

HOUSE . . . . No. 1231.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Feb. 21, 1908.

The committee on Harbors and Public Lands, to whom was referred the petition (with accompanying bill, House, No. 656) of Lorenzo D. Baker, Jr., and others for legislation relative to the construction of a dike across the mouth of Herring river in the town of Wellfleet, report the accompanying bill.

For the committee,

THOMAS PATTISON.

## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

### AN ACT

Relative to the Construction of the Dike across Herring River in the Town of Wellfleet.

*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. Section two of chapter five hundred  
2 and eleven of the acts of the year nineteen hundred  
3 and seven is hereby amended by striking out the  
4 whole of said section, and inserting in place thereof  
5 the following:—

6 *Section 2.* The board of harbor and land com-  
7 missioners may expend for the construction of said  
8 dike and fishway, the sum of ten thousand dollars  
9 from the treasury of the Commonwealth, in addi-  
10 tion to the sum of ten thousand dollars to be con-  
11 tributed toward said construction by said town of  
12 Wellfleet, if this act is accepted by said town in the  
13 manner hereinafter provided: *provided, however,*  
14 that no work shall be done and no money shall be  
15 spent under the provisions of this act by the said  
16 board of harbor and land commissioners until said  
17 sum of ten thousand dollars has been by said town

18 paid into the treasury of the Commonwealth. Said  
19 sum may be borrowed by said town outside the  
20 statutory limit of its indebtedness as fixed by law,  
21 and shall be raised by an issue of bonds, notes or  
22 scrip, which shall be signed by the treasurer and  
23 countersigned by the selectmen of said town; shall  
24 bear interest, payable semi-annually, at a rate of  
25 not more than five per cent per annum, and shall be  
26 payable in such annual proportional payments as  
27 will extinguish the same with interest in not more  
28 than twenty years from the date or dates of issue.  
29 All damages to land or any interest therein, sus-  
30 tained by any person or corporation by the building  
31 of said dike under this act shall be paid by the town  
32 of Wellfleet, and such person or corporation may  
33 have said damages assessed by a jury of the su-  
34 perior court in the manner provided by law with  
35 respect to the damages sustained by the laying out  
36 of ways. This act, as amended, shall take effect  
37 upon its acceptance by two-thirds of the voters of  
38 the town voting thereon at a special meeting called  
39 for the purpose. The article in the warrant of said  
40 special meeting shall read as follows:— To see if  
41 the town will vote to accept the provisions of chap-  
42 ter five hundred and eleven of the acts of nineteen  
43 hundred and seven, as amended by the acts of nine-  
44 teen hundred and eight, authorizing the town to  
45 raise money for the construction of the dike across  
46 Herring river. The vote thereon shall be by writ-  
47 ten or printed ballot and the check list shall be  
48 used.

1 SECTION 2. The provisions in regard to con-  
2 structing ditches and other structures incident to

3 the building of said dike, contained in section one  
4 of said chapter five hundred and eleven of the acts  
5 of nineteen hundred and seven shall include the  
6 right to construct said ditches or structures wher-  
7 ever deemed necessary by said harbor and land  
8 commissioners along the course of said Herring  
9 river or any tributary thereof, and the provisions  
10 of this act relative to compensation shall also apply  
11 to property damages occasioned by the construction  
12 of said ditches.

1 SECTION 3. Chapter four hundred of the acts of  
2 nineteen hundred and six, so far as inconsistent  
3 herewith, and all other acts and parts of acts in-  
4 consistent herewith, are hereby repealed.