

Privileges, restrictions, &c. Proviso. Railroad Company are hereby authorized to construct, maintain and use, such tracks as may be located as above; with the same powers and privileges, and subject to the same duties, liabilities and restrictions, in relation thereto, as if they had been authorized to be located by the act by which said company was incorporated: *provided*, that said location shall be made and said tracks constructed within two years from the passage of this act.

SECTION 2. This act shall take effect from and after its passage.

*Approved April 6, 1859.*

Chap. 206 AN ACT IN ADDITION TO AN ACT TO PUNISH FRAUD BY THE SALE OF ADULTERATED MILK, AND TO PROVIDE FOR SEALING MEASURES USED IN THE SALE OF MILK.

*Be it enacted, &c., as follows:*

Inspectors to be appointed. Powers and duties. SECTION 1. The mayor and aldermen of the several cities in this Commonwealth shall, and the selectmen of the several towns may, annually appoint one or more inspectors of milk, whose duty it shall be to prosecute all violations of the law against the adulteration of milk, and who shall have power to enter all places where milk is stored or kept for sale, and whenever he has reason to believe the same in any way adulterated, he shall take specimens of the same and cause them to be analyzed or otherwise satisfactorily tested, the result of which he shall preserve as evidence against the parties complained of.

Dealers to be registered. Penalties. SECTION 2. Said inspectors shall keep an office and books, for the purpose of recording the names and places of business of all persons engaged in the sale of milk within their respective limits; and any person who shall presume to engage in the business of selling of milk without first causing his name and place of business to be recorded upon the books of the inspector of milk, and his name legibly placed upon all carriages used by him in the conveyance of milk, shall be subject to the same penalties as if convicted of the adulteration of milk, as provided in the two hundred and twenty-second chapter of the acts of the year eighteen hundred and fifty-six.

Inspectors to be sworn, and publish their appointment. SECTION 3. Inspectors appointed pursuant to the provisions of section first of this act, shall, before entering upon the duties of their office, be sworn to the faithful enforcement of the provisions of this act, and shall also give public notice of their appointment, by publishing the same two weeks in some newspaper published in the city or town in which they hold their place of business, and if no newspaper is published in such town, by posting in public and

conspicuous places in said town, two or more such notices; and they shall receive such compensation for their services as the mayor and aldermen of the several cities, and the selectmen of the several towns, shall determine.

SECTION 4. Milk shall be bought and sold by wine measure. All persons engaged in the sale of milk shall annually, in the month of May, cause to be sealed by the sealer of weights and measures in their respective cities and towns, all vessels used by them in the sale or buying at wholesale of milk, by wine measure; and all cans used in the sale of milk shall be sealed by said sealer of weights and measures at a price not exceeding two cents each at the amount which they severally hold by wine measure; and any person who shall fail to comply with the provisions of the law requiring all measures to be sealed, or shall sell or buy at wholesale milk by any other measure than wine measure, or shall sell adulterated or unwholesome milk, shall be held guilty of a misdemeanor, and upon conviction thereof, by a court of competent jurisdiction, shall forfeit to the use of the complainant a sum not exceeding twenty dollars.

SECTION 5. No person shall offer for sale in this Commonwealth, milk produced from cows fed upon the refuse of breweries or distilleries, or any other substance which may be deleterious to the quality of the milk, under a penalty of ten dollars for each offence.

*Approved April 6, 1859.*

AN ACT TO ABOLISH THE OFFICE OF CRIER OF THE COURTS.

*Be it enacted, &c., as follows:*

SECTION 1. The office of crier of courts is hereby abolished.

SECTION 2. The duties heretofore performed by criers of courts shall hereafter be performed by the clerks or assistant-clerks of the counties, or by the sheriffs or their deputies, as the court may direct, without any additional compensation to that now allowed to them by law.

SECTION 3. Any officer of the court may adjourn the court by order of the court.

*Approved April 6, 1859.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

*Be it enacted, &c., as follows:*

SECTION 1. The governor, the lieutenant-governor, the president of the senate, the speaker of the house of representatives, the secretary of the board of education, the chief justice of the highest judicial court, *ex officio*, and Louis Agassiz and William Gray, together with Jacob Bigelow, James Walker, George Ticknor, Nathaniel Thayer,