

# HOUSE . . . . . No. 152.

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Bill accompanying the petition of Lewis E. Bullock for a division of the town of Wareham and the incorporation of the town of Onset, Towns. January 11.

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Six.

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### AN ACT

To incorporate the Town of Onset.

*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. All the territory now within the  
2 town of Wareham comprised within the following  
3 limits, that is to say: — beginning in the dividing  
4 line between Wareham and Plymouth, at a point  
5 where the seventieth meridian forty minutes west  
6 intersects said line, thence running easterly and  
7 southerly on the dividing line between the towns  
8 of Plymouth and Wareham to the corner of the  
9 towns of Bourne, Plymouth and Wareham oppo-  
10 site a stone monument near the Red Brook

11 bridge; thence south-easterly, as the channel of  
12 said brook runs, to its mouth to a point one hun-  
13 dred and fifty-six feet due west from a stone  
14 monument set on the easterly side of the mouth  
15 of the brook; thence south eighteen degrees east,  
16 across the flat or bar to the channel; thence by  
17 the channel down past Cohasset Narrows, as the  
18 channel runs, to a point in the channel between  
19 Hog Island and Hog Neck, and thence westerly  
20 to the most easterly point of Hog Neck at low-  
21 water mark; thence in a general northerly and  
22 westerly direction, following the line of low-water  
23 mark to the head of tide water at Broad Marsh,  
24 so called, at the centre of the mouth of Broad  
25 Marsh creek; thence north-westerly by the centre  
26 line of said creek to a point in said creek south  
27 thirty-three degrees west from a stake driven on  
28 the southerly side of Onset road which marks the  
29 dividing line between the land of Nathan P. Gibbs  
30 and Charles P. Fernald; thence north thirty-  
31 three degrees east to said stake; thence northerly  
32 on the westerly side of said road as said road now  
33 runs to a point on the northerly side of the loca-  
34 tion of the Cape Cod branch of the Old Colony  
35 railroad; thence easterly on the northerly bound-  
36 ary of the location of said railroad to a point  
37 which intersects the seventieth meridian forty  
38 minutes west; thence north by the seventieth  
39 meridian forty minutes west to the point of  
40 beginning, or such other boundaries or description  
41 as the general court may determine, — is hereby  
42 incorporated into a separate town by the name of

43 Onset; and said town of Onset is hereby invested  
44 with all the powers, privileges, rights and im-  
45 munities, and is subject to all the duties and  
46 requisitions, to which other towns are entitled  
47 and subjected by the constitution and laws of  
48 this Commonwealth.

1 SECTION 2. The inhabitants of said town of  
2 Onset shall pay all arrears of taxes which have  
3 been legally assessed upon them by the town of  
4 Wareham, and all taxes heretofore assessed upon  
5 them and upon property within the limits of  
6 Onset, and not collected, shall be collected and  
7 paid to the treasurer of said town of Wareham,  
8 in the same manner as if this act had not been  
9 passed; and until the next general valuation of  
10 estate in this Commonwealth the town of Onset  
11 shall pay annually to the said town of Wareham  
12 the proportion of any state or county tax which  
13 the said town of Wareham may be required to  
14 pay upon the inhabitants or estates hereby set off,  
15 said proportion to be ascertained and determined  
16 by the last valuation next preceding the passage  
17 of this act; and the assessors of Wareham shall  
18 make returns of said valuation, and the proportion  
19 thereof in the towns of Wareham and Onset  
20 respectively, to the secretary of the Common-  
21 wealth and to the county commissioners of the  
22 county of Plymouth.

1 SECTION 3. Said towns of Wareham and  
2 Onset shall be respectively liable for the support

3 of all persons who do now or shall hereafter stand  
4 in need of relief as paupers, whose settlements  
5 were gained whether by original acquisition or  
6 derivation within their respective limits; and said  
7 town of Onset shall pay annually to said town of  
8 Wareham two-fifths of all costs paid by the last  
9 named town for the support or relief of those  
10 persons who now do, or shall hereafter, stand in  
11 need of relief or support as paupers, and who  
12 have gained a settlement in said town of Ware-  
13 ham in consequence of the military services of  
14 themselves or of those through whom they derive  
15 their settlement: *provided*, that the person who  
16 rendered such military service was not at the time  
17 of his enlistment an inhabitant of said town of  
18 Wareham, as heretofore constituted.

1 SECTION 4. All suits and proceedings at law  
2 or in equity where the cause of action in favor of  
3 or against the town of Wareham arose before the  
4 passage of this act, shall be instituted and prose-  
5 cuted or defended by said town of Wareham with  
6 the same effect as if this act had not been passed;  
7 and the amount recovered in any such suit or  
8 proceeding by or against said town of Wareham,  
9 shall be received or paid, as the case may be, by  
10 the town of Wareham, and divided between the  
11 towns of Wareham and Onset, in the same pro-  
12 portions as the public property and debt of the  
13 town of Wareham are required to be divided by  
14 the same.

1 SECTION 5. The corporate property both real  
2 and personal, including rights of action belonging  
3 to said town of Wareham, at the date of the pass-  
4 age of this act, except as hereinafter provided,  
5 and the public debt existing at said date, shall be  
6 divided between the towns of Wareham and  
7 Onset according to the valuation of the property  
8 within their respective limits, as assessed May  
9 first, nineteen hundred and five. The said towns  
10 of Wareham and Onset shall each retain and hold  
11 all the real property, public buildings and personal  
12 property used in connection therewith now within  
13 their respective limits. In case said towns of  
14 Wareham and Onset shall not agree in respect to  
15 a division of debts, unpaid taxes, state or county  
16 taxes, or support of paupers, or in relation to  
17 fisheries, or any matter under this section, the  
18 supreme judicial court for the county of Plymouth  
19 shall, upon petition of either town, appoint three  
20 commissioners, neither of whom shall be a resident  
21 of Plymouth county; and said petition may be  
22 filed and appointments made in vacation to hear  
23 the parties and determine the matter of differ-  
24 ence; and their award, or the award of any two  
25 of them, being accepted by said court, shall be  
26 final; and said court shall have jurisdiction to  
27 render judgment or make any order or decree  
28 upon said award, to issue execution, or any other  
29 proper process, to enforce said judgment, decree  
30 or order. But the award shall not be set aside  
31 unless for fraud or manifest error; in which  
32 case the court may recommit the award, or appoint

33 other commissioners, with the same powers and  
34 duties as the first, of whose proceedings the court  
35 shall have the same jurisdiction as hereinbe-  
36 fore provided. In making said award the com-  
37 missioners shall assign the corporate property  
38 belonging to the said town of Wareham at the  
39 time of the passage of this act, to the town within  
40 which said corporate property shall be situate or  
41 belong, so far as such division may be practi-  
42 cable; and said commissioners may award a gross  
43 sum to the town of Onset or Wareham, as the  
44 case may be, in order to make their division of  
45 corporate property just and equitable.

1 SECTION 6. The town of Onset shall, until  
2 otherwise provided by law, continue to be a part  
3 of the fourteenth congressional district, of the  
4 first councillor district, of the second Plymouth  
5 senatorial district, and the sixth representative  
6 district of Plymouth county; and the inhabitants  
7 of said town of Onset shall vote for each of said  
8 officers in the town of Onset. The selectmen and  
9 clerk of said town of Onset, in each of said cases,  
10 shall make return as if said town had existed at  
11 the time of the formation of said district.

1 SECTION 7. Any justice of the peace within  
2 and for Plymouth county, whose residence is in  
3 the town of Onset, may issue his warrant directed  
4 to any inhabitant of said town of Onset, requiring  
5 him to notify and warn the inhabitants thereof  
6 qualified to vote in town affairs, to meet at the

7 time and place therein appointed, for the purpose  
8 of choosing all such officers as towns are by law  
9 authorized and required to choose at their annual  
10 meetings; and said warrant shall be served by  
11 posting copies thereof, attested by the person to  
12 whom the said warrant is directed, in three or  
13 more public places in the town of Onset, seven  
14 days, at least, before such time of meeting. Such  
15 justice, or in his absence, such inhabitant required  
16 to notify the meeting, shall preside until the  
17 choice of moderator in said town meeting. The  
18 selectmen of said town of Wareham shall, before  
19 said meeting, prepare a list of voters in said town  
20 of Onset qualified to vote at said meeting, and  
21 shall deliver the same to the person presiding at  
22 the said meeting, before the choice of moderator  
23 thereof.

1 SECTION 8. Said town of Onset shall bear the  
2 expense of making the necessary surveys and  
3 establishing the lines between the said towns of  
4 Wareham and Onset.

1 SECTION 9. The towns of Wareham and  
2 Onset may severally regulate the public fisheries  
3 within their respective limits, and the provisions  
4 of all special acts in relation to the fisheries of  
5 Wareham heretofore passed shall be held to apply  
6 to the town in which any such fishery may be  
7 located: *provided, however*, that every inhabitant  
8 of Wareham shall have the same rights in the  
9 public fisheries of Onset that any inhabitant of

10 Onset shall have, and every inhabitant of Onset  
11 shall have the same rights in the public fisheries  
12 of Wareham that an inhabitant of Wareham shall  
13 have.

1 SECTION 10. All rights heretofore secured to  
2 existing corporations upon the territory hereby in-  
3 corporated, shall continue as though this act had  
4 not passed. The powers and privileges reserved  
5 to the town of Wareham and the selectmen thereof  
6 in any orders or decrees heretofore made by the  
7 selectmen of Wareham relative to the construction,  
8 maintenance and operation of the street railways  
9 by the New Bedford and Onset Street Railway  
10 Company, and the Middleborough, Wareham and  
11 Buzzard's Bay Street Railway Company, in said  
12 town, shall hereafter, so far as relates to the con-  
13 struction, maintenance and operation of said street  
14 railways in the territory hereby incorporated as  
15 the town of Onset, enure to and be exercised by  
16 the town of Onset and the selectmen thereof,  
17 respectively, as fully as if said orders or decrees  
18 had originally been made by the selectmen of said  
19 Onset.

1 SECTION 11. This act shall take effect upon  
2 its passage.