborough shall vote at  
8 polling places to be furnished within the town.  
9 The selectmen and clerk of the town of North  
10 Attleborough shall make returns of elections as if  
11 the town had existed at the time of the formation  
12 of said districts.

1   SECT. 7. Any justice of the peace within and  
2 for Bristol county, residing in the town of North  
3 Attleborough, may issue his warrant, directed to  
4 any inhabitant of said town, requiring him to no-

5 tify and warn the inhabitants thereof qualified to  
6 vote in town affairs, to meet at the time and place  
7 therein appointed, for the purpose of choosing all  
8 such officers as towns are by law authorized and  
9 required to choose at their annual meetings, and  
10 said warrant shall be served by posting copies  
11 thereof, attested by the person to whom the same  
12 is directed, in three or more public places in the  
13 town of North Attleborough, seven days at least  
14 before the time of such meeting. Such justice,  
15 or in his absence such inhabitant required to  
16 notify the meeting, shall preside until the choice  
17 of a moderator in said town meeting. The select-  
18 men of the town of Attleborough shall, before  
19 said meeting, prepare a list of voters in the town  
20 of North Attleborough qualified to vote at said  
21 meeting, and shall deliver the same to the person  
22 presiding at such meeting before the choice of  
23 moderator thereof.

1 SECT. 8. The town of North Attleborough  
2 shall bear the expense of making the necessary  
3 surveys and establishing the lines between the  
4 towns of Attleborough and North Attleborough.

1 SECT. 9. The town of Attleborough shall pay  
2 to the town of North Attleborough a half part of  
3 whatever amount may hereafter be refunded to  
4 said town of Attleborough from the state or  
5 United States, to reimburse it for bounties to sol-  
6 diers or state aid heretofore paid to the families  
7 of soldiers after deducting all reasonable expenses.

1 SECT. 10. All rights heretofore secured to  
2 existing corporations upon the territory hereby  
3 incorporated shall continue as though this act had  
4 not passed.

1 SECT. 11. This act shall take effect upon its  
2 passage.