

# HOUSE . . . . No. 1341.

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[House, No. 1279, as passed to be engrossed.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-six.

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### AN ACT

Relative to the Restoration of Green Harbor in the Town of Marshfield.

*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. The board of harbor and land commis-  
2 sioners and the state board of health, acting as a joint  
3 board, are hereby required to cause an examination of  
4 Green Harbor in the town of Marshfield, and of the Green  
5 Harbor marshes and the dam and dike constructed across  
6 Green Harbor river under the provisions of chapter three  
7 hundred and three of the acts of the year eighteen hundred  
8 and seventy-one, to be made by competent engineers, who  
9 shall report to said joint board the result of their exami-  
10 nation; and if upon receiving such report said joint board  
11 shall determine that a substantial improvement in, and  
12 benefit to, Green Harbor will result from the removal of  
13 said dam and dike, and that no damage to vested property  
14 rights greater than the benefit and improvement to be

15 derived from such removal will result therefrom, then the  
16 board of harbor and land commissioners shall remove said  
17 dam and dike and shall replace such portion of the high-  
18 way as may be destroyed by such removal by a suitable  
19 bridge, either with or without a draw, as said board of  
20 harbor and land commissioners may determine that pub-  
21 lic convenience requires. The joint board and the board  
22 of harbor and land commissioners shall make a full report  
23 of their doings under this act to the general court at the  
24 next session thereof.

1 SECT. 2. Any person who suffers injury to any vested  
2 property right by reason of the removal of said dam and  
3 dike, shall be entitled to have his damages assessed  
4 against the Commonwealth by the county commissioners  
5 of the county of Plymouth, with like right of appeal as  
6 in the case of land taken for the construction of highways:  
7 *provided*, that in no case the Commonwealth shall be  
8 liable for damage to property, the value of which has  
9 been increased by the building of said dam and dike  
10 under the provisions of chapter three hundred and three  
11 of the acts of eighteen hundred and seventy-one.

1 SECT. 3. To defray the expense incurred under this  
2 act, a sum not exceeding twelve thousand dollars is  
3 hereby appropriated, to be paid out of the treasury of  
4 the Commonwealth from the ordinary revenue, subject  
5 to the approval of the board or boards incurring the  
6 expense.

1 SECT. 4. If the board of harbor and land commis-  
2 sioners shall remove said dam and dike, then so much of  
3 chapter three hundred and three of the acts of the year  
4 eighteen hundred and seventy-one as authorizes the con-  
5 struction and maintenance of a dam and dike across  
6 Green Harbor river in the town of Marshfield shall, from  
7 the date when said removal is commenced, be repealed.



