

SENATE No. 103.

Commonwealth of Massachusetts.

IN SENATE, March 20, 1876.

The Committee on Towns, to whom was referred the petition of Wm. H. Haskell and others, for a division of the town of Amesbury, report the accompanying Bill.

For the Committee,

BYRON WESTON.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Six.

AN ACT

To incorporate the Town of Merrimac.

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 the territory now within the town
2 of Amesbury in the county of Essex, comprised
3 within the following limits, that is to say: beginning
4 at a point on the Merrimac River, at the middle of
5 the mouth of Pressey's Creek, so called; thence run-
6 ning northerly in a straight line to the most north-
7 erly point of land on the southerly side of Kimball's
8 Pond; thence north-westerly in a straight line to
9 a point on the town line dividing Amesbury and
10 Newton, New Hampshire, two thousand and fifty
11 feet west from the monument on the state line
12 dividing Massachusetts and New Hampshire, situ-
13 ated on a road leading from Newton to Amesbury
14 and near the house of Arthur Robertshaw; thence
15 westerly, south-westerly and south-easterly as the
16 present division lines run between the said town

17 of Newton, city of Haverhill and town of Ames-
18 bury, to a point on the Merrimac River; thence
19 easterly by the Merrimac River to the point of
20 beginning,—is hereby incorporated into a town by
21 the name of Merrimac; and said town of Merri-
22 mac is hereby invested with all the powers, priv-
23 leges, rights and immunities, and is subject to all
24 the duties and requisitions to which other towns
25 are entitled and subjected by the constitution and
26 laws of this Commonwealth.

1 SECT. 2. The inhabitants of said town of Mer-
2 rimac shall pay all taxes which have been legally
3 assessed upon them by the town of Amesbury;
4 and all taxes heretofore assessed and not collected,
5 shall be collected by and paid to the proper officers
6 of the town of Amesbury, in the same manner as
7 if this act had not been passed. And, until the
8 next state valuation, the proportion of state and
9 county taxes to be assessed upon the towns of
10 Amesbury and Merrimac shall be ascertained and
11 determined by the last valuation of the town of
12 Amesbury, and the assessors of the town of Ames-
13 bury shall make return of said valuation, and of
14 the proportions thereof in the towns of Amesbury,
15 and Merrimac respectively, to the secretary of the
16 Commonwealth and to the commissioners of the
17 county of Essex.

1 SECT. 3. Said towns of Amesbury and Merri-
2 mac shall be respectively liable for the support of
3 all persons who now are, or shall hereafter be in
4 need of relief as paupers, whose settlements were
5 gained, whether by original acquisition or deriva-

tion, within their respective limits; and the town of Merrimac shall also pay annually to the town of Amesbury two-fifths of the costs paid by the town of Amesbury for the support or relief of paupers whose settlements were acquired in Amesbury, or derived from a settlement acquired in Amesbury in consequence of military services in the war of the rebellion; provided, that the person who rendered such military service was not at the time of his enlistment an inhabitant of Amesbury.

SECT. 4. The town of Merrimac shall pay annually to the town of Amesbury, two-fifths of the amount paid by the town of Amesbury, for the maintenance of the Essex Merrimac and Rock's bridges, until such time as a new apportionment shall be made, or a different method adopted for the maintenance of said bridges.

SECT. 5. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Amesbury arose before the passage of this act, may be instituted and prosecuted, or defended, as the case may be, by either or both of the towns of Amesbury and Merrimac in the name of the town of Amesbury or of the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Amesbury might have instituted and prosecuted or defended such suits or proceedings if this act had not been passed; and the amount received in any suit or proceeding by or against said town of Amesbury shall be received or paid,

15 as the case may be, by the towns of Amesbury
16 and Merrimac in the same proportions as the pub-
17 lic property and debts of the town of Amesbury
18 are required to be divided by this act: *provided*,
19 that neither of said towns shall be liable for costs
20 to the other, unless it appears in the suit; nor
21 shall either town, unless it appears in the suit, be
22 liable for costs to the defendant therein, but only
23 that town which appears shall be so liable for
24 costs.

1 SECT. 6. The corporate property belonging to
2 the town of Amesbury at the passage of this act,
3 and the public debt of said town existing at said
4 date shall be divided between the towns of Ames-
5 bury and Merrimac in the following manner, viz.: -
6 the town of Merrimac shall receive two-fifths of
7 said corporate property and shall pay two-fifths of
8 said public debts, the remaining three-fifths of said
9 property to be received, and the remaining three-
10 fifths of said debts to be paid, by the town of
11 Amesbury; and the town of Merrimac shall receive
12 two-fifths of whatever amount may be hereafter
13 refunded to the town of Amesbury from the state
14 or the United States to reimburse said town of
15 Amesbury for bounties to soldiers or state aid paid
16 to soldiers' families, after deducting all reasonable
17 expenses; and the town of Merrimac shall bear
18 the expense of making the survey and establishing
19 the line between the towns of Amesbury and
20 Merrimac.

1 SECT. 7. In case said towns of Amesbury and
2 Merrimac shall not agree in respect to a division of

3 property or debts, the superior court for the county
4 of Essex shall, upon the petition of either town,
5 appoint three commissioners; and said petition may
6 be filed and appointments made in vacation, to
7 hear the parties and determine the matters of dif-
8 ference; and their award, or the award of any two
9 of them, being accepted by said court, shall be
10 final; and said court shall have jurisdiction to ren-
11 der judgment, or make any order or decree upon
12 said award, to issue execution or any proper pro-
13 cess, to enforce such judgment, decree or order.
14 But the award shall not be set aside unless for
15 fraud or manifest error, in which case the court
16 may recommit the award, or appoint other commis-
17 sioners, with the same powers and duties as the
18 first, of whose proceedings the court shall have
19 the same jurisdiction as herein before provided.
20 In making said award, said commissioners shall
21 assign the real estate belonging to said town of
22 Amesbury, at the time of the passage of this act,
23 to the town within which said estate shall be sit-
24 uated, so far as such division shall be practicable.

1 SECT. 8. The town of Merrimac, until other-
2 wise provided by law, shall continue to be a part
3 of the sixth congressional district, of the fifth
4 councillor district, of the fourth Essex senatorial
5 district, and of the first Essex representative dis-
6 trict, and the voters of the town of Merrimac shall
7 vote for representatives to congress, senators and
8 representatives to the general court, and members
9 of the council, in said town of Merrimac, at meet-
10 ings legally called for that purpose; and the clerk
11 of the town of Merrimac shall make returns and

12 meet with the clerks of the towns of Amesbury,
13 Salisbury and West Newbury, for the purpose of
14 ascertaining the result of the election of repre-
15 sentatives for said first Essex representative dis-
16 trict, and making certificates of the same at noon
17 on the day following said election, at the town
18 clerk's office, in said Amesbury.

1 SECT. 9. Any justice of the peace within and
2 for the county of Essex, may issue his warrant,
3 directed to any inhabitant of the town of Merri-
4 mac, requiring him to notify and warn the inhabi-
5 tants thereof qualified to vote in town affairs, to
6 meet at the time and place therein appointed, for
7 the purpose of choosing all such town officers as
8 towns are by law authorized and required to
9 choose at their annual meetings; and said warrant
10 shall be served by publishing a copy thereof in
11 some newspaper printed in the county of Essex,
12 and by posting up copies thereof, all attested by
13 the person to whom the same is directed, in three
14 public places in said town of Merrimac, seven days
15 at least before such time of meeting. Such justice,
16 or in his absence such individual required to notify
17 the meeting, shall preside until the choice of mod-
18 erator in said meeting. The selectmen of the
19 town of Amesbury shall, before said meeting, pre-
20 pare a list of voters in said town of Merrimac
21 qualified to vote at said meeting, and shall deliver
22 the same to the person presiding at such meeting
23 before the choice of a moderator thereof.

1 SECT. 10. This act shall take effect upon its
2 passage.

