

# HOUSE . . . . . No. 862.

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[Bill accompanying the petition of William S McNary for legislation to regulate the sale of ice and to provide for the inspection of ice offered for sale. Public Health. Feb. 4]

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

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### AN ACT

Relative to Ice.

*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. No person shall offer for sale, sell  
2 or deliver for food or drink purposes, ice, natural  
3 or manufactured, containing any decomposed,  
4 putrid, infected, tainted or rotten animal or  
5 vegetable substance or any ingredient which is  
6 poisonous or injurious to the health. Ice intended  
7 for food or drink purposes shall not be composed  
8 of water of lower standard of purity than that re-  
9 quired for domestic purposes by the state board  
10 of health.

1 SECTION 2. The mayor and aldermen of cities  
2 or the selectmen of towns shall annually appoint  
3 one or more persons to be inspectors of ice for  
4 their respective places, who shall be sworn before  
5 entering upon the duties of their office. Each  
6 inspector shall publish notice of his appointment  
7 for two weeks in a newspaper published in the  
8 city or town, or if no newspaper is published  
9 therein he shall post up such notice in two or  
10 more public places in such city or town.

1 SECTION 3. Such inspectors shall keep an  
2 office and books for the purpose of recording the  
3 names and places of business of all persons en-  
4 gaged in the sale of ice or the cutting and storage  
5 of ice intended for sale within their city or town.  
6 They may enter all places where ice is cut, stored  
7 or kept for sale, and all carriages used for the  
8 conveyance of ice; and when they have reason to  
9 believe that any ice found by them contains any  
10 decomposed, putrid, tainted or rotten animal or  
11 vegetable matter or any ingredient dangerous to the  
12 health, they shall take specimens thereof and  
13 cause the same to be analyzed or otherwise satis-  
14 factorily tested; the result of which analysis or  
15 test they shall preserve as evidence; and a certifi-  
16 cate of such result sworn by the analyzer shall  
17 be admissible in evidence in all prosecutions under  
18 this act. The inspectors shall receive such com-  
19 pensation as the mayor and aldermen or the  
20 selectmen may determine.

1 SECTION 4. In all cities or towns, every person

2 or corporation who convey ice in carriages or  
3 otherwise for the purpose of selling the same in  
4 said city or towns, shall annually on the first day  
5 of December, or within thirty days thereafter, be  
6 licensed by the inspector or inspectors of ice of  
7 such city or town to sell ice within the limits  
8 thereof, and shall pay to such inspector or inspec-  
9 tors fifty cents each to the use of the city or  
10 town. The inspector or inspectors shall pay over  
11 monthly to the treasurer of such city or town all  
12 sums collected by him or them. Licenses shall  
13 be issued only in the names of the owners of  
14 carriages or other vehicles and shall for the pur-  
15 poses of this act be conclusive evidence of owner-  
16 ship. No license shall be assigned or transferred.  
17 Each license shall record the name, residence,  
18 place of business, number of carriages or other  
19 vehicles, name and residence of every driver or  
20 other persons engaged in the cutting, carrying or  
21 selling of said ice and the number of license.  
22 Each licensee shall before engaging in the sale of  
23 ice, cause his name, the number of his license,  
24 and the place of his business to be legibly placed  
25 on each outer side of all carriages or vehicles used  
26 by him in the conveyance and sale of ice, and he  
27 shall report to the inspectors any change of driver  
28 or other persons employed by him which may  
29 occur during the term of his license.

30 Whoever, without being first licensed under the  
31 provision of this section, sells ice or exposes it for  
32 sale from carriages or other vehicles, or has it in  
33 his custody or possession with intent so to sell

34 and whoever violates any provision of this section,  
35 shall for a first offence be punished by a fine not  
36 less than thirty and not more than one hundred  
37 dollars; for a second offence by a fine of not less  
38 than fifty and not more than three hundred dol-  
39 lars; and for a subsequent offence by a fine of  
40 fifty dollars and imprisonment in the house of  
41 correction for not less than thirty and not more  
42 than sixty days.

1 SECTION 5. Whoever by himself or by his  
2 servant or agent, or as the servant or agent of any  
3 other person or corporation, sells, exchanges or  
4 delivers, or has in his custody or possession with  
5 intent to sell or exchange, or offer or expose for  
6 sale or exchange, ice intended for food or drink  
7 purposes containing any decomposed, putrid, in-  
8 fected or rotten animal or vegetable substance or  
9 any ingredient which is poisonous or injurious to  
10 the health; shall for a first offence be punished  
11 by a fine of not less than fifty nor more than two  
12 hundred dollars, for a second offence of not less  
13 than one hundred dollars nor more than three  
14 hundred dollars or by imprisonment of not less  
15 than thirty and not more than sixty days in the  
16 house of correction; and for a subsequent offence  
17 by a fine of fifty dollars and by imprisonment in  
18 the house of correction for not less than sixty and  
19 not more than ninety days.

1 SECTION 6. Any inspector of ice or any serv-  
2 ant or agent of an inspector who wilfully connives

3 at or assists in the violation of the provisions of  
4 this act shall be punished by a fine of not less  
5 than one hundred and not more than three hun-  
6 dred dollars, or by imprisonment for not less than  
7 thirty nor more than ninety days.

1 SECTION 7. In all prosecutions under this act,  
2 if the ice is shown upon analysis to contain any  
3 decomposed, putrid, tainted or rotten animal or  
4 vegetable substance, or to contain any substance  
5 coming from the emptying of sewers, barns, out-  
6 houses or factories, it shall be deemed for the  
7 purposes of this act to be impure and unfit for  
8 drink or food purposes.

1 SECTION 8. This act shall take effect sixty  
2 days after passage.

