

Salary.

SECTION 2. Said clerk shall receive from the county of Suffolk an annual salary of five hundred dollars.

Subject to law governing clerks of police, etc., courts.

SECTION 3. Said clerk shall be subject to all the provisions of law applicable to clerks of police and district courts.

SECTION 4. This act shall take effect upon its passage.

*Approved May 14, 1887.*

*Chap. 275* AN ACT TO INCORPORATE THE PLEASANT VALLEY WATER COMPANY.

*Be it enacted, etc., as follows :*

Pleasant Valley Water Company incorporated.

SECTION 1. Elizur Smith, Wellington Smith and DeWitt S. Smith of the town of Lee, their associates and successors are hereby made a corporation by the name of The Pleasant Valley Water Company, for the purpose of furnishing the inhabitants of the village of Pleasant Valley, situated partly in said town of Lee and partly in the adjoining town of Lenox, with water for the extinguishment of fires and for domestic, sanitary and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take waters of a pond and of Sedgwick brook.

SECTION 2. The said corporation, for the purposes aforesaid may take by purchase or otherwise and hold the waters of a certain pond on land of the Smith Paper Company and the water of Sedgwick brook, so called, tributary to said pond within the limits of the town of Lenox and the water rights connected with any such sources, and also all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to any part of said above described village; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this

act, said corporation may dig up such lands and, under the direction of the board of selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands under direction of selectmen.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To record in the registry of deeds within sixty days a description of the land, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation, under the authority of this act.

Corporation to pay all damages.

SECTION 5. The said corporation may distribute water through said village of Pleasant Valley, may regulate the use of said water, and fix and collect rates to be paid for the use of the same, and may make such contracts with any individual or corporation to supply water for the extinguishment of fire or for other purposes as may be agreed upon by any individual or corporation and said corporation.

May regulate use of water and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount two thousand dollars; and the whole capital

Real estate and capital stock.

stock of said corporation shall not exceed four thousand dollars, to be divided into shares of one hundred dollars each.

Penalties for corrupting water or injuring property.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Work to be commenced within three years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless work under said act is commenced within three years from the date of its passage.

*Approved May 16, 1887.*

*Chap.276* AN ACT TO FURTHER AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES IN RELATION TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

*Be it enacted, etc., as follows:*

Inspectors of factories, etc. Amendment to P. S. 104, § 23.

SECTION 1. Section twenty-three of chapter one hundred and four of the Public Statutes is hereby amended so as to read as follows: — The authority of the inspectors mentioned in section thirteen of this chapter to enforce the provisions of sections fourteen to twenty-two inclusive shall not extend to the city of Boston.

Repeal.

SECTION 2. Chapter two hundred and nineteen of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 16, 1887.*

*Chap.277* AN ACT TO ENABLE PUBLIC WAREHOUSEMEN TO COLLECT THEIR CHARGES UPON PROPERTY DEPOSITED WITH THEM BY THE SALE THEREOF.

*Be it enacted, etc., as follows:*

Collection of charges for storage by public warehousemen.

SECTION 1. Every public warehouseman, who shall have in his possession any property by virtue of any agreement or warehouse receipt for the storage of the

same, on which a claim for storage is at least one year overdue, may proceed to sell the same at public auction, and out of the proceeds may retain the charges for storage of said goods, wares and merchandise, and any advances that may have been made thereon by him or them, and the expense of advertising and sale thereof; but no sale shall be made until after the giving of a printed or written notice of such sale to the person or persons in whose name such goods, wares and merchandise were stored, requiring him, her or them, naming them, to pay the arrears or amount due for such storage, and in case of default in so doing that such goods, wares and merchandise will be sold to pay the same, at a time and place to be specified in such notice.

Notice to be given of intention of sale.

SECTION 2. The notice required by the last preceding section shall be served by delivering it to the person storing the same, or by leaving it at his usual place of abode, if within the Commonwealth, at least sixty days before the time of such sale, and a return of the service shall be made by some officer authorized to serve civil process, or by some other person, with an affidavit of the truth of the return. If the party storing such goods cannot with reasonable diligence be found within the Commonwealth of Massachusetts, then such notice shall be given by publication once in each week for three successive weeks the last publication to be at least thirty days before the time of such sale, in a newspaper published in the city or town where such warehouse is located, or if there is no such paper, in one of the principal newspapers published in the county in which said city or town is located. In the event that the party storing such goods shall have parted with the same, and the purchaser shall have notified the warehouseman, with his address, such notice shall be given to such person in lieu of the person storing the goods.

SECTION 3. Such warehouseman shall make an entry, in a book kept for that purpose, of the balance or surplus of the proceeds of the sale, if any, and such balance or surplus shall be paid over to such person or persons entitled thereto on demand; and if such balance or surplus is not called for or claimed by said party or owner of said property within six months after such sale, such balance or surplus shall be paid by such warehouseman to the treasurer of the Commonwealth, who shall pay

Warehouseman to enter in a book surplus of proceeds of sale and pay the same into the treasury of the Commonwealth.