

AN ACT RELATIVE TO THE JUDICIAL ENFORCEMENT OF CERTAIN CONTRACTS RELATIVE TO MEMBERSHIP IN LABOR OR EMPLOYERS' ORGANIZATIONS. *Chap.351*

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

SECTION 1. Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section twenty, as appearing in the Tercentenary Edition thereof, the following new section:—*Section 20A.* No contract, whether written or oral, between any employee or prospective employee and his employer, prospective employer or any other person, whereby either party thereto undertakes or promises not to join or not to remain a member of some specified labor organization or any labor organization, or of some specified employer organization or any employer organization, and/or to withdraw from an employment relation in the event that he joins or remains a member of some specified labor organization or any labor organization, or of some specified employer organization or any employer organization or organizations, shall afford any basis for the granting of legal or equitable relief by any court against a party to such undertaking or promise.

G. L. (Ter. Ed.), 149, new section 20A, added.

Judicial enforcement of certain labor contracts.

SECTION 2. This act shall take effect on the first day of November in the current year, and shall apply only to contracts made after its effective date.

Effective date.

*Approved July 22, 1933.*

AN ACT ESTABLISHING THE WEST BOYLSTON WATER DISTRICT OF WEST BOYLSTON. *Chap.352*

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

SECTION 1. The inhabitants of the town of West Boylston liable to taxation in that town and residing within the territory not included within the Pineroft Water District of said town as at present constituted shall constitute a water district, and are hereby made a body corporate by the name of the West Boylston Water District of West Boylston, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take by eminent domain under chapter seventy-nine of the General Laws except as limited by this act, or acquire by lease, purchase or otherwise, and to hold for the purposes mentioned in this act, property, lands, rights of way and other easements, and to prosecute and defend all actions relating to the property and affairs of the district.

West Boylston Water District of West Boylston established.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may take under section twenty-

May take water from Wachusett reservoir.

two of chapter four hundred and eighty-eight of the acts of eighteen hundred and ninety-five, as amended by chapter four hundred and fifty-six of the acts of eighteen hundred and ninety-seven, not more than two million gallons of water per day from the Wachusett reservoir above the dam at Clinton, may contract with the city of Worcester, or any town or other city, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond or stream, or of any ground sources of supply by means of driven, artesian or other wells within the town of West Boylston, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said department; and provided, further, that no such source of water supply or lands shall be so taken within that portion of said town of West Boylston included within said Pinecroft Water District. Said West Boylston water district may construct on the lands acquired and held under this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works on lands of the metropolitan district commission subject to the approval of said commission and shall maintain and operate the same in a manner satisfactory to said commission, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, within its own limits, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided,

May construct  
dams, etc.

that all things done upon any such way shall be subject to the direction of the selectmen of the town of West Boylston. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from said district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

Damages  
for takings.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred for the system of water supply under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred and thirty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, West Boylston Water District Loan, Act of 1933. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

District  
may borrow  
money, etc.

SECTION 5. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon said district by the assessors of said town of West Boylston annually thereafter until the debt incurred by said loan or loans is extinguished.

Payment of  
loans.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

Board of water  
commissioners  
to control  
land, etc.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act

Assessment  
of taxes.

if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner could not be supplied with water from the said system; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

District  
meeting.

SECTION 8. The first meeting of said district shall be called, within four years after the passage of this act, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by two thirds of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles in the warrant.

Board of  
water com-  
missioners,  
election, term,  
powers and  
duties.

SECTION 9. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter called for the purpose, three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting subsequent to such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bond to said district in such an amount as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board

from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said district on account of the water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as said district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

Water rates,  
how fixed.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in said district meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

By-laws.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for not more than six months.

Penalty for  
polluting water.

SECTION 13. This act shall take full effect upon its acceptance by a two thirds vote of the voters of said district present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within four years after its passage; but it shall become void unless said district shall begin to distribute water to consumers within two years after its acceptance as aforesaid.

Acceptance  
of act.

*Approved July 22, 1933.*