

# HOUSE....No. 50.

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[Reported by the Committee on Towns.]

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## Commonwealth of Massachusetts.

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

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### AN ACT

To incorporate the Town of Marion.

*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. All that part of the town of Rochester,  
2 in the county of Plymouth, comprised within the  
3 following limits, to wit:—Beginning in Sippican  
4 River, where Doggett Brook unites with the said  
5 river; thence up the course of said Doggett Brook,  
6 one half of one mile; thence southwesterly, to a  
7 point ten rods southeast of the southeast corner of

8 the dwellinghouse of Jesse Parlow, late of Roches-  
9 ter, deceased; thence, in a straight line, to the north-  
10 east corner of Mattapoissett precinct; thence south-  
11 easterly, in line of said precinct, to Buzzard's Bay;  
12 thence, by said bay, to the south line of the town of  
13 Wareham; thence westerly and northerly, in line of  
14 said town of Wareham, to the northeast corner of  
15 Sippican quarter of the town of Rochester; thence  
16 westerly and southerly, in line of said Sippican quar-  
17 ter, to the place of beginning, is hereby incorporated  
18 by the name of Marion; and the said town of  
19 Marion is hereby vested with all the powers, privi-  
20 leges, rights, and immunities, and made subject to all  
21 the duties and regulations, to which other towns are  
22 entitled and subjected, by the constitution and laws  
23 of this Commonwealth.

1     SECT. 2. The inhabitants of said town of Marion  
2 shall be holden to pay all arrearages of taxes, legally  
3 assessed upon them before this act takes effect, and  
4 also their proportion of such state and county taxes  
5 as may be assessed upon them, before the taking of  
6 the next State valuation, (said proportion to be as-  
7 certained and determined by the last town valuation  
8 of the town of Rochester,) to the treasurer and col-  
9 lector of said town; and all moneys now in the  
10 treasury of said town of Rochester, or may hereafter  
11 be received from taxes already legally assessed, or  
12 directed to be assessed, shall be applied to the pur-  
13 poses for which they were raised and assessed, in like  
14 manner as if this act had not been passed.

1     SECT. 3. The said towns of Rochester and Marion  
2 shall be respectively liable for the support of all per-

3 sons who now do, or shall hereafter, stand in need of  
4 relief as paupers, whose settlement was gained by,  
5 or derived from, a settlement gained or derived within  
6 their respective limits.

1     SECT. 4. The alewife fisheries of Mattapoissett  
2 River, and the "Town Mills," situate on said river,  
3 shall remain the property and privilege of all the  
4 inhabitants of the towns of Rochester and Marion,  
5 and said alewives shall be sold, as now, at twenty-  
6 five cents per one hundred, to each family residing in  
7 either the towns aforesaid. That the net yearly  
8 profits of said alewife fisheries, and the net yearly  
9 earnings of the said town mills, shall be appropriated  
10 as a sinking fund to pay the debts made on account  
11 of the said mills and alewife fisheries, until said  
12 debts shall be liquidated, after which said mills shall  
13 be sold, whenever either one of said towns of  
14 Rochester or Marion shall so determine; and the net  
15 proceeds received from said sales, as also the future  
16 net yearly profits from sales of said alewives, and net  
17 yearly earnings of said mills, (until sold,) shall be  
18 apportioned and paid into the treasury of each of the  
19 said towns of Rochester and Marion, according to  
20 the number of polls of each of said towns, as ascer-  
21 tained and determined by the next preceding decen-  
22 nial census of polls. The manner of taking said  
23 alewives, and the whole management of said fisheries,  
24 as also the letting and management of the said town  
25 mills, until disposed of, shall be with two inspectors,  
26 to be chosen annually, one each, from the said towns  
27 of Rochester and Marion.

1     SECT. 5. Whatever real estate within the limits of  
2 the town of Marion may have been bequeathed to

3 the town of Rochester, before this act takes effect,  
4 shall be the exclusive property of the said town of  
5 Marion.

1     SECT. 6. The inhabitants of the town of Marion,  
2 shall be holden to pay their just and equitable pro-  
3 portion of all debts and liabilities, for which the said  
4 town of Rochester may be liable, when this act takes  
5 effect; and said town of Marion shall be entitled to  
6 receive their just and equitable proportion of the  
7 value of all property, both real and personal, and of  
8 all annuities, funds in trust, or assets, now owned or  
9 held by the said town of Rochester, the disposition  
10 of which is not provided for in the two preceding  
11 sections, four and five; and in case the towns of  
12 Rochester and Marion shall not agree upon a division  
13 of property, annuities, funds, assets, debts, town pau-  
14 pers, or state or county taxes, the court of common  
15 pleas, for the county of Plymouth, shall, upon the  
16 petition of either of said towns, appoint three com-  
17 petent and disinterested persons, to hear and award  
18 thereon, and their award, or the award of any two  
19 of them, being accepted by said court, shall be  
20 final.

1     SECT. 7. All the privileges which the citizens of  
2 the town of Rochester now have, to take shell-fish  
3 from the shores or flats, shall remain the same as if  
4 this act had not passed.

1     SECT. 8. The town of Marion shall pay their just  
2 and equitable proportion of the surplus revenue,  
3 whenever called for by the government of the United  
4 States.

1   SECT. 9. Said town of Marion shall continue to  
2 be a part of the town of Rochester, for the purpose  
3 of electing a representative to the General Court,  
4 state officers, senators, representative to Congress,  
5 and electors of president and vice president of the  
6 United States, until the next decennial census shall  
7 be taken, in pursuance of the thirteenth article of  
8 the amendment of the constitution; and all meetings  
9 for the choice of said officers shall be called by the  
10 selectmen of Rochester, and shall be holden in the  
11 town of Rochester; and the selectmen of Marion  
12 shall make a true list of all persons, within their  
13 town, qualified to vote at every such election, and  
14 shall post up the same in said town of Marion and  
15 shall correct the same as required by law, and shall  
16 deliver a true copy of the same to the selectmen of  
17 Rochester, seven days at least before the day of every  
18 such election, to be used thereat.

1   SECT. 10. 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 Marion, 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 in said town, fourteen  
12 days at least before the time of meeting. The se-  
13 lectmen of Rochester shall, before said meeting, pre-  
14 pare a list of voters in said town of Marion, quali-  
15 fied to vote at said meeting, and shall deliver the

16 same to the person presiding at said meeting, before  
17 the choice of a moderator thereof.

1     SECT. 11. This act shall take effect from and after  
2 its passage.