

SENATE....No. 95.

Commonwealth of Massachusetts.

IN SENATE, April 2, 1853.

The Joint Committee on Towns, to whom was committed the petition of Luther Washburn and others, praying for a division of the town of Middleborough, report the accompanying bill.

THOS. WRIGHT, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Three.

AN ACT

To Incorporate the Town of Samoset.

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

1 SECT. 1. That portion of the town of Middleborough
2 lying within the following boundaries, to wit: begin-
3 ning at the south-westerly corner of said town, at or in
4 the line of the town of Freetown at an angle; thence
5 running easterly in the line between said Middlebor-
6 ough and the towns of Freetown and Rochester, to a
7 point equi-distant between Haskell's Island and Reed's
8 Island, in Great Quitticus Pond; thence running
9 northerly across said Quitticus Pond to a point upon
10 Long Point, so called, five rods easterly from the
11 bridge, at a stake; thence running northerly through
12 the Narrows in Pockshire Pond to the junction of said

13 Pond with Assawampsett Pond; thence running north-
14 westerly in the said Assawampsett Pond to Nemasket
15 River, where it runs from said Assawampsett Pond;
16 thence running northerly down and following the
17 channel of said river to the bridge of the Cape Cod
18 Branch Railroad across the same; thence running
19 west five rods to an elm tree standing in the north
20 line of said railroad; thence running north thirty-five
21 degrees west fifty-four rods, to the north line of John
22 C. Reed's land; thence running in said Reed's line
23 north fifty-three degrees west seventy rods, to the
24 main road; thence running in the same course seven
25 hundred and fourteen rods to Trout Brook, the line
26 passing a white oak tree near Trout Brook, in
27 Thomas P. Tinkham's land, twenty links to the south
28 thereof; thence running down and following the
29 channel of said brook to the line of the town of
30 Taunton; thence running southerly and south-west-
31 erly in the line between Taunton and Middleborough
32 to the line of the town of Freetown, and thence in
33 the line and between Freetown and Middleborough
34 to the place of beginning, is hereby incorporated into
35 a town by the name of Samoset; and the inhabitants
36 of said town of Samoset are hereby invested with all
37 the powers and privileges, and shall be subjected to
38 all the duties and requisitions of other incorporated
39 towns, according to the constitution and laws of this
40 Commonwealth.

1 SECT. 2. The inhabitants of said town of Samoset
2 shall be holden to pay all arrears of taxes legally as-
3 sessed upon them before the passage of this act, and
4 also their proportion of such State and county tax

5 as may be assessed upon them before the next State
6 valuation, such proportion to be ascertained and de-
7 termined by the last State valuation of property; and
8 all moneys now in the treasury of said town of Middle-
9 borough, or which may hereafter be received therein
10 from taxes already assessed or directed to be assessed,
11 shall be applied to the purposes for which they were
12 raised and assessed in the same manner as if this act
13 had not been passed.

1 SECT. 3. The said town of Middleborough and
2 Samoset shall hereafter be respectively liable for the
3 support of all such persons who now are relieved, or
4 hereafter may be relieved as paupers, whose settle-
5 ment was gained by or derived from a settlement
6 gained or derived within their respective limits.

1 SECT. 4. The inhabitants of said town of Samoset
2 shall be holden to pay their just proportion of all
3 debts due from said town of Middleborough at the
4 time of the passage of this act; and shall receive their
5 just proportion of the value of all property, real and
6 personal, and of all assets, funds, and stocks now
7 owned by and belonging to said town of Middlebor-
8 ough; and if said towns shall not agree in respect to
9 a division of property, funds, stocks, debts, or State or
10 county taxes, or the settlement of any pauper or pau-
11 pers, the Court of Common Pleas for the county of
12 Plymouth shall, upon the petition of either town, ap-
13 point three competent and disinterested persons to
14 hear the parties and award between them; and their
15 award, or the award of any two of them, being accept-
16 ed by said court, shall be final.

1 SECT. 5. The alewive fisheries of the Nemasket
2 river shall be and remain the property of said towns
3 of Middleborough and Samoset, and the manner of
4 taking said fish, and the whole management of said
5 fisheries, shall be regulated by the selectmen of said
6 towns ; and the proceeds thereof shall be divided be-
7 tween the said towns in proportion to the number of
8 ratable polls in each, respectively, and the respective
9 parts of such proceeds shall be disposed of by said
10 towns, respectively, in such manner and for such pur-
11 poses as each town shall for itself determine and
12 direct.

1 SECT. 6. That portion of the fire district hereto-
2 fore established by the inhabitants of the village or
3 district of "Middleborough Four Corners," which is
4 within the limits of said town of Samoset, is hereby
5 taken from said fire district, and the remaining por-
6 tion of said fire district shall be and remain a fire
7 district, with all the powers and privileges of such
8 districts, and all taxes heretofore assessed on any of
9 the inhabitants of the original district, shall be col-
10 lected and applied to the purposes for which they
11 were assessed, in the same manner as if this act had
12 not been passed.

1 SECT. 7. Said town of Samoset shall continue to
2 be a part of the town of Middleborough, for the pur-
3 pose of electing State officers, senators, and repre-
4 sentatives to the general court, representatives to
5 congress, and electors of president and vice-president
6 of the United States, until the next decennial census
7 shall be taken, in pursuance of the thirteenth article

8 of the amendment of the constitution ; and meetings
9 for the choice of said officers shall be called by the
10 selectmen of Middleborough, and shall be holden in
11 the town of Middleborough ; and the selectmen of
12 Samoset shall make a true list of all persons within
13 their town, qualified to vote at every such election,
14 and shall post up the same in said town of Samoset,
15 and shall correct the same, as required by law, and
16 shall deliver a true copy of the same to the selectmen
17 of Middleborough, seven days at least before the day
18 of every such meeting or election, to be used thereat.

1 SECT. 8. Any justice of the peace for the county
2 of Plymouth may issue his warrant, directed to any
3 principal inhabitant of said town of Samoset, requir-
4 ing him to notify and warn the inhabitants thereof,
5 qualified to vote in town affairs, to meet at the time
6 and place therein appointed, for the purpose of choos-
7 ing all such town officers as towns are by law author-
8 ized and required to choose at their annual meetings,
9 and said warrant shall be served by posting up copies
10 thereof, attested by the person to whom the same is
11 directed, in four public places at least, in said town,
12 and fourteen days at least before the time of meeting.
13 The selectmen of Middleborough shall, before said
14 meeting, prepare a list of voters in said town of
15 Samoset, qualified to vote at said meeting, and shall
16 deliver the same to the person presiding at said meet-
17 ing, before the choice of moderator thereof.

1 SECT. 9. This act shall take effect from and after
2 its passage.