market value (or close to it) of fee simple ownership. To what extent the cottage owner is, in effect, enjoying the value and/or appreciation which belongs to the landowner (Feoffees or the Town) is an interesting question, worth pursuing, in my judgement.

Legal Aspects

In my opinion, the seminal legal event from Schedule A in 1991 relative to the questions posed is Ch 5, Acts of 1765-66, termed "Province Laws", since the United States was not a separate nation in 1765. Ch. 54, Acts of 1786, made the 1765 "act" permanent with a simple one line extension. To the best of my knowledge, the 1765 Act has been the legal instrument governing the Town, the Feoffees, Little Neck, etc. for more than 230 years. I have attached a copy of the entire text of #5 to my opinion, Schedule B.

It is interesting to note that the disputes between the Town (i.e. Town Meeting and Selectmen), Feoffees, and Tenants during the 15th and 16th centuries seem to be similar in nature to the questions arising the last 20 years of the 20th century.

I suggest that all privy to this Opinion read carefully Schedule B (Ch. 5, Province Laws - 1765-66), weighing my legal and quasi-legal observations. I have tried to summarize in readily understandable language the functional powers and duties of the seven Feoffees and their replacements under #5 in Schedule C to my Opinion.

In essence the 1765 Feoffees were that era's school committee, with legal power to raise money, hire personnel, pay salaries and expenses, maintain a capital plant, and to do anything else necessary to keep the school functioning, reporting to the Town (evidently at Town Meeting) annually (cf. Sect. 1.). With the passage of time, the arrival of the 20th century, public education as a national right, and elected school committees, virtually all of the 16th to 19th century functions of the Feoffees have been given by the General Court to the Ipswich School Committee; the notable exception today being the independent power (i.e. separate from Town Meeting) to raise funds, conceptually for the support of the school system. Perhaps the recently (1980) abandoned fiscal autonomy of School Committees was the last Massachusetts vestige of the Feoffees' 1650 power to obtain funding for the public schools?

In my opinion, there are at least three broad legal approaches available to the Town, assuming <u>arguendo</u> that the Town leadership regards the present financial or institutional Feoffee structure as unacceptable, now or in future years and decades:

1. Induce one or more (preferably all) of the "Private Feoffees" to resign, replacing them by majority vote of the