

SENATE No. 152.

Commonwealth of Massachusetts.

IN SENATE, March 30, 1876.

The Committee on the Judiciary, to whom was referred the Senate Bill to amend chapter 231 of the Acts of the year 1872, report that the same ought to pass in a new draft, herewith submitted.

For the Committee,

GEO. D. ROBINSON.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Six.

AN ACT

To provide for the appointment of Inspectors of Provisions and Animals intended for slaughter, in Cities and Towns.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

1 SECT. 1. The mayor and aldermen of cities,
2 and the selectmen of towns, may annually appoint
3 one or more persons to be inspectors of provisions,
4 and animals intended for slaughter; who shall be
5 sworn to faithfully discharge the duties of their
6 office, and who shall receive such compensation as
7 the city council of cities, or the selectmen of towns
8 shall determine.

1 SECT. 2. Said inspectors shall have power to
2 inspect all animals intended for slaughter, and all
3 meats, fish, vegetables, produce, fruits and pro-
4 visions of all kinds brought into said cities or

5 towns, or exposed for sale or kept with intent to
6 sell therein; and may for this purpose enter into
7 all buildings or inclosures where said animals,
8 meats, fish, vegetables, produce, fruits or pro-
9 visions are kept, stored or exposed for slaughter
10 or sale. When such animals, meat, fish, vege-
11 tables, produce, fruit or provisions are found on
12 such inspection to be tainted, diseased, corrupted,
13 decayed or unwholesome from any cause, said
14 inspectors shall seize the same and cause them or
15 it to be destroyed or disposed of otherwise than
16 for food: *provided, however*, that if the owner of
17 the property seized shall, at the time of the seizure,
18 notify said inspector, in writing, of his desire to
19 appeal to the board of health, said inspector shall
20 cause said animals, meat, fish, vegetables, produce,
21 fruit or provisions to be inspected by said board
22 of health, or by a committee thereof, consisting of
23 not less than two members, and if said board or
24 committee shall find the same to be tainted, dis-
25 eased, corrupted or unwholesome, they shall order
26 the same to be destroyed or disposed of otherwise
27 than for food. If said board or committee shall
28 not so find, they shall order said animals, meat,
29 fish, vegetables, produce, fruit or provisions to be
30 forthwith returned to the owner thereof. All
31 moneys received by said inspectors or board of
32 health for property disposed of as aforesaid, shall,
33 after deducting all expenses incurred by reason of
34 such seizure, be paid to the owner thereof.

1 SECT. 3. Said inspectors shall have the power
2 to inspect all veal brought into said cities or towns,
3 or offered or exposed for sale or kept with intent

4 to sell therein, and if said veal is in the judgment
5 of the inspector, that of a calf killed under four
6 weeks old, he shall seize the same and cause it to
7 be destroyed or disposed of as provided in the
8 preceding section; subject, however, to the same
9 provisions concerning appeal, and the disposal of
10 moneys that are therein contained.

1 SECT. 4. When complaint is made, on oath, to
2 any police, municipal, or district court, or magis-
3 trate authorized to issue warrants in criminal cases,
4 that the complainant believes that any diseased
5 animals, or any tainted, diseased, corrupted, de-
6 cayed, or unwholesome meat, fish, vegetables, prod-
7 uce, fruit or provisions of any kind, or veal of
8 any calf killed under four weeks old, is kept or
9 concealed in any particular house or place, with
10 the intent to kill, sell, or offer the same for sale for
11 food, the court or magistrate, if satisfied there is
12 reasonable cause for such belief, shall issue a
13 warrant to search for such animals or articles, and
14 all such warrants shall be directed and executed as
15 provided in the third section of chapter one hun-
16 dred and seventy of the General Statutes. If, upon
17 hearing, said court or magistrate shall determine
18 that said animals or articles, or any of them, were
19 kept or concealed for the purposes aforesaid, the
20 same shall be destroyed or disposed of by the in-
21 spector, or by any officer designated by the court
22 or magistrate, according to the provisions of the
23 second section of this act; if the court or magis-
24 trate shall not so determine, said animals or articles
25 shall be returned to the owner.

1 SECT. 5. Whoever knowingly sells, or offers,
2 or exposes for sale, or has in his possession with
3 intent to sell, for fool, any diseased animal, or any
4 tainted, diseased, corrupted, decayed or unwhole-
5 some meat, fish, vegetables, produce, fruit or pro-
6 visions of any kind whatever, shall be punished by
7 imprisonment in jail not exceeding sixty days, or
8 by fine not exceeding one hundred dollars.

1 SECT. 6. The place where property condemned
2 under this act shall be found, and the name of every
3 person in whose possession it may be found and
4 condemned, or who shall be convicted of an offence
5 under section five of this act, shall published in
6 two newspapers published in the county.

1 SECT. 7. The foregoing sections of this act
2 shall not be in force in any city or town unless this
3 act shall be adopted by the city council of such
4 city, or by the inhabitants of such town.

1 SECT. 8. Chapter twenty-nine of the acts of
2 the year eighteen hundred and seventy-five is
3 hereby repealed: *provided*, that nothing herein
4 contained shall affect any prosecution now pend-
5 ing, or any penalty or forfeiture already incurred.

