

**REPORT OF THE JOINT BOARD CONSISTING OF
THE HARBOR AND LAND COMMISSIONERS
AND THE STATE BOARD OF HEALTH, UPON THE
RESTORATION OF GREEN HARBOR IN THE
TOWN OF MARSHFIELD, MASS.
CHAP. 495, ACT OF 1896; CHAP. 98, RESOLVES
OF 1897. JANUARY, 1898**

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Report of the Joint Board Consisting of the Harbor and Land Commissioners and the State Board of Health, upon the restoration of Green Harbor in the town of Marshfield, Mass. Chap. 495, Act of 1896; Chap. 98, Resolves of 1897. January, 1898 by Various

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IN THE

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CHAP. 495, ACTS OF 1896; CHAP. 98, RESOLVES OF 1897.

JANUARY, 1898.

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1898.

Acts of 1896, Chapter 495.

AN ACT RELATIVE TO THE RESTORATION OF GREEN HARBOR IN THE
TOWN OF MARSHFIELD.

Be it enacted, etc., as follows :

SECTION 1. The board of harbor and land commissioners and the state board of health, acting as a joint board, are hereby required to cause an examination of Green Harbor in the town of Marshfield, and of the Green Harbor marshes and the dam and dike constructed across Green Harbor river under the provisions of chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, to be made by competent engineers, who shall report to said joint board the result of their examination; and if upon receiving such report said joint board shall determine that a substantial improvement in and benefit to Green Harbor will result from the removal of said dam and dike, and that no damage to vested property rights greater than the benefit and improvement to be derived from such removal will result therefrom, then the board of harbor and land commissioners shall remove said dam and dike, and shall replace such portion of the highway as may be destroyed by such removal, by a suitable bridge, either with or without a draw, as said board of harbor and land commissioners may determine that public convenience requires. The joint board and the board of harbor and land commissioners shall make a full report of their doings under this act to the general court at the next session thereof.

SECTION 2. Any person who suffers injury to any vested property right by reason of the removal of said dam and dike shall be entitled to have his damages assessed against the Commonwealth by the county commissioners of the county of Plymouth, with like right of appeal as in the case of land taken for the construction of highways: *provided*, that in case the Commonwealth shall be liable for damages to property, the increase in value, if any, which has accrued by the building of said dam and dike under the provisions of chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, shall be deducted in the assessment.

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

REPORT OF JOINT BOARD.

SECTION 4. If the board of harbor and land commissioners shall remove said dam and dike, then so much of chapter three hundred and three of the acts of the year eighteen hundred and seventy-one as authorizes the construction and maintenance of a dam and dike across Green Harbor river in the town of Marshfield shall, from the date when said removal is commenced, be repealed. [*Approved June 5, 1896.*]

Resolves of 1897, Chapter 98.

RESOLVE EXTENDING THE TIME FOR THE REPORT OF THE JOINT BOARD OF HARBOR AND LAND COMMISSIONERS AND STATE BOARD OF HEALTH ON THE RESTORATION OF GREEN HARBOR IN THE TOWN OF MARSHFIELD.

Resolved, That the time in which the joint board of harbor and land commissioners and the state board of health shall report on the restoration of Green Harbor in the town of Marshfield, under the provisions of chapter four hundred and ninety-five of the acts of the year eighteen hundred and ninety-six, be extended to the first Wednesday in January in the year eighteen hundred and ninety-eight; and that said board be authorized to report in print, with plans. [*Approved June 11, 1897.*]

REPORT OF THE JOINT BOARD UPON THE RESTORATION OF GREEN HARBOR IN THE TOWN OF MARSHFIELD.

To the Honorable the Senate and House of Representatives of the Commonwealth in General Court assembled.

In accordance with the provisions of chapter 495 of the Acts of 1896, the Board of Harbor and Land Commissioners and the State Board of Health met on July 15, 1898, for the purpose of organization as a Joint Board. Henry P. Walcott was elected chairman, Frederick N. Wales was appointed secretary, and Frank W. Hodgdon, C.E., and X. H. Goodnough, C.E., were directed to make an examination of Green Harbor and of the Green Harbor marshes and the dam and dike constructed across Green Harbor River, and to report to the Joint Board the result of their examination.

The Joint Board has personally inspected the localities concerned, has held a public hearing at Green Harbor, has caused experiments to be made in order to discover the probable results of again subjecting the marshes above the dike to the direct influence of the waters of the ocean, and has gathered all the facts available which show the influence of the existing conditions upon the health of the neighborhood.

The engineers of the Board proceeded at once to undertake the examinations called for in chapter 495 of the Acts of 1896. They prosecuted their inquiries with commendable diligence, and have presented to the Joint Board their final reports, which will be found in Appendix No. 1. After careful consideration of the reports, it was unanimously voted, on Dec. 9, 1897, "That, in the judgment of this Joint Board, the Green Harbor dike, so called, should not be removed, and that a report to the General Court be made upon the basis of this judgment and vote."

The reasons which led the Joint Board to this conclusion are contained in the following pages.

The Board was directed by the above-mentioned act to settle two questions; first, whether a substantial improvement in and benefit to Green Harbor would result from the removal of said dam and dike; and, second, whether the damage to vested property rights would be greater than the benefit and improvement to be derived from such removal.

The small village of Green Harbor is situated in the southeasterly portion of the town of Marshfield, at the mouth of the Green Harbor River. The permanent population of the region lying about Green Harbor is not large, — probably less than 200, — but the attractions of the place are sufficient to bring here in summer nearly 2,500 temporary residents. Marshfield itself had, by the State census of 1895, a population of 1,760. In 1840 it had a population of 1,761.

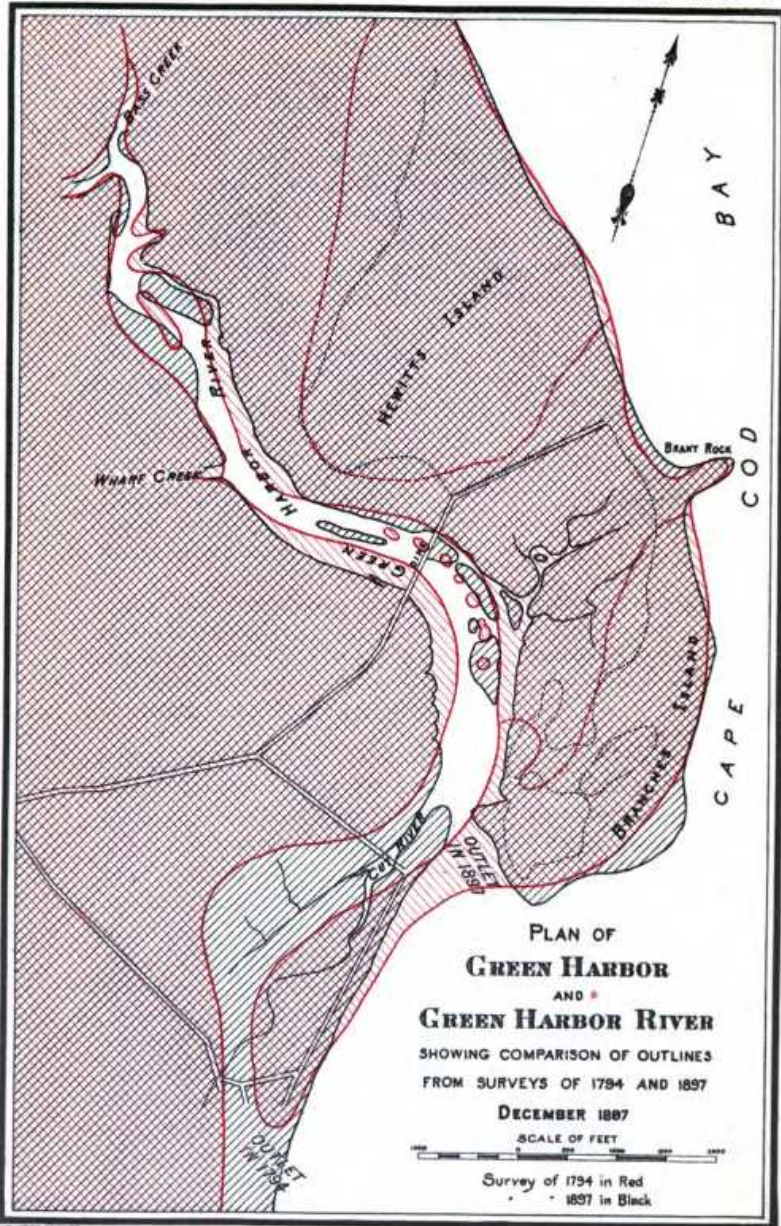
The region about Green Harbor was occupied by settlers from Plymouth soon after the establishment of the Colony, and in the Court Records, under date of July 1, 1633, appears the following entry: —

That unless Mr. Gilson, John Shaw and the rest that undertooke the cutting of the passage between Green's Harbour and the bay, finish it before the first of October next ensuing, according to covenant, they be amerced in ten pounds; but if any of them will doe it, the fine be exacted of the rest, and they paid for their labour.

Early in 1636 there is another order of the court, that the cut at Green's Harbor for a boat passage be made 18 feet wide and 6 feet deep, and the governor, with certain assistants, was authorized to direct the work. The cut referred to in these extracts is evidently a channel cut to enable boats to pass from Plymouth harbor to Green Harbor River, and thereby avoid going outside the Gurnet.

In 1785 a petition was presented to the General Court asking for an act to prevent the use of Marshfield beach for grazing purposes. No act was granted at this time, but in connection with this petition a copy of a will was presented, in which the marsh lands in the vicinity of Bass Creek a tributary of the Green Harbor River, entering it about a mile above the dike, are referred to as "salt marshes." No further reference that is of interest in connection with Green Harbor is found in the Colonial Records.

PLAN NO. 1.



Upon the map of Marshfield made in 1794, on file in the department of the Secretary of the Commonwealth, the mouth of Green Harbor River is shown to be about five-eighths of a mile south of its present outlet. A copy of this map, showing the mouth of the river as it existed in 1794, and a copy of the map of 1897 are shown opposite.

The first mention of Green Harbor that is of interest in the Acts and Resolves of the State is in 1807, when an act was passed to establish a corporation for the purpose of draining Green's Harbour marsh, so called, in the town of Marshfield. The petition for this act appears to have been presented to the House of Representatives on May 29, 1806, and is as follows:—

To the Honorable the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled —

The subscribers, owners and occupants of certain meadows, lying in the town of Marshfield in the county of Plymouth humbly represent, that whereas a certain River, called Green's Harbour River in said town of Marshfield has in times passed afforded an outlet to the waters, which have overflowed about two thousand acres of said marsh, and whereas lately the mouth of said River has been closed, by beach sand, confining a great body of water on said marsh, which may prove entirely destructive of said meadows and it has become absolutely necessary that said water should be drawn off in the most convenient manner possible, and Whereas, we the subscribers, owners and occupants of the marsh aforesaid, for the preservation of the same, have associated for the purpose of draining said waters from said marsh into Duxboro Bay, by digging a canal for said water and having in said enterprise expended about the sum of three thousand dollars for the purpose aforesaid, pray the Honorable Court that we and our associates may be incorporated into a Body Politic, to manage the above undertaking and be possessed of all the powers and privileges, usually granted to similar incorporations and as in duty bound will ever pray — (Signed) ISAAC WINSLOW, and others.

In response to this petition, chapter 39 of the Acts of 1807 was passed, on Feb. 11, 1807, incorporating the Green's Harbour Canal Company for the purpose of draining Green's Harbor marsh in the town of Marshfield. Section 1 of this act is as follows:—

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Isaac Wins-