

NOTIFICATION.

The Inhabitants of the City of Boston, qualified as the law directs, are hereby notified that the meeting which was held at FANEUIL HALL on the 12th inst. stands adjourned to meet at the same place on THURSDAY the 26th day of April instant, at 11 o'clock A. M. then and there to give in their ballots for or against the acceptance of the following act of the Legislature.

Commonwealth of Massachusetts.

In the year of our Lord one thousand eight hundred and twenty-seven.

AN ACT for the protection of the City of Boston against fire.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That every Church, Meeting-house, or other place of Public Worship, School-house, or other public building, every building for distilling or brewing liquors, or baking bread for sale, or for roasting cocoa for manufacturing chocolate, for making soap, melting tallow, dyeing, boiling, or distilling turpentine, casting brass or iron, refining sugar, making glass, for sale, or for chemical works of any dimensions, which shall, from and after the passing of this act, be built within the City of Boston, shall have all its sides or walls, except so much as may be necessary for doors and windows, built of brick or stone, not less than twelve inches or the length and breadth of a common sized brick in thickness, and if any building abovementioned, shall exceed twenty-five feet in width, or fifty feet in length between either of its sides or walls, or shall exceed twenty feet in height between either of its floors, or in either of its stories, its walls shall not be less than sixteen inches, or the length of two common sized bricks in thickness. And if any building abovementioned, shall exceed forty feet in width, or sixty feet in length, between either of its sides or walls, or shall exceed twenty-five feet in height, between either of its floors, or in either of its stories, its walls shall not be less than twenty inches, or the length of two common sized bricks and a half in thickness, and every building above mentioned shall have its roof slated or covered with some metallic substance, and have all its battlements and partition walls carried above the slating of the roof, and be capped with stone or some metallic substance.

SEC. 2. *Be it further enacted,* That every building except those in the preceding section mentioned, which from and after the passing of this act, shall be built within the City of Boston, which shall be more than twenty-two feet in height from the level of the highest point of the street, alley or court, in front of such building to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows, and all its sides or walls from the cellar to the highest point of the roof, shall be at least either twelve inches, or the length and breadth of a common sized brick in thickness; and in case any building in this section mentioned, of the above height shall exceed forty feet in width or sixty feet in length between any of its sides or walls, all its walls shall not be less than sixteen inches, or the length of two common sized bricks in thickness, and if at any time, said building be divided into different tenements its partition walls shall rise in battlements above the roof, and be at least eight inches or the length of a common sized brick in thickness, capped with stone or some metallic substance; and all external end walls which are now erected, or which may be erected, and which shall at any time hereafter be used as partition walls, shall be finished as herein before provided; and where one roof rises above another, all such partition walls, may be finished as external end walls; and in all cases where any building in this section mentioned, shall be separated from another building in this section mentioned by a partition wall, the same shall be built of stone or brick, and be at least twelve inches or the length and breadth of a common sized brick in thickness.

SEC. 3. *Be it further enacted,* That every building, which from and after the passing of this act, shall be built within the City of Boston, which shall be not more than twenty-two feet in height from the level of the highest point from the street, alley or court, in front of such building to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows; and all its sides or walls from the bottom of the cellar to the under side of the first floor, which may be above or on a level of the street as above mentioned, shall be at least twelve inches, or the length and breadth of a common sized brick in thickness; and all its sides or walls which shall be above the said level of the street, alley or court, shall be at least eight inches, or the length of a common sized brick in thickness; and in case any building which shall not be more than the height, in this section abovementioned, shall exceed twenty-five feet in width, or forty feet in length, between any of its walls, its walls shall not be less than twelve inches or the length and breadth of a common sized brick in thickness, and be covered with slate or stone, well laid in mortar or cement, or rise in battlements above the roof, and be at least eight inches, or the length of a common sized brick in thickness, capped with stone or some metallic substance. And no building, in this section mentioned, shall be used for any of the purposes stated in the first section of this act, except the same be approved by the Mayor and Aldermen of said City: and no walls, in either of the preceding sections mentioned, shall be deemed conformable to the provisions of such section, unless the same shall be originally built, from their foundation, of the thickness required in such sections, in a faithful and workmanlike manner.

SEC. 4. *Be it further enacted,* That every building abovementioned in the second and third sections of this act, shall have its roof of a regular pitch, and be entirely covered with slate, tile or some metallic substance, except such opening as may be wanted for windows or scuttles; it shall also have its gutters divided from those of the adjoining houses, by a coving of brick or stone, and, in all cases, where its gutters shall not be of stone, copper or iron, its external walls shall be carried up, not less than four inches thick to the top of the boarding, and the slating shall be carried over such external wall, and be well laid in cement or mortar.

SEC. 5. *Be it further enacted,* That every shed or woodhouse, adjoining a shed or woodhouse belonging to another

building, shall be separated therefrom by a brick or stone wall, not less than eight inches thick, and be carried up at least to an even surface with the under side of the roof of such shed or woodhouse.

SEC. 6. *Be it further enacted,* That all additions, which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed subject to the restrictions and regulations of this act; and no building mentioned in the third section of this act shall have its walls raised beyond the height, or its roof carried beyond the dimensions specified in the third section aforesaid: *Provided,* that nothing herein contained shall prevent the repairing of any wooden building or buildings with flat roofs now erected.

SEC. 7. *Be it further enacted,* That no doors shall ever hereafter be made through any partition wall, dividing adjacent premises, unless the opening, made for such purpose, shall be finished forthwith, and furnished with an iron door in a frame of brick, stone, or iron, or unless the same shall open into some shed, woodhouse, or out-building connected with the house and making part of the same.

SEC. 8. *Be it further enacted,* That it shall be lawful, any thing in this act to the contrary notwithstanding, to erect within the City of Boston two story wooden buildings, to be used for dwelling houses, and for no other purpose, except for such purposes as may be approved by the Mayor and Aldermen, of the following description, viz: the posts to be not more than eighteen feet, the roof to be of a regular pitch of one-third, the bottom of the sills to be elevated, not exceeding eighteen inches above the level of the street, or above the point where such level shall be determined on by the surveyors of highways, and such level shall be determined upon, and notice given thereof, to owners or builders, within twenty days after application by them therefor, such buildings to be, in no case, more than thirty feet in height, from the bottom of the sill to the highest point of the roof, and in no case to be more than forty by twenty-five feet on the ground, the roof to be slated, and to have at least one window or scuttle in the same; and if two or more wooden buildings as aforesaid shall be joined together, there shall be a partition wall of brick between them, at least eight inches in thickness, extending in height to an even surface with the under side of the slating of the roof; and whenever any such wooden building shall be erected within five feet of the boundary line of the owner or owners of the land on which it may be built, unless such boundary line be on the highway, it shall have a brick wall of like thickness on the side so adjoining: *Provided, always,* that no two story wooden buildings, provided for in this act, shall be erected within ten feet of each other, unless one of them have a brick wall on the side next adjoining, of the dimensions above specified; and whenever any out-buildings shall be connected with the dwelling houses in this section mentioned, of more than eleven feet in height, the roofs of such out-buildings shall be covered with slate; and also, that no wooden buildings shall be erected within the City of Boston, in a range of more than fifty feet extent, without the intervention of a brick partition wall, of the height and thickness, and covered in the manner in this section before specified; and also, that no such wooden buildings shall be placed within four feet of each other, unless the wall of one of them so adjoining be of brick or stone, of the thickness above specified; and no wooden building specified in this section shall be joined or added to another wooden building, now built, or which may hereafter be built, and which shall be higher than ten feet, whereby the area of both said buildings shall exceed forty by twenty-five feet, unless a brick partition wall be erected between them as above specified.

SEC. 9. *Be it further enacted,* That it shall be lawful, any thing in this act to the contrary notwithstanding, to build houses or other buildings of wood, within the City of Boston, the posts whereof, measuring from the bottom of the lower sill to the top of the plate, shall not exceed thirteen feet, and the pitch of the roof thereof not to exceed one-third pitch, provided that such roof be of a regular slope from the plate to the top thereof, and that no window or windows shall be erected or made on the sloping part of the roof of such house or building; and provided also, that in no case, shall any such house or building exceed sixteen feet in measure, from the ground to the highest point in the roof; and provided further, that such house or building shall not be used for any of the purposes specified in the first section of this act.

SEC. 10. *Be it further enacted,* That, upon any wharf, marsh or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Mayor and Aldermen, wooden buildings of no greater height than those mentioned in the eighth section of this act, with the same pitch of roof, may be erected, which shall be covered on all sides, with slate, tile, lime, mortar, or some metallic substance, unless, in consideration of peculiar circumstances, the Mayor and Aldermen shall otherwise in either of the above respects authorize.

SEC. 11. *Be it further enacted,* That if any person shall begin to build any building, which, if finished in conformity with its beginning, would be a violation of the provisions of this act, and shall not, after notice in writing, from the Mayor or said city, or any Engineer of the Fire Department thereof, within thirty days make requisite alterations therein, so that the same may become conformable, if finished, to the provisions of this act, such persons shall be liable to all the penalties hereinafter provided, and be liable to prosecution in the same way as if said building was finished.

SEC. 12. *Be it further enacted,* That no wooden building, more than ten feet high, shall be removed from any part of Boston, to any other place within the same city, without the permission of the Mayor and Aldermen, under such restrictions and provisions as they shall prescribe; nor shall any wooden building heretofore erected within said city, and not now used as a dwelling house, be hereafter occupied as a dwelling house, or for any other purpose than that to which it is now applied, without the permission of the Mayor and Aldermen as aforesaid.

SEC. 13. *Be it further enacted,* That the owner or owners of every house or other building which shall be erected contrary to the provisions of this act, shall be liable to pay a sum not less than fifty dollars, nor more than two hundred dollars annually and every year, at the discretion of the Court, until a brick or stone wall shall be erected, of the dimensions above provided, and until such building or addition thereto shall be effectually secured against fire according to the provisions of this act; and on the conviction of any person or persons for erecting any buildings against any of the provisions of this act, it shall be the duty of the Chief Engineer of the City of Boston to cause an attested copy of such conviction to be duly recorded in the office of the Register of Deeds for the County of Suffolk, whose duty it shall be to receive and record the same; and thereupon the owner or owners of said building for the time being, shall be liable to pay the said sum of not less than fifty dollars, nor more than two hundred dollars annually, and every year, to the City of Boston, until said house or building shall be made conformable to the provisions of this act; and the same may be recovered by an action on the case, to be brought in the name of said City, in any court of competent jurisdiction, by the Treasurer thereof, whose duty it shall be, unless the same be annually paid, to bring an action for the same accordingly.

SEC. 14. *Be it further enacted,* That all houses or buildings within said City of Boston, which have been, or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or some metallic substance, shall continue to be so covered with slate, tile, or some metallic substance, and shall be kept effectually secured against fire, in manner as is hereinbefore described; and if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer such house or other building to remain, in whole or in part, uncovered with slate, tile, or some metallic substance, for the space of thirty days, after he, she, or they, shall have been notified to repair or cover the same, by the Mayor of said City, or any Engineer of the Fire Department thereof, he, she, or they shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards that such house or building shall be, by him, her, or them, suffered to remain so uncovered, in the manner required by this act.

SEC. 15. *Be it further enacted,* That whenever any house or other building within the said City of Boston, hereafter erected, shall be found to be erected contrary to the provisions of this act, the owner or owners of such house or building shall be held and required to alter and make such house or building to conform to the provisions of this act; and any person or persons as aforesaid, who shall suffer his, her or their house or other building to be and remain not conformable to the provisions of this act, for the space of thirty days after he, she or they shall have been notified by the Mayor of said City, or by any Engineer of the Fire Department thereof, shall forfeit and pay for such offence a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards that such house or building shall be by him, her or them, suffered to remain exposed to fire as aforesaid, and not conformable to the provisions of this act.

SEC. 16. *Be it further enacted,* That every person who shall offend against any of the provisions contained in the preceding sections, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence; and all, and any of the penalties which are given in and by this act, may be recovered by indictment, information, complaint, or action upon the case in any court of competent jurisdiction, and in such indictment it shall not be necessary to set forth any more of said act, than so much thereof as relates to, and is necessary truly and substantially to describe the offence alleged to have been committed; and it shall be the duty of each and every Engineer of the Fire Department of said City, and they and each of them are hereby required, to inquire after all offences which shall come to their knowledge, and which shall be committed against the true intent and meaning of this act, and shall cause the same to be duly prosecuted.

SEC. 17. *Be it further enacted,* That nothing in this act shall be construed to extend to any building now erected, or which may hereafter be erected, without the limits of the peninsula of said City of Boston, or without the ancient limits of the City on both sides of the Neck, as far as the boundary line between Roxbury and Boston.

SEC. 18. *Be it further enacted,* That all acts and parts of acts now in force, and which are inconsistent with the provisions of this act, be, and the same are hereby repealed; excepting, that such parts as may be necessary to recover fines and penalties incurred, upon the acts aforesaid, shall still remain in full force.

SEC. 19. *Be it further enacted,* That all the fines and penalties, which shall be recovered by force of this act, shall enure to the use of the City of Boston.

SEC. 20. *Be it further enacted,* That this act shall not have effect unless the same shall, after thirty days, and within ninety days from the passing of the same, be accepted at a legal meeting of the qualified voters of the City of Boston, to be called for that purpose, and voting thereon by ballot.

In the House of Representatives, March 10, 1827.—This Bill having had three several readings passed to be enacted:

WILLIAM C. JARVIS, Speaker.

In Senate, March 10, 1827.—This bill having had two several readings passed to be enacted.

JOHN MILLS, President.

March 10, 1827.—Approved,

LEVI LINCOLN?

By order of the Mayor and Aldermen,

S. F. McCLEARY, City Clerk.

Boston, April 16, 1827.

18/2

11/4