

SENATE . . . . No. 312.

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[Senate, No. 280, as amended and engrossed by the Senate.]

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Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-five.

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AN ACT

To prevent the Exercise of Employments Dangerous to the Public Health.

*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. The board of health of a city or  
2 town, for the purpose of preventing the exercise  
3 of any trade or employment which is a nuisance,  
4 or hurtful to the inhabitants, or dangerous to the  
5 public health, or the exercise of which is attended  
6 by noisome and injurious odors, or is otherwise  
7 injurious to their estates, may in its discretion  
8 proceed in the manner provided in chapter eighty

9 of the Public Statutes therefor, or it may peti-  
10 tion any court having jurisdiction in equity to  
11 issue an injunction to prevent such exercise.

1 SECT. 2. Any court having jurisdiction in  
2 equity, in term time or vacation, may, on the  
3 petition aforesaid, issue an injunction to prevent  
4 the exercise of any such trade or employment,  
5 mentioned in the preceding section, without the  
6 written consent of the board of health of the  
7 city or town.

1 SECT. 3. The court may frame issues of fact  
2 to be tried by a jury on any such petition, and  
3 direct the same to be tried in the county where  
4 such trade or employment is exercised at the bar  
5 of the superior court; and if a trial before a  
6 jury at a regular jury term of such court cannot  
7 be had within one month from the making up of  
8 such issues, any justice of the court in which the  
9 issues are to be tried may order the clerk for that  
10 county to summon a jury in the ordinary manner  
11 to try such issues, and the proceedings at such  
12 trial shall be in all respects the same as if had at  
13 a regular term of court, and the record therof  
14 shall be of the same force and effect as any other  
15 record of the court.

1 SECT. 4. This act shall take effect upon its  
2 passage.