

to join this association or to pay their dues on account thereof within the limitations of time prescribed, will be liable to suspension from the rolls.

22. Permanent and call members of the force are directed to make themselves acquainted with the rules of this department, and its general and special orders, and ignorance will not be considered an excuse for a non-compliance with them. A strict observance of them is insisted on, and a failure to report their violation to this board will be considered a dereliction of duty on the part of all officers or members in command.

23. These rules are not intended to rescind any orders heretofore issued, except such general and special orders as are in conflict with them.

ROBERT G. FITCH,
JOHN R. MURPHY,
GEO. H. INNIS,
Fire Commissioners.

NOVEMBER 1, 1893.

By chapter 262 of the Acts of 1850, the city council of the city of Boston was authorized to establish a fire department, and by chapter 45 of the Acts of 1878 all the powers and duties conferred by existing statutes upon the engineers, or board of engineers of the fire department of the city of Boston or upon any member of said board were transferred to the city council, to be exercised and carried into effect in such manner as it may from time to time prescribe, and through the agency of any persons, board or boards to whom it may from time to time delegate the same. Acting under authority of this act the city council by ordinance approved May 25, 1878, delegated to the board of fire commissioners all the powers and duties thus conferred upon it as well as all the powers and duties conferred by existing ordinances upon the board of engineers.

FIRE COMMISSIONERS.

1. The fire department shall be under the charge of Fire department under the board of fire commissioners, consisting of three com- charge of fire missioners, one of whom shall be appointed annually by commission- the mayor, for the term of three years beginning with ers. the first day of May in the year of appointment. It shall R. O. 1892, be the duty of said board of fire commissioners to inquire c. 14, § 1. after all offences which shall come to their knowledge, Duty of en- c. 2, § 1. and which shall be committed against the statutes, or- giners to dinances, and regulations of said board relative to fires, prosecute. § 12. and shall cause the same to be duly prosecuted. Said 1850, c. 262, § 3. board shall have charge of the extinguishing of fires and 1878, c. 45. the protection of life and property in case of fire, and R. O. 1892, shall appoint all engineers and other firemen, and fur- c. 14. nish and keep in repair all apparatus necessary therefor, Duties. including the fire-alarm telegraph and telephone systems; shall divide the city into fire districts, and shall establish a fire patrol.

2. Said board shall appoint an inspector of wires who Shall appoint shall, under the direction of said board, have the entire an inspector of care and maintenance of the wires, posts, machinery, wires. R. O. 1892, and appliances of the fire-alarm telegraph and telephone c. 14, § 2.

system, and of the erection and maintenance of all wires erected for the city and of the posts and other supports for such wires, except of those erected for the police department; and shall purchase and set up all dynamos and other electrical machinery and appliances for said city, except of those for the police department; and shall see that all said wires, posts, machinery, and appliances are maintained and kept at all times in good order and condition, and shall keep in his office a map showing the location of all wires and cables over, in, or laid under the streets and public grounds.

Inspector to keep map.

Shall supervise wires or cables over streets, etc. R. O. 1892, c. 14, § 3.

Shall remove abandoned wires and wires unprovided with tag.

Shall, when required, examine applications for placing wires, poles, etc.

License for business liable to cause fire. Board shall examine premises. R. O. 1892, c. 14, § 4.

3. Said inspector shall supervise every wire or cable over streets, public grounds, or buildings, and every wire within a building when such wire is designed to carry an electric light or power current; shall notify the person or corporation owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, or any tags or marks thereof, hereinafter described, are insufficient or illegible; shall remove every wire abandoned for use, and every wire except the wire of a street-railway company used for the transmission of its motive power, or for the protection or support of such wires, which shall be unprovided with a tag or mark distinctly designating the owner or user of such wire or cable; shall see that all statutes, ordinances, and regulations relating to his duties, and to the location, erection, supports, maintenance, insulation, and removal of wires, posts, or cables, in, over, or under streets, public grounds, or buildings, are strictly complied with and enforced; shall, when so required by the mayor or board of aldermen, examine every application for placing any wire in or over any street or public ground, or for placing any pole or post in a street or public ground for the support of any wire, or for placing any conduit for wires under any street or public ground, and shall report to the mayor, or said board, any facts which in his opinion bear upon the question of granting or refusing to grant such application.

4. Said board shall, on application of any person desiring to carry on any business, the exercise of which is liable to cause fire, examine the premises where it is proposed to carry on such business, and make a full report thereon to the board of aldermen, and when authorized by a vote of said board of aldermen issue a license

therefor which shall continue in force until the first day of April next succeeding its date. Said board shall maintain a supervision over such business and shall immediately so report to the board of aldermen when it deems that such license should be revoked.

5. Said board shall cause all places where shavings, or other combustible materials, or explosive compounds, or detonators, or other articles, goods, or merchandise liable to cause fire, are placed or kept, to be examined, and when said board deems that said materials or other articles, goods, or merchandise are so placed or kept as to be liable to cause fire, it shall order the tenant or occupant of the place where they are so placed or kept to remove them, and if such tenant or occupant neglects or refuses so to do, said board shall cause the same to be removed at his expense.

6. Said board shall furnish to every person who has served in the said department for seven successive years a certificate of that fact signed by the mayor.

7. Said board shall make to the mayor a monthly report of the location and of the number of fires that have occurred in the preceding month, the causes of the fires, and the amount of property destroyed thereby, and shall in its annual report include a brief summary of such matters.

Camphene, Burning-fluid, Explosive Compounds, Hay, Wood, and Bark.

8. Every person who desires to manufacture, or keep for sale, or storage, any petroleum, camphene, burning-fluid, gunpowder, or explosive compound, or to have a place assigned as a stand for weighing or selling hay, or straw, or for measuring or selling wood or bark brought into the city by land for sale, shall make application in writing to the board of fire commissioners for a license therefor, and state in such application, the place, building, or part of a building in which he desires to carry on business, and a full description of the business.

9. The said board of fire commissioners shall immediately examine the place or building described in the application, or cause the same to be examined by competent parties, and make a full report on the subject to the board of aldermen; and the board of aldermen may, if it deems proper, order a license to issue therefor, which shall continue in force until the first day of April

Shall maintain a supervision over such business.

Places where combustible materials, etc., are kept, to be examined. R. O. 1892, c. 14, § 5.

Removal of combustible materials.

Shall furnish certificate. R. O. 1892, c. 14, § 6.

Shall make monthly report to mayor. R. O. 1892, c. 14, § 7.

Persons desiring to manufacture, etc., petroleum, etc., to apply to fire commissioners for license. R. O. 1892, c. 42, § 1. Ord. 1892, c. 6.

Fire commissioners to examine place described and report to board of aldermen. R. O. 1892, c. 42, § 2.

Fee for license next succeeding its date. Every person at the time of receiving such license shall pay therefor the sum of one dollar.

License to contain name of person licensed, etc. R. O. 1892, c. 42, § 3.

10. Every such license shall contain the name of the person or persons licensed, a statement of the business to be carried on, a description of the place, building, or part of building for which the license is granted, and all other particulars which may be required by ordinance or shall be deemed necessary or proper.

Petroleum, Camphene, Burning-fluid, and Naphtha.

Manufacture, storage etc., of petroleum, camphene, etc. R. O. 1892, c. 42, § 4.

11. Petroleum, camphene, burning-fluid, or naphtha, shall not be manufactured, refined, mixed, stored, or kept, upon any street or wharf within the city; nor in any part of a building occupied in whole, or in part, as a dwelling-house; nor upon any floor of a building above the first floor; nor upon such first floor, unless the foundation and walls of the building are of brick, stone, or iron, and the sills or walls are built without apertures for the space of at least one foot above such floor; and all crude petroleum, naphtha, or gasoline, kept in any part of a building above the cellar, shall be kept in metallic vessels securely closed.

Kerosene, Petroleum, and its Products.

R. O. 1892, c. 42, § 5.

12. All kerosene, refined petroleum, and every product of petroleum, sold or kept for sale at retail for illuminating purposes, shall have been inspected by an officer appointed for the purpose by the mayor and aldermen.

GUNPOWDER.

Fire commissioners to keep record of licenses. Ords. 1892, c. 6.

13. All the powers and duties conferred upon the city council relating to gunpowder, except the power to grant licenses for keeping gunpowder for sale, storage, or use in greater quantities than one hundred and five pounds, and the power to make rules and regulations relating to gunpowder, are hereby delegated to the board of fire commissioners, and said board shall keep a record of all licenses issued, the time and purpose for which issued, and places designated therein for keeping or for selling gunpowder.

Possession and sale of gunpowder.

14. No person except on military duty in the service of the United States, or of this Commonwealth, or as licensed thereto by the board of fire commissioners and in accordance with these regulations, shall bring into,

or carry or convey or keep more than one pound of gunpowder, or sell gunpowder within, the city.

15. Any person licensed to bring gunpowder into the city may bring into the harbor of said city and there keep in a vessel approved by said commissioners, gunpowder in such quantities as may be specified in his license, and in such manner as shall be approved by said commissioners; but no such vessel shall at any time be brought within six hundred feet of any wharf or of any part of the mainland.

16. Any person licensed to convey gunpowder in a boat may convey, in a boat which has been approved by said Board, and which displays at the bow and stern a red flag so long as it has any gunpowder on board, and which has the powder covered with canvas or other suitable covering, gunpowder not exceeding six quarter casks of twenty-five pounds each, and may place the same on board of any vessel lying at any wharf or at anchor in the harbor, or may deliver to any person licensed to receive the same at any wharf designated in the license, four of said quarter casks, each cask tight, and enclosed in a strong leather bag, closely tied and legibly marked with the word "gunpowder," and shall deliver to the person in charge of the vessel or wharf a copy of section ten of chapter forty-two of the revised ordinances of 1892, at the time the powder is placed thereon.

17. No person in charge of a vessel on which more than one pound of gunpowder has been placed shall allow such vessel, with gunpowder on board, to remain for more than three hours within six hundred feet of any wharf or mainland of said city, and no person in charge of any wharf shall allow more than one pound of gunpowder to remain on the wharf for a longer time than is necessary for its removal.

18. Any person licensed to convey gunpowder in a vehicle may, in a vehicle approved by said Board, convey within the city, gunpowder not exceeding four quarter casks of twenty-five pounds each, each cask tight, and enclosed in a strong leather bag, closely tied, and legibly marked with the word "gunpowder;" and such person shall convey and deliver such bags, untied, only to a person licensed to keep gunpowder, and at a place designated for such keeping.

19. Any person licensed to keep gunpowder for use

Keeping of gunpowder in the harbor.

Conveyance of gunpowder by boat.

Vessels with gunpowder placing, etc.

Conveyance of gunpowder in vehicles.

Amount of gunpowder

allowed on hand.

or to sell at wholesale may keep on hand not exceeding four quarter casks of twenty-five pounds each, each cask tight, and enclosed in a strong leather bag, closely tied, and legibly marked with the word "gunpowder," and deposited in a copper chest with a copper handle at each end, and a tight copper cover furnished with copper hinges, and locked with a copper padlock, and, unless otherwise specified in his license, placed on the lower floor within six feet of the door over which the sign provided for in section fifteen of chapter forty-two of the revised ordinances of 1892 is placed; and no person, except a person so licensed, shall open said chest, and then only for as short a time as is consistent with proper care in placing or removing said casks in bags closely tied as aforesaid.

Amount allowed to be kept by dealers. Manner of keeping.

20. Any person licensed to sell gunpowder at wholesale or retail may keep gunpowder not exceeding three-quarter casks of twenty-five pounds each to sell in casks only, each cask tight, and enclosed in a strong leather bag, closely tied, and legibly marked with the word "gunpowder," and may keep in addition, for retailing, thirty pounds of gunpowder in tin or copper canisters with tin or copper covers thereon, said casks and canisters deposited in a copper chest with a copper handle at each end, and a tight copper cover furnished with copper hinges and locked with a copper padlock, and, unless otherwise specified in his license, placed on the lower floor within six feet of the door over which the sign provided for in section fifteen of chapter forty-two of the revised ordinances of 1892 is placed; and no person, except a person so licensed, shall open said chest, and then only for as short a time as is consistent with proper care in placing or removing said casks tied as aforesaid, or said canisters unopened.

Retail dealers, amounts allowed.

21. Any person licensed to sell gunpowder at retail may keep gunpowder not exceeding thirty pounds thereof in tin or copper canisters with a tin or copper cover thereto, and in a tin, copper, or zinc chest approved by said board, which shall, unless otherwise specified in his license, be kept within six feet of the door over which the sign provided for in section fifteen of chapter forty-two of the revised ordinances of 1892 is placed; and no person, except a person licensed thereto, shall open said chest, and then only for as short a time as is consistent with proper care in placing or removing said canisters unopened.

22. Every person licensed to keep and sell gunpowder shall have and keep in a prominent place upon the vessel, or over the outside of the principal entrance from the street of the building in which such powder is kept, a sign on which shall be painted in capitals the words "Licensed to keep and sell gunpowder."

23. Every person licensed to keep gunpowder for sale, storage, or use, shall permit any one or more of said commissioners to enter any place in which gunpowder is kept by him, to examine the place and to remove the gunpowder therefrom whenever they shall deem it expedient so to do; and no person so licensed shall sell or give to any child, under the age of sixteen years, without the written consent of the parent or guardian of such child, any gunpowder or any cartridge or fixed ammunition of which any fulminate is a component part.

Explosive Compounds.

24. The board of aldermen, before ordering the issue of a license for manufacturing any explosive compound shall give a public hearing thereon, after public notice of such hearing has been given for two consecutive weeks in three daily newspapers published in the city, and after such notice and hearing said board may, by a two-thirds vote, approved by the mayor, order the issuing of such license, with such limitations as to the quantity to be manufactured, or kept, and as to the mode of storing, keeping, or transporting the same as may be prescribed by ordinance, or as the board of aldermen may in each case see fit to impose, but shall not order the issue of any such license for the territory contained within the limits of the present wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, or 19; or within three hundred feet of a school-house, church, theatre, or hall licensed for public assemblies.

25. The board of aldermen may order the issue of licenses for the sale or storage of explosive compounds (but not within three hundred feet of a school-house, church, theatre, or hall licensed for public assemblies, nor within five hundred feet of the city hall, state-house, court-house, registry of deeds, or county jail), and every person so licensed shall provide for the storage of such compound a suitable place, in which each class of articles specified in the following section shall be kept separate from every other class by suitable divisions or partitions

Public hearing to be given before issuing license.
Licenses for sale and storage of explosive compounds.

of brickwork. No compound of nitro-glycerine shall be kept in any receptacle which is so constructed as to have exposed iron or steel in the interior thereof.

Amounts of explosive compounds allowed to be kept.

26. The following shall be the greatest amounts of each class of explosive compounds which may be kept for sale in any place within twenty feet of a building which is regularly occupied during any portion of the day or night:

Of nitro-glycerine and all compounds thereof and of gun-cotton, four ounces.

Of detonators or exploders, for use with any explosive compound other than gunpowder, such number as shall contain in all one half-pound of the detonating compound employed.

Of any explosive compound not otherwise provided for, such amount, not exceeding ten pounds, as the board of fire commissioners may deem safe.

In case a person, licensed to keep explosive compounds is also licensed to keep gunpowder in the same building, or within fifty yards of it, the greatest amount of explosive compounds which he may keep shall be one-half of the above-named amounts.

Licenses to establish magazines.

27. The board of aldermen may order the issue of licenses to establish magazines for the storage of explosive compounds in quantities greater than those mentioned in section twenty-six, in the manner and with the limitations prescribed in section twenty-four (but not within fifteen hundred feet of a school-house, church, theatre, or hall licensed for public assemblies, or of the city hall, state-house, court-house, registry of deeds, or county jail, or within six hundred feet of a dwelling-house occupied by persons not engaged in the manufacture of the explosive stored in such magazine), and every person so licensed shall surround every such magazine by an earthen parapet ten feet thick at the top, and with a natural slope to the bottom, and so high that a line drawn from the highest point of the explosive therein stored to the top of the parapet will pass above the highest of the surrounding buildings.

Transportation of explosive compounds.

28. Explosive compounds may be transported through the streets in the following manner and quantities only:

Nitro-glycerine, in any of its forms, shall be in a congealed state, and the packages in which it is contained shall, during transportation, be kept constantly packed in ice and in charge of a competent agent furnished by

the forwarder, who shall travel in the vehicle in which the packages are carried.

All dry nitro-glycerine compounds shall be packed in wooden cases, holding not more than one hundred pounds thereof, and in which the explosive compound shall be packed, when in bulk, with at least three inches of dry sawdust between the explosive compound and the inside surfaces of the case, and when in cartridges, each cartridge shall be surrounded with sawdust on all sides, and a space of at least one inch between the outside of each cartridge and the inside surface of the case, shall be filled with sawdust.

All gun-cotton shall be pulverized and in a compressed form and moist state.

All explosives of the fulminate class shall be wet, and contained in wooden water-tight kegs, which shall be packed in sawdust in wooden packages.

All explosives of the nitrate-mixture class and chlorate-mixture class shall be subject to the same rules and regulations that are now or may hereafter be prescribed for the transportation of gunpowder.

All packages containing explosive compounds shall be plainly marked on at least three sides with the name of their contents, and the words "Explosive — Dangerous" so placed as to be readily seen by those who may have reason to handle such packages. The name and address of the manufacturer and forwarder shall also be plainly marked on the packages.

No detonating or percussion fuse, cap, primer, or other article liable to cause fire or explosion, shall be packed in the case or barrel containing an explosive compound, nor be carried in or upon a vehicle in which such compound is being transported.

Not more than one case or barrel shall be transported in one vehicle, unless such vehicle has been suitably prepared by lining it with wood, felting, tarpaulin, oiled cloth, or other material, exclusive of iron or steel, and is fitted with a close cover of the same. No match, acid, petroleum, or other hazardous article shall be carried in the same vehicle with an explosive compound, and not over one hundred pounds of explosive compounds shall be carried in one vehicle.

No two vehicles containing explosive compounds shall be allowed to approach within one thousand yards of one another, unless they are in charge of a qualified inspector

detailed for that duty by the board of fire commissioners. Such inspectors shall be detailed upon the written application of, and shall be paid for his services by, the person transporting such compound, at the rate of five dollars for each day or portion of a day.

Fire commis-
sioners, etc.,
to have access
to premises.

29. Any person licensed as provided in the preceding sections of this chapter, shall at all times permit to enter the building or premises licensed, and examine the same and contents thereof, any fire commissioner and police commissioner, the chief engineer and assistant engineers of the fire department, the captains, lieutenants, sergeants of police, and any inspector appointed by the mayor, by the board of fire commissioners, or by the board of police.

"Explosive
compound,"
definition.

30. The words "explosive compound," as used in this chapter, shall be understood to include gun-cotton, nitro-glycerine, or any compound of the same, and any fulminate or substance, except gunpowder, which is intended to be used by exploding or igniting it in order to produce a force to propel missiles or to rend apart substances.

Camphene, Petroleum, and Explosive Compounds.

R. O. 1892,
c. 43, § 90.

31. No person shall manufacture, refine, mix, store, or keep any petroleum, camphene, burning-fluid, or naphtha for sale or store within the city, except in accordance with the ordinances, and with a permit from the board of fire commissioners.

R. O. 1892,
c. 43, § 91.

32. No person shall manufacture or sell, or expose for sale, any gun-cotton, nitro-glycerine, or any compound of the same, nor any fulminate or substance, except gunpowder, intended to be used by exploding or igniting it, in order to produce a force to propel missiles, or to rend substances apart, except in accordance with a permit from the board of fire commissioners; nor shall any person send or carry through the public streets any such substance, except in the manner and in the quantities allowed by statute or ordinance.

Sales to chil-
dren under
sixteen, with-
out consent,
prohibited.
R. O. 1892,
c. 43, § 92.

33. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition, of which any fulminate is a component part, except paper-caps, of which the only component parts are chlorate of potash and sulphide of antimony, or any gun, pistol, or other mechanical contrivance ar-

ranged for the explosion of such cartridge, ammunition, or fulminate.

34. No person shall in any street explode, or so place or deposit, that explosion can occur, any torpedo, percussion-cap, or other mechanical contrivance whereof any form of detonator is a part.

Not to explode
or place tor-
pedoes, etc.,
in streets.
R. O. 1892,
c. 43, § 93.

Fire-arms, Bonfires, and Brick-kilns.

35. No person shall fire or discharge a cannon, gun, fowling-piece, or fire-arm, within the limits of the city, except at a military exercise or review, authorized by the military authority of the Commonwealth, or by the city council or mayor of the city, or in the lawful defence of the person, family, or property of a citizen.

Not to fire can-
non, etc.,
except.
R. O. 1892,
c. 43, § 94.

36. No person shall make a bonfire, or other fire, in a street, or on a wharf, within the city, except in accordance with a permit from the board of fire commissioners.

Making bon-
fires, etc.
R. O. 1892,
c. 43, § 95.

37. No person shall erect, make, or fire, or cause to be erected, made, or fired, within the city, a brick-kiln, or lime-kiln, except in accordance with a permit from the board of fire commissioners.

Not to erect or
make brick
lime kiln,
except.
R. O. 1892,
c. 43, § 96.

Fire Department Apparatus, Combustible Material.

38. No person shall, except in case of fire, open a hydrant, or lift or remove the cover of a hydrant.

R. O. 1892,
c. 43, § 71.

39. No person shall, without authority from the board of fire commissioners, open, or in any way interfere with, a signal-box, wire, or any other thing connected with the fire-alarm telegraph apparatus, except in case of fire.

Fire-alarm
apparatus.
R. O. 1892,
c. 43, § 97.

40. No person shall neglect or refuse to remove any combustible material, when ordered by the board of fire commissioners so to do, or obstruct any officer or member of the fire department in the discharge of his duties, or wilfully interfere with any engine, or other apparatus used by the members of the fire department in the discharge of their duties.

Removal of
combustible
material.
Obstruction of
firemen and
fire apparatus.
R. O. 1892,
c. 43, § 98.

REGULATIONS CONCERNING THEATRES.

41. No person moving a building in a street under a permit therefor, shall interfere with any fire-alarm telegraph-wire, except in accordance with the permission of the board of fire commissioners.

Building mov-
ers not to
Rev. Reg.,
1892, c. 6, § 30.

42. There shall be one or more automatic skylights over the stage of every theatre.

Automatic
skylights over
stages. Rev.
Reg., c. 3, § 5.

Exits to be marked, etc. Rev. Reg., c. 3, § 6.

Gas-pipes. Rev. Reg., c. 3, § 7.

Automatic sprinklers, etc. Rev. Reg., c. 3, § 8.

Stand-pipes, hose, etc., chemical extinguishers. Rev. Reg., c. 3, § 9.

Portable seats in passageways. Rev. Reg., c. 3, § 10.
Firemen. Rev. Reg., c. 3, § 11.

Cocoa not to be roasted except in licensed buildings.

Penalty. 1817, c. 171, § 6.
1850, c. 232, § 3.
1878, c. 45.
R. O. 1892, c. 14, § 4.

Tar-kettles and other boilers, how to be constructed. 1817, c. 171, § 9.

43. All exits of every place of public amusement shall be marked with the word "Exit" in large letters over the same, and shall be so constructed as to be easily opened by the audience in case of fire.

44. Every theatre shall be so piped that the gas can be shut off separately from the stage, auditorium, and lobbies, without interfering one with the other.

45. There shall be such automatic sprinklers, or other equivalent devices, in every theatre, as in the opinion of the committee on licenses may be needed.

46. There shall be in every place of public amusement such amount of stand-pipes and hose, and number of water pails, axes, and chemical extinguishers, as the fire commissioners from time to time determine to be necessary.

47. No portable seats shall be placed in the aisles or passageways of any place of public amusement.

48. The board of fire commissioners may detail one or more permanent members of the fire department at each and every place of amusement while such place is open to the public, whose duty it shall be to guard against fire, and have charge and control of the means provided for its extinguishment, and shall, at the time of any fire in such place take, and have the control and direction of the employees, of the place to which they may be detailed, for the purpose of extinguishing any fire which may occur therein. No persons shall be employed in places of amusement to act as firemen except members of the regular fire department, or men specially approved by the board of fire commissioners.

49. If any person or persons shall, within the city of Boston, roast, or cause to be roasted, any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose by the board of fire commissioners of the city aforesaid, he, she, or they, shall forfeit and pay for every such offence a sum not exceeding five hundred dollars, nor less than two hundred dollars.

50. Every tar-kettle which shall be made use of in the city for the purpose of boiling tar for the use of any rope-walk, and every kettle, boiler, or copper for the use of any calker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, or other like artificer, shall be so fixed as to prevent all communication whatsoever between the contents of such kettle, boiler, or copper, and

the fire. And the fireplace under every such tar or other kettle, boiler, or copper, shall be constructed with an arch built over the same, and secured by an iron door in such manner as to enclose the fire therein; and every person who shall erect any tar-kettle, or other kettle, boiler, or copper, or use the same for any or either of the purposes aforesaid, contrary to the provisions of this act, shall, for every such offence, forfeit and pay a sum not exceeding three hundred dollars, nor less than fifty dollars, according to the degree and aggravation of the same.

51. Every person who shall carry any fire through the streets, lanes, or on any wharves in the city, except in some covered vessel, or who shall kindle a fire in any of the places aforesaid without the permission thereof in writing of the board of fire commissioners, shall forfeit and pay for each and every offence the sum of two dollars, to be recovered of the person so offending, or of his parent, guardian, master, or mistress.

52. If any person shall have in his or her possession in any rope-walk, or in any barn or stable within the city, any fire, lighted pipe, or cigar, lighted candle or lamp, except such candle or lamp is kept in a secure lantern, the person so offending shall forfeit and pay for each offence a sum not exceeding one hundred dollars, nor less than twenty dollars.

53. All and any of the penalties which are given in and by sections forty-nine to fifty-one inclusive may be recovered by indictment, information, or complaint, in any court proper to try the same; and in such indictment, information, or complaint it shall not be necessary to set forth any more of said sections than so much thereof as relates to and is necessary truly and substantially to describe the offence alleged to have been committed.

54. The board of fire commissioners shall have the same authority, in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties now incumbent upon firewards, as are now conferred upon firewards by the public statutes, or the special acts relating to the city of Boston, now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of

Penalty for carrying fire through the streets, etc., R. O. 1892, c. 45, § 35.
Ibid. § 10.

1850, c. 262, § 3.
12 Met., 231.

Penalty for lighted pipe, cigar, or candle, etc., in any rope-walk, barn, etc., 1817, c. 171, § 11.
12 Met., 231.

Recovery of penalties. 1817, c. 171, § 12.

3 Pick., 462.

Powers of engineers, etc., of the fire department. 104 Mass. 87.

1850, c. 262, § 3.

1878, c. 45.

R. O. 1892, c. 14, § 4, 5.

suitable safeguards against fire. And the city council are hereby authorized to make suitable ordinances upon this latter subject-matter, under the penalties enacted in the city charter.

Engineers shall attend fires. P. S., c. 35, § 2.

55. When a fire breaks out the engineers shall immediately repair thereto, and shall carry a suitable staff or badge of their office.

Engineers, etc., may order buildings to be pulled down, etc. 1850, c. 262, § 3. P. S., c. 35, § 3.

56. The engineers, or any three of them present at a place in immediate danger from fire, or, in their absence, two or more of the chief military officers of the place present, shall have power to direct the pulling down or demolishing of any such house or building as they shall judge necessary to be pulled down or demolished, in order to prevent the further spreading of the fire.

Engineers may give orders to engine-men and others, etc. 1850, c. 262, § 5. P. S., c. 35, § 7.

57. They may direct the stations and operations of the enginemen with their engines, and of all other persons, for the purpose of extinguishing the fire; and who-ever refuses or neglects to obey such orders shall forfeit for each offence a sum not exceeding ten dollars.

Engineers of fire department to have sole power of demolishing buildings. 1873, c. 201. P. S., c. 35, § 4.

58. By an act passed April 16, 1873, it was provided that the engineer of a fire department in command at a fire shall, to the exclusion of all other persons, have the power conferred upon firewards by section fifty-six of this digest.

Engineers, etc., may command assistance. 1850, c. 262, § 3. P. S., c. 35, § 6.

59. Engineers or other officers may, during the continuance of a fire, require assistance for extinguishing the same, and removing furniture, goods, or merchandise from a building on fire or in danger thereof; and may appoint guards to secure the same. They may also require assistance for pulling down or demolishing any house or building when they judge it necessary, and may suppress all tumults and disorders at such fire.

Owners to be indemnified, except, etc. P. S., c. 350, § 5. 1850, c. 262, § 3. 8 Met. 462. 5 Cush. 260. 11 Cush. 433. 11 Allen, 507.

60. If such pulling down or demolishing of a house or building is the means of stopping the fire, or if the fire stops before it comes to the same, the owner shall be entitled to recover a reasonable compensation from the city or town; but when such building is that in which the fire first broke out, the owner shall receive no compensation.

Fire department to have right of way in streets in Boston. 1873, c. 374.

61. The officers and men of the fire department of the city of Boston, with the engines and apparatus thereof, shall have the right of way, while going to a fire, upon any alarm thereof, through any street, lane, or alley in the said city, subject to such rules and regu-

lations as the city council may prescribe. Whoever wilfully and maliciously obstructs or retards the passage of such engines and apparatus while so going to a fire as aforesaid, shall be punished by imprisonment in the jail not exceeding three months, or by fine not exceeding fifty dollars.

62. All officers and members of the fire department shall be exempted from military duty, by forthwith filing with the assessors of the city a certificate that they are enginemen, or members of the fire department, signed by the mayor and aldermen or fire commissioners; or from serving as jurors, or constables, during the time of their employment in said department.

63. Every city and town having a fire department established and organized according to law shall provide and keep, as a part of the equipment of such department, one or more of each of the following pieces of apparatus, and when any such city or town is divided into fire districts and only the fire department within any such district responds to a first alarm of fire therein, one or more of each of such pieces of apparatus shall be provided and kept in each such district: First, a gun or other suitable device capable of shooting or throwing an arrow or other missile, with a cord attached thereto, over the top of or into any window of any building within such city or town, together with all needful appliances for properly working the same; second, a "chute," so called, made of canvas or other suitable material, rendered un-inflammable, of sufficient length to reach, at a proper angle of inclination, from the ground to any window in any such building, said chute being provided with proper means of fastening the upper end thereof and having a flexible ladder attached thereto; and third, a "life-net" or "jumping-net," so called, suitable for breaking the fall of a person jumping from the top story of any such building. In every city and town subject to the provisions of this section one or more of each of the above named pieces of apparatus shall be taken to every fire occurring therein in a building over two stories in height. The proper authorities of the several fire departments shall see that the above named pieces of apparatus are kept at all times in good condition and ready for immediate use, and that a sufficient number of firemen are periodically practised and trained in the proper handling and use of the same.

Exemption of members. 1850, c. 262, § 4. P. S., c. 14, § 5.

Cities, etc., to provide certain apparatus for fire departments. 1888, c. 310.

Any city or town violating the above provisions shall be subject to a fine of not less than fifty nor more than five hundred dollars.

Cities may lease certain buildings to veteran firemen. 1891, c. 218.

64. Any city or town is authorized to lease for a period not exceeding five years to any veteran firemen's association established in such city or town, to be used by such association solely for the purposes of its organization, any public building or part thereof belonging to such city or town, except school-houses in actual use as such, on such terms as the aldermen of such city or the selectmen of such town may determine.

Penalty for injuring fire-engines. P. S., c. 35, § 20.

65. Whoever wantonly or maliciously injures a fire engine, or the apparatus belonging thereto, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, and be further ordered to recognize with sufficient surety or sureties for his good behavior during such term as the court shall order.

Embezzling, etc., of property at a fire to be deemed larceny. P. S. c. 35 p. 8.

66. Whoever purloins, embezzles, conveys away, or conceals any furniture, goods, or chattels, merchandise, or effects of persons whose houses or buildings are on fire or endangered thereby, and does not within two days restore or give notice thereof to the owner, if known, or, if unknown, to one of the firewards, mayor, and aldermen, or selectmen of the place, shall be deemed guilty of larceny.

Engineers may require and compel assistance. 1817, c. 171. § 13. 1850, c. 262, § 3.

67. It shall be lawful for an engineer of the fire department to require and compel the assistance of all or any of the inhabitants of the city, and any other persons who shall be present as spectators of any fire; and in any suit or prosecution therefor it shall be lawful for them to plead the general issue, and give the statute in evidence; and if any persons shall disobey the lawful and reasonable command of any engineer or engineers, to aid in extinguishing such fire, or in rescuing property from destruction thereby, such person, so offending, shall be liable to a fine not exceeding twenty dollars, to be recovered in the manner provided in section fifty-three.

Penalty for disobeying

Bonfires, penalty for making. P. S., c. 206, § 12.

68. Whoever is concerned in causing or making bonfire within ten rods of any house or building shall be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding one month.

False alarms of fire, how punished.

69. Whoever, without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates,

or causes to be made or circulated, any false alarm of fire, shall be punished by fine not exceeding fifty dollars. P. S., c. 206, § 13.

70. Whoever, within twenty-four hours prior to the burning of a building or other property, wilfully and maliciously cuts or removes a bell-rope in the vicinity of such building or property, or cuts, injures, or destroys an engine or hose or other apparatus belonging to an engine in said vicinity, shall be deemed guilty of the burning, as accessory before the fact, and be punished accordingly. Cutting, etc., bell-rope, engine, etc., within twenty-four hours of fire. P. S., c. 203, § 8.

71. Whoever, during the burning of a building or other property, wilfully and maliciously cuts or removes a bell-rope in the vicinity of such building or property, or otherwise prevents an alarm being given, or cuts, injures, or destroys an engine or hose or other apparatus belonging to an engine in said vicinity, or otherwise wilfully and maliciously prevents or obstructs the extinguishing of a fire, shall be deemed guilty of the burning, as accessory after the fact, and be punished by imprisonment in the state prison not exceeding seven years, or in the jail not exceeding three years, or by fine not exceeding one thousand dollars. Cutting same at time of fire or preventing alarm or extinguishing fire. P. S., c. 203, § 9.

72. Whoever steals in a building that is on fire, or steals property removed in consequence of an alarm caused by fire, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding five hundred dollars, and imprisonment in the jail not exceeding two years. Stealing at a fire. P. S., c. 203, § 18.

FIRE MARSHAL OF THE CITY OF BOSTON.

73. The governor of the Commonwealth by the advice and with the consent of the council shall appoint an officer to be known as the fire marshal of the city of Boston, who shall be a citizen of said city, to hold office for a term of three years from the date of his appointment, or until his successor is appointed. Said fire marshal may be removed at any time by the governor. Governor to appoint a fire marshal for city of Boston. 1886 c. 354. Tenure of his office.

74. It shall be the duty of said fire marshal to examine into the cause, circumstances, and origin of fires occurring within the municipal district of Boston, by which any building, vessels, vehicles, or any valuable personal property shall be accidentally or unlawfully burned, destroyed, lost, or damaged wholly or partially; and to specially examine and decide whether the fire Removal. Duties of fire marshal.

was the result of carelessness or the act of an incendiary.

The said fire marshal shall, when in his opinion said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters herein required to be examined and inquired into, and cause the same to be reduced to writing, verified and transmitted to the district attorney of the county of Suffolk, and to the board of fire commissioners of the city of Boston. Said fire marshal shall report in writing to the owners of property, or other persons interested in the subject-matter of investigation, any facts and circumstances which he may have ascertained by such inquiries and investigation which shall in his opinion require attention from said person or persons, and it shall be the duty of said fire marshal, whenever he shall be of opinion that there is evidence sufficient to charge any person with the crime of arson, to cause such person to be arrested and charged with such offence, and furnish to the district attorney all the evidences of guilt, with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and he shall specially report to the board of fire commissioners, as often as such board shall require, his proceedings and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Special report to fire commissioners.

Fire marshal may subpoena witnesses, administer oaths, etc.

75. The fire marshal shall have power to subpoena witnesses and to compel their attendance before him in like manner and effect as trial justices to testify in relation to any matter which is, by the provisions of this act, a subject of inquiry and investigation by the said fire marshal. The said fire marshal shall be and is hereby authorized to administer and verify oaths and affirmations to persons appearing as witnesses before him, and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punishable as such. The said fire marshal shall have authority, at all times of the day or night, in performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire shall have occurred, and the buildings and premises adjoining and near to that in which the fire occurred.

Salary of fire marshal.

76. The compensation of the fire marshal shall

be a salary of three thousand dollars per annum, which shall be paid in monthly instalments by the treasurer of the city of Boston. Such salary and all expenses incurred by said fire marshal in making inquests for the purpose of determining the origin of fires, shall be included in the expenses of the County of Suffolk.

77. It shall be the duty of the Board of Fire Commissioners of the city of Boston to supervise and direct, whenever it shall be of opinion that the public interests will be subserved thereby, the investigations, examinations, and proceedings of said fire marshal, and make all needful and proper rules and regulations in relation to the duties of the office and the manner of performing the same and to determine the necessary expenses and to audit the accounts of said fire marshal.

Fire commissioners may supervise and direct proceedings when necessary.

78. On the first of May of each year, on presentation of proper vouchers and accounts, the treasurer of the Commonwealth shall pay to the treasurer of the city of Boston the salary of the said fire marshal, and the expenses incurred during the preceding calendar year, in prosecuting his investigations in the manner above mentioned; but the total amount of such salary and expenses which such fire marshal may incur shall not exceed twenty-five per cent. of the tax collected by the Commonwealth on premiums received by insurance companies for writing fire risks in the city of Boston during the preceding calendar year.

Treasurer of Commonwealth to pay salary and expenses of fire marshal. 1887, 231.

79. The fire marshal shall submit each year in the month of May a detailed report of his official action to the city council of the city of Boston.

Annual report of fire marshal to city council.

PENSIONS, RELIEF FUND, ETC.

80. The board of fire commissioners of the city of Boston, by the majority vote of the members and with the approval of the mayor, shall have power to retire from office in the fire department any member thereof who has become disabled while in the actual performance of duty, or any member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and shall in such case place the member so retired upon the pension roll. Any member may be placed on the pension roll when it shall be certified to the board in writing, by the physician to the board of health, that such member is permanently incapacitated, either mentally or physically, from per-

Fire commissioners may retire and pension members of fire department. 1892, c. 347, § 1.

forming his duties as a member of the department. In case of total disability caused or induced by the actual performance of his duty the amount of annual pension shall be two-thirds of the annual compensation allowed to men of the grade in which such member served. The pension of members of the permanent force who have served fifteen years shall be an amount not exceeding one-half the annual salary or compensation of the office from which said members are retired. The pension of members of the call force who have served fifteen or more consecutive years shall be one-half the annual salary or compensation of the office from which said members are retired, or such further sum as the board may determine.

81. The said board of the said city may, by majority vote of the members thereof with the approval of the mayor, pay to former members of the fire department of said city now on the pension rolls of said city, pensions in accordance with the provisions of the preceding section.

82. If any member of the said fire department shall die from injuries received while in the discharge of his duties, and shall leave a widow, or, if no widow, any child or children under the age of sixteen years, a sum not exceeding three hundred dollars may be paid by way of annuity to such widow so long as she remains unmarried, or to any such child or children so long as he or they continue under the age of sixteen years, and the board of fire commissioners may from time to time order such annuity to be reduced.

83. For the purpose of carrying out the provisions of the foregoing sections, the board of fire commissioners may, with the approval of the mayor, expend such sums as may be specially appropriated therefor by the city council, for the relief of widows and children of members of the fire department who have been killed in the execution of their duty, or have died from the effect of injuries received in the execution of their duty. For the payment of the pensions hereinbefore authorized, the board of fire commissioners may draw, from time to time, upon the city treasurer of Boston, any sums which may be specially appropriated therefor by the city council.

84. The mayor of the city of Boston for the time being (and his successors in office), the board of fire

Pension rates.

Members now on pension roll may be paid under this act. 1892, c. 347, § 2.

Annuity to widow or children. 1890, c. 107, § 3.

1880, c. 107.

Boston fireman's relief

commissioners of the city of Boston for the time being (and their successors in office) shall together continue a body corporate for the purposes of receiving and holding all sums of money, and real and personal estate, not exceeding in the aggregate two hundred thousand dollars, which may be given, granted, bequeathed, or devised to it for the benefit of members of the Boston fire department or their families requiring assistance, or for the benefit of any persons or the families of any persons who have been such members, requiring assistance. The property so held shall be known as the Boston Fireman's Relief Fund. The said body corporate shall have authority to manage and dispose of the same and the income thereof, according to their best discretion, subject to the provisions of any and all trusts which may be created for the purposes aforesaid.

85. Such corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in all general laws, which now or may hereafter be in force, relating to similar corporations.

86. The city of Boston may expend a sum not exceeding three thousand dollars annually, for the relief of firemen disabled, and of the families of firemen killed, in the service of the city.

87. The city council are hereby authorized, whenever and as often as they shall deem it expedient, to appropriate any sum or sums of money, in the way that may be judged by said council most advisable, for the relief or indemnity of any officer or member of the fire department who may sustain corporal injury, or contract sickness in the discharge of his duty, or consequent thereon.

88. When any fireman belonging to the regular or organized force of any city or town in this Commonwealth is killed, or dies within sixty days from injuries received while in the discharge of his duty as such fireman, and the fact of such death is certified by the city or town clerk and the attending physician or medical examiner, to the treasurer of the Commonwealth, said treasurer shall pay to the executor or administrator of such deceased fireman the sum of one thousand dollars for the use of his widow and minor children, one-half to each; or, if there are minor children but no widow, to the use of such children; or, if there are no minor children to the use of the widow; or, if no widow or minor children,

fund established. 1880, c. 107, § 4

1893, c. 401.

1880, c. 107, § 5.

1873, c. 258.

Relief for bodily injury. 1890, c. 262, § 5.

Commonwealth to pay, widows, etc., of firemen killed. 1893, c. 401.

to the use of the next of kin, if dependent on such deceased fireman for support. A child of full age but dependent upon such fireman for support by reason of physical infirmity or other cause shall be regarded as a minor child within the provisions of this section. The sums disbursed by the treasurer under this section shall be paid from moneys received for taxes from fire insurance companies doing business in this Commonwealth.

STATUTES RELATING TO GUNPOWDER, ETC.

Gunpowder
may be seized.
1833, c. 151, § 5.

89. All gunpowder, which shall be kept, had, or possessed within the city of Boston, or brought into, or transported through the same, contrary to the provisions of the preceding sections, may be seized and taken into custody by said board, and the same shall, within twenty days next after the seizure thereof, be libelled, by filing in the office of the clerk of the municipal court for the transaction of criminal business, a libel, stating the time, place, and cause of such seizure, a copy of which libel, or the substance thereof, together with a summons or notice which such clerk is hereby authorized to issue, shall be served on the person or persons in whose custody or possession such gunpowder shall have been seized, if such person be an inhabitant of this Commonwealth, by delivering a copy thereof to such person or persons, or leaving such a copy at his, her, or their usual place of abode, fourteen days, at least, before the sitting of the court at which the same is to be heard, that such person or persons may appear and show cause why the gunpowder so seized and taken should not be adjudged forfeit; and if the powder so seized shall be adjudged forfeit the person or persons in whose custody or possession the same was seized, or the occupant or tenant of the place wherein the same was seized, shall pay all costs of prosecution, and execution shall be issued therefor; *provided*, that it appear to the court that such person or persons had notice of such prosecution, by service as aforesaid. And in case the person or persons in whose custody or possession such gunpowder may be seized shall be unknown to said board, or in case such gunpowder, at the time of seizure, may not be in the custody or possession of any person; or if it shall appear, by the return of the officers, that such person cannot be found, or has no place of abode in this Commonwealth, then said court shall and may proceed to adjudication thereon; and such libel or summons, and

also such writ of execution for costs, shall and may be served and executed in any county in this Commonwealth, and by any officer competent to execute civil process in like cases.

90. Any person or persons who shall rescue, or attempt to rescue, any gunpowder seized as aforesaid, or shall aid or assist therein, or who shall council and advise, or procure the same to be done, or who shall molest, hinder, or obstruct such seizure, or in conveying gunpowder so seized to a place of safety, shall forfeit and pay a fine for each offence of not less than *one hundred dollars*, and not exceeding *five hundred dollars*, to be sued for and recovered by action of the case, by any person or persons who shall sue for the same, in any court proper to try the same; and it is hereby made the duty of all persons to aid and assist said board in executing the duties hereby required.

Penalty for
hindering
engineers or
attempting to
rescue pow-
der.
1833, c. 151, § 6.

91. The said board of fire commissioners, or any of them, may enter the store or any place of any person or persons licensed to sell gunpowder, to examine and ascertain if the laws, rules, and regulations relating thereto are strictly observed; and on an alarm of fire may cause the powder there deposited to be removed or destroyed, as the case may require. And it shall be lawful for any one or more of the commissioners of said city to enter any dwelling-house or other place in the city of Boston to search for gunpowder, first having obtained, from a justice of the police court in said city, a search-warrant therefor, which warrant the justices of said court are hereby authorized to issue, upon the complaint of such commissioner or commissioners, supported by his or their oath.

Board may
enter and
examine
stores, etc.,
of those licensed
to sell.
1833, c. 151, § 7.

92. Any person who shall suffer injury by the explosion of any gunpowder, had, kept, or transported within the limits of Boston, contrary to the provisions of the preceding sections and of the rules and regulations established as aforesaid, may have an action of the case, in any court proper to try the same, against the owner or owners of such gunpowder, or against any other person or persons who may have had the possession or custody of such gunpowder at the time of the explosion thereof, to recover reasonable damages for the injury thus sustained.

Persons in-
jured by gun-
powder kept
contrary to
law may have
an action for
damages.
1833, c. 151, § 8.

93. It shall be the duty of the city council of the city of Boston to cause all such rules and regulations as they may make and establish, to be published in two or more

City council
to publish
rules and
regulations in

newspapers.
1833, c. 151,
§ 9.

How fines may
be recovered.
1833, c. 151,
§ 10.

Whenever
gunpowder
less than ten
quarter casks
is seized, a li-
bel or com-
plaint may be
filed in court.
1841, c. 58, § 1.

Fines may be
sued for by
chief engineer
or one or more
engineers, etc.
Ibid. § 2.

Wilful injury
to houses, etc.
by exploding
gunpowder,
etc.
P. S., c. 206,
§ 80.

Throwing ex-
plosive sub-
stances into
dwellings, etc.
P. S., c. 206,
§ 81.

newspapers printed in the city of Boston, and to cause such publication to be continued three weeks successively, for the information and government of all persons concerned.

94. All fines, penalties, and forfeitures which may arise and accrue under the five preceding sections shall and may be prosecuted for and recovered, either in the manner specially provided, or by indictment, complaint, or information, in any court proper to try the same. Chapter one hundred and fifty-one of the acts of eighteen hundred and thirty-three shall be taken and deemed to be a public act, of which all courts, magistrates, and citizens are bound to take notice as such; and in any libel, action, indictment, information, or complaint, upon said act, it shall not be necessary to set forth any more of the same than so much thereof as relates to, and may be necessary truly and substantially to describe, the offence alleged to have been committed.

95. Whenever any quantity, less than ten quarter casks of gunpowder, shall be seized and taken into custody by any one or more of said board a libel or complaint may be filed in the clerk's office of the municipal court of said city of Boston, and the said municipal court of said city shall have jurisdiction thereof; and the like proceedings thereon (excepting a trial by jury) shall be had in said court as are provided for in section eighty-nine in the like cases of seizures and proceedings before the superior court, — saving always to any party aggrieved by any final judgment of said municipal court the right of appeal and trial by jury in said superior court.

96. All fines, penalties, and forfeitures, imposed by the seven preceding sections may be sued for and recovered by the said board, or any one of them, or by any person thereto authorized by a vote of the said board.

97. Whoever wilfully and maliciously, by the explosion of gunpowder or any other explosive substance, unlawfully destroys or injures a dwelling-house, office, shop, or other building, or ship or vessel, shall be punished by imprisonment in the state prison not exceeding twenty years, or in the jail not exceeding five years, or by fine not exceeding one thousand dollars.

98. Whoever wilfully and maliciously throws into, against, or upon, or puts, places, or explodes, or causes to be exploded in, upon, or near a dwelling-house, office, shop, building, or vessel, any gunpowder or other ex-

plosive substance, or a bomb-shell, torpedo, or other instrument filled or loaded with an explosive substance, with intent unlawfully to destroy or injure such dwelling-house, office, shop, building, or vessel, or any person or property therein, shall be punished by imprisonment in the state prison not exceeding ten years, or in the jail not exceeding five years, or by fine not exceeding five hundred dollars.

99. Gunpowder manufactured in this state shall be put into strong and tight casks containing twenty-five pounds, fifty pounds, or one hundred pounds each, or well secured in copper, tin, or brass canisters, holding not more than five pounds each, and closely covered with copper, brass, or tin covers.

100. Each cask containing gunpowder manufactured within this Commonwealth, or brought into the same, land or by water and landed, shall be marked on the head with black paint, in legible characters, with the word *gunpowder*, the name of the manufacturer, the weight of the cask, and the year in which the powder was manufactured; and each canister of gunpowder shall be marked with the word *gunpowder*.

101. Whoever knowingly marks a cask of gunpowder with the name of any person other than the manufacturer of the same, or changes gunpowder from a cask marked with the name of one manufacturer into a cask marked with the name of another manufacturer, shall, for each offence, forfeit a sum not exceeding twenty dollars.

102. The city council of any city and any town may order that no gunpowder shall be kept in any place within the limits thereof, unless it is well secured in tight casks or canisters; that no gunpowder above the quantity of fifty pounds shall be kept or deposited in a shop, store, or other building, or in a ship or vessel which is within the distance of twenty-five rods from another building or from a wharf; that no gunpowder above the quantity of twenty-five pounds shall be kept or deposited in a shop, store, or other building within ten rods of another building; and that no gunpowder above the quantity of one pound shall be kept or deposited in a shop, store, or other building within ten rods of another building, unless it is well secured in copper, tin, or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass, or tin covers.

Penalty for unlawfully keeping gunpowder, etc. Ibid. § 57.

103. Whoever commits an offence against any order made under the preceding section shall forfeit a sum not exceeding twenty dollars; but the two preceding sections shall not extend to any manufactory of gunpowder, nor in any case prevent the transportation of gunpowder through a city or town, or from one part thereof to another.

Penalty for keeping or selling gunpowder contrary to law. 1873, c. 99.

104. Any person who shall keep, have, or possess any gunpowder within the city of Boston, contrary to the provisions of chapter one hundred and fifty-one of the acts of eighteen hundred and thirty-three, or to the rules and regulations of the board of fire commissioners, or who shall sell any gunpowder in said city, without having a license therefor, or contrary to such license, or the rules and regulations aforesaid, shall forfeit a sum not less than one hundred dollars and not exceeding five hundred dollars for each offence; and if any gunpowder, kept contrary to the provisions of the act aforesaid, or to such license, or to the rules and regulations aforesaid, shall explode in any building, on board of any ship or other vessel, or in any place in said city, the occupant, tenant, or owner of which has not then a license to keep and sell gunpowder therein, such occupant, tenant, or owner shall forfeit a sum not less than one hundred dollars and not exceeding one thousand dollars for each offence.

Complaint for unlawfully keeping gunpowder. P. S., c. 102. § 76.

105. Upon complaint made to a trial justice or police, districts, or municipal courts, by the mayor, or an alderman, selectmen, or fireward of any place, that he has probable cause to suspect, and does suspect that gunpowder is deposited and kept within the limits thereof contrary to law, such trial justice or court may issue a warrant, directed to either of the constables of such place, ordering him to enter any shop, store, or other building, or vessel, specified in the warrant, and there make diligent search for such gunpowder, gun-cotton, or other substance suspected to have been so deposited or kept, and to make return of his doings forthwith to some trial justice or court having cognizance of the examination of the case.

Notice of place of storage of gunpowder, etc., to be given. 1882, c. 269.

106. Any person who shall hereafter store or keep for sale gunpowder or any other explosive compound above the quantity of one pound in any building in any city or town of this Commonwealth, shall immediately on receipt of such gunpowder or other explosive

compounds, deliver to the chief engineer of the fire department of such city or town, except in Boston, and in Boston to the board of fire commissioners, a statement in writing of the amount of such gunpowder or other explosive compound, kept or proposed to be kept, together with a description of the building and part of the building in which the same is kept or proposed to be kept, sufficiently accurate for identification, and no person shall store or keep for sale gunpowder or any other explosive compound in any other place; provided, that in towns where there is no fire department such statement shall be delivered to one of the firewards in such town.

107. Any person violating any of the provisions of preceding section shall be punished by a fine not exceeding one hundred dollars.

FIREWORKS.

108. It shall not be lawful for any person or persons to keep or sell any fireworks within the city of Boston, in any quantity, without first having obtained from the board of fire commissioners of said city a license therefor, signed by the said board, on which shall be written or printed a copy of the rules and regulations by them established, relative to the keeping, selling, or storage of fireworks within said city; and every such license shall be in force until the first day of May next ensuing the date thereof, unless sooner annulled by the said board, and no longer; but such license may, prior to the expiration of that term, be renewed by said board from year to year, by indorsement thereon; *provided, always,* that said board may rescind any such license, if in their opinion the person or persons have disobeyed the law, or infringed on any rules or regulations established by said board; and every person who receives a license to sell fireworks as aforesaid shall pay for the same the sum of one dollar, and the same sum for the renewal thereof, and all such licenses shall expire on the first day of May, annually; and all moneys received for licenses shall be paid to said board for the purpose of defraying the expenses of carrying this act into execution. Not lawful to keep and sell fireworks without a license. 1833, c. 54, § 1. Licenses may be renewed. 1833, c. 54, § 1.

109. Any person or persons who have for sale or keep in possession any fireworks within the city of Boston, contrary to the rules and regulations established by

Penalty for keeping and selling without a license.

said board herein mentioned, or who shall sell any fire-works in said city without having first obtained from said board a license as aforesaid, shall forfeit a sum not less than fifteen nor more than fifty dollars for each offence.

PETROLEUM AND ITS PRODUCTS.

Inspectors of petroleum to be appointed P. S., c. 59, § 6.

110. The mayor and aldermen of every city, and the selectmen of every town of more than fifteen hundred inhabitants, and of every town of less than fifteen hundred inhabitants, upon the written application of five or more citizens of such town therefor, shall appoint, annually, one or more suitable persons, not interested in the sale of crude petroleum, or in the sale or manufacture of petroleum, or earth rock oil, or in any of their products, to be inspector or inspectors thereof in said city or town, and may fix their compensation, to be paid by persons requiring their services. Such inspectors before entering upon the duties of their office shall be sworn, and any inspector guilty of fraud, deceit, or culpable negligence in the performance of his duties shall be punished by fine of not more than one hundred dollars, or imprisonment in the county jail or house of correction for not more than one month, or by both said penalties in the discretion of the court.

Preparation and sale of unsafe oils, etc., forbidden. 110 Mass. 470. 118 Mass. 441. P. S., c. 102, § 69.

111. No person shall mix for sale naphtha and illuminating oils, or shall sell, or offer for sale, such mixture, or shall sell, or offer for sale, except for purposes of remanufacture, illuminating oils made from coal or petroleum, which will evaporate a gas under one hundred degrees Fahrenheit, or ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's, or some other approved instrument; and any person so doing shall for each offence be punished by fine or imprisonment, as provided in the preceding section hereof; and shall also be liable for any damage suffered by any person from the explosion or ignition of such oil thus unlawfully sold or kept, or offered for sale; and such oil thus unlawfully sold or kept, or offered for sale, and the casks or packages containing the same shall be forfeited and sold, one-half of the proceeds of such sale to go to the Commonwealth, and the other half to the informer.

1869, c. 152, § 2.

Unsafe oils, etc., defined. P. S., c. 102, § 70.

112. All illuminating oils made from coal or petroleum, having an igniting point of less than one hundred and ten degrees Fahrenheit, to be determined in the

manner provided in the preceding section, shall be deemed to be mixed with naphtha, and shall be branded unsafe for illuminating purposes.

113. Any person who shall sell, or keep, or offer for sale, naphtha under any assumed name, shall for each offence, be liable to the same penalties provided, and shall be subject to the same liabilities set forth, in section one hundred and twelve. Penalty for selling naphtha under assumed name. P. S., c. 102, § 71.

114. Crude petroleum, or any of its products, may be stored, kept, manufactured, or refined in detached and properly ventilated buildings specially adapted to the purpose, and surrounded by an embankment constructed so as to effectually prevent the overflow of said petroleum or any of its products beyond the premises connected therewith. Such a building shall be occupied in no part as a dwelling; and, if less than fifty feet from another building, must be separated therefrom by a stone or brick wall at least ten feet high and twelve inches thick; and any person keeping such articles in any other kind of building, except as is hereinafter provided in the sixth section hereof, shall be punished by fine or imprisonment, in the manner provided in the first two sections hereof. Crude petroleum, etc., how stored. 107 Mass. 133. P. S., c. 102, § 72.

115. No person shall manufacture, refine, mix, store, or keep for sale, in a city or town, any oil or fluid composed wholly or in part of any of the products of petroleum, in any city or town, except as provided in the preceding section, without having first obtained a license from the mayor and aldermen or the selectmen; and in said license there shall be expressed the manner and the portion of any locality or building, in which said articles may be mixed, stored, or kept; and whoever mixes, stores, or keeps said articles in a locality, except as aforesaid, without having first obtained a license as herein required, or having obtained such license, mixes, stores, or keeps said articles in a different manner, or in any other portion of said locality or building than is expressed in such license, shall forfeit a sum not exceeding five hundred dollars, to be recovered in an action of tort, to be instituted in the name of the mayor, or of the selectmen. Such license shall continue in force from the time of granting the same until the first day of April next succeeding, unless sooner revoked; and shall be revocable at any time by the authorities granting the same. Not to be manufactured, etc., without license. c. 102, § 73.

116. Upon complaint made to a trial justice, or police, district or municipal court, by the mayor, or an alderman, Search warrant for unsafe oils, etc.

or selectmen of any place, an inspector appointed under the provisions of chapter fifty-nine of the Public Statutes, an engineer of a fire department, a fireward, chief of police, or city marshal, that he has probable cause to suspect, and does suspect, that any of the articles enumerated in sections sixty-nine to seventy-three, inclusive, of chapter one hundred and two of the Public Statutes, are offered for sale, or are deposited and kept within the limits of such place, contrary to said provisions, such justice or court may issue a warrant directed to such inspector, engineer, or fireward, or to a sheriff, deputy-sheriff, constable, or police officer, ordering him to enter any shop, warehouse, manufactory, or other building specified in the warrant, and there make diligent search for such article or articles suspected to be so offered for sale, deposited, or kept, and to make return of his doings forthwith to some trial justice or court having cognizance of the examination of the case.

P. S., c. 102,
§ 77.

1869, c. 152, § 7.

Oils not to remain in streets beyond specified time.

117. None of the articles enumerated in the five preceding sections shall be allowed to remain in a street, lane, alley, or travelled way, upon a wharf, or in a yard, or on the grounds of a railroad corporation, in a city, for a longer time than twenty-four hours, or in a town for a longer time than forty-eight hours, without a special permit from the mayor and aldermen, or selectmen, or from some person by them duly authorized; and a persons, so keeping such articles for a longer time, shall be punished by fine of not more than fifty dollars for every such offence.

P. S., c. 102,
§ 74.

Towns may regulate manufacture, etc., by by-laws.
P. S., c. 102,
§ 75.

118. The city council of any city, and any town, may adopt such ordinances, by-laws, and regulations, not inconsistent with the provisions of chapter one hundred and two of the Public Statutes, as it may deem reasonable in relation to the manufacture, mixing, storing, keeping, or selling within the corporate limits of said city or town, of any of the articles enumerated in sections sixty-nine to seventy-three inclusive, of chapter one hundred and two of the Public Statutes, and may affix penalties for breaches thereof not exceeding fifty dollars for each offence, reasonable notice of which shall be given.

Preparation, etc., of oils used for fuel.
1885, c. 98.

119. No person shall mix for sale naphtha and oils to be used for fuel in dwellings or other buildings where human life is endangered or exposed, or shall sell or offer for sale such mixture, or shall sell or offer for sale, except for purposes of remanufacture, fuel oils made

from coal or petroleum which will evaporate a gas under one hundred degrees Fahrenheit, or ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's or some other approved instrument; and any person so doing shall for each offence be punished by fine not exceeding one hundred dollars or imprisonment in the jail or house of correction not exceeding one month, or by both, in the discretion of the court; and shall also be liable for any damage suffered by any person from the explosion or ignition of such oil thus unlawfully sold, or kept or offered for sale; and such oil thus unlawfully sold or kept or offered for sale, and the casks or packages containing the same, shall be forfeited and sold; one-half of the proceeds of such sale to go to the Commonwealth, and the other half to the informer.

120. For the purposes of the preceding section, fuel oils made from coal and petroleum, and having an igniting point of less than one hundred and ten degrees Fahrenheit, to be determined in the manner provided in the preceding section, shall be deemed to be mixed with naphtha, and shall be branded unsafe for use as fuel.

121. No person shall sell, or keep for sale, at retail, for illuminating purposes, any kerosene, refined petroleum, or any product of petroleum, unless the same has been inspected and approved by an inspector duly authorized by some city or town in this Commonwealth. Any town, or the city council of any city, may adopt such ordinances, by-laws, and regulations in relation to the inspection of such of the above-mentioned oils as have not been inspected and approved by some inspector duly authorized as above, as they may deem reasonable, not inconsistent with the provisions of this act and of chapter one hundred and two of the Public Statutes.

Inspection of certain oils.
1885, c. 122

122. Any person violating the provisions of the preceding section shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail or house of correction for not more than one month, or by both said penalties, in the discretion of the court.

EXTRACTS FROM BUILDING LAW.

123. The inspector of buildings shall keep a record of the business of said department, submit to the city council a yearly report of such business, ascertain all facts and

Records and annual report.
1892, c. 419, § 6.

To make returns relative to steam-boilers.

May require plans, etc., to be filed with him.

To examine dangerous buildings, etc., and make record. Ibid. § 8.

Records to be open to inspection of engineers, etc.

Assistants to attend fires in their districts, etc. Ibid. § 9.

Egress in case of fire. Ibid. § 81.

Ways of egress in school-house, etc. Ibid. § 82.

make all returns required by law relative to steam-boilers, and enter, if necessary, upon the premises wherein any fire has occurred, in order to investigate the origin of the fire. He may require plans and specifications of any proposed erections or alterations of buildings, to be filed with him, and shall grant permits for such erections or alterations when in conformity with the requirements of this act.

124. The inspector or his assistants shall examine all buildings reported dangerous or damaged by fire or accident, and make a record of such examinations, stating the nature and amount of such damage, the name of the street and number of the building, the names of the owner and occupant, and the purpose for which it is occupied, and in case of fire the probable origin thereof; shall examine all buildings for which applications have been made for permits to raise, enlarge, alter, build upon or tear down, and make a record of such examination. The records required by this section shall always be open to the inspection of the engineers of the fire department or any officer of the city, and of any other parties the value of whose property may be affected by the matters to which such records relate.

125. The assistant inspectors of buildings shall attend all fires occurring in the districts to which they are respectively assigned; shall report to the chief or assistant engineer of the fire department, and present all information they may have relative to the construction and condition of the premises on fire, and of the adjoining buildings.

126. Every building hereafter built, and every building occupied by more than one family, shall have, with reference to its height, condition, construction, surroundings, character of occupation, and number of occupants, one or more safe means of egress in case of fire.

127. Every school-house two stories or more high, every church, theatre, public building, hall, place of assembly or resort, every building occupied above the second story by two or more families, or as a tenement, boarding or lodging house, or as a factory or workshop, where ten or more persons are employed, shall have at least two independent ways of egress, each accessible from each apartment, and one of which shall be enclosed by brick walls, shall have no interior openings other than

the doors of the apartments from which it is an exit, and shall be provided with a ventilating skylight which can be operated from the lower hall. All ways of egress from every building shall be kept in good repair. No obstruction shall be placed upon any way of egress from any building. The inspector may permit stairways built for the purpose of complying with this section to project over public ways.

128. Any owner or lessee responsible for the condition of a building shall be entitled to a certificate, or if the original has been issued, an exhibition of the duplicate thereof on the inspector's records, to the effect that his building is provided with safe means of egress, if and whenever such is the case in the inspector's opinion. Any tenant of or person employed in any private building, and, in the case of any public building or public school, any citizen of Boston, shall be entitled to an exhibition of the inspector's record, and if no certificate has been issued may apply to have a certificate or order issued.

129. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or used in any such place or manner as to obstruct or render egress hazardous in case of fire.

130. No boiler, furnace, engine, or heating-apparatus, except steam or hot-air pipes and radiators, shall be located under the auditorium nor under any passage or stairway of any exit of any building of the classes referred to by section ninety of chapter four hundred and nineteen of the acts of 1892.

131. The lights for the rear of the auditorium, and for all passages and stairways of exits of every building of the classes referred to by said section ninety hereafter built, shall be independent of the lights of the rest of the auditorium and of the platform or stage, and shall be so arranged that they cannot be turned down or off from the platform or stage.

132. All exits from every building of the classes referred to by said section ninety shall be opened for the use of every departing audience, and shall have fastenings on the inside only. Plans showing the exits and stairways shall be printed on every programme or playbill.

133. No temporary seats or other obstructions shall be allowed in any aisle, passageway, or stairway of a build-

Projection of stairway over public way.

Owner, etc., may have certificate that building has safe ways of egress. Ibid. § 83.

Storage of explosive compounds, etc., under stairways, etc., prohibited. Ibid. § 84.

Boilers, etc., not to be located under auditorium, etc. 1892, c. 419, § 94.

Independent sets of lights to be maintained. Ibid. § 95.

Opening of exits, and printing plan of. Ibid. § 96.

Seats, etc., in passageways. Ibid. § 97.

ing of the classes referred to by said section ninety, and no person shall be allowed to remain in any aisle, passage-way, or stairway of any such building during any performance.

Stage to have intercepting brick wall. Ibid. § 98.

134. The stage of every theatre hereafter built shall be separated from the auditorium by a brick wall sixteen inches thick, which wall shall extend the entire width and height of the building, and two feet six inches above the roof, like a party-wall. There shall be no openings through this wall except the curtain-opening, and not more than two others which shall be located at or below the level of the stage; these latter openings shall not exceed twenty-one superficial feet each, and shall have tinned wood self-closing doors, securely hung to rabbeted iron frames or rabbets in the brickwork. The finish or decorative features around the curtain-opening of every theatre shall be of incombustible materials, well secured to masonry. All scenery, curtains, and woodwork of the stage of every theatre shall be thoroughly covered, and, if practicable, saturated with fire-resisting material. No fixed portion of the stage shall be of wood.

Curtain openings, etc., of stage.

Lobbies to have separating brick wall. Ibid. § 99.

135. There shall be lobbies adjoining each division of the auditorium of every theatre hereafter built, separated therefrom by a partition of brick or other equally incombustible material, and sufficiently large to furnish standing-room for all persons that such divisions may at any time contain. There shall be no openings in such partition except such as are required by said section ninety, and such openings shall not be more than eight feet high.

Proscenium or curtain-opening, protection of. Ibid. § 100.

136. The proscenium or curtain-opening of every theatre shall have a fire-resisting curtain of incombustible material, reinforced by wire netting, or otherwise strengthened. If of iron or similar heavy material, and made to lower from the top, it shall be so contrived as to be stopped securely at a height of seven feet above the stage floor; the remaining opening being closed by a curtain or valance of fire-resisting fabric. Such curtain shall be raised at the beginning and lowered at the end of each and every performance, and shall be of proper material, construction, and mechanism.

Scene docks, etc., separation of, from stage, etc. Ibid. § 101.

137. All scene docks, carpenter or property shops, and wardrobes of every theatre hereafter built shall be separated from the stage, auditorium, and dressing-room

divisions by solid brick walls not less than twelve inches thick, with no openings to the auditorium or dressing-room divisions; and all openings to the stage shall have tinned wood self-closing doors, securely hung to rabbets in the brickwork.

138. All rooms in theatres for the use of persons employed therein shall have at least two independent exits. All stage gaslights shall be protected by proper nettings. Exits from theatre rooms, etc. Ibid. § 102.

139. There shall be one or more ventilators near the centre and above the highest portion of the stage of every theatre, equal in combined area of opening to one-tenth of the area of stage floor. Every such ventilator shall have a valve or louver so counterbalanced as to open automatically, and shall be kept closed, when not in use, by a cord reaching to the prompter's desk, and readily operated therefrom. Such cord shall be of combustible material, and so arranged that if it is severed the ventilator will open automatically. Ventilators over stage. Ibid. § 103.

140. There shall be at least two two-inch high-service standpipes on the stage of every theatre, with ample provision of hose and nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by any audience. The said pipes shall have two gates, one above the other, with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium-opening of every theatre shall be provided with a two and one-half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the inspector of buildings may direct, so constructed as to form when in operation a complete water-curtain for the entire proscenium-opening, and there shall be for the rest of the stage a complete system of fire apparatus and perforated iron pipes, automatic or open sprinklers. Said pipes or sprinklers shall be supplied with water by high-pressure service, and be at all times ready for use. High-service stand-pipes on stage. Ibid. § 104. Automatic sprinklers.

141. No building of which any part is used for storage or sale of bay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene, or any inflammable oil or other highly combustible substance, shall be occupied in any part as a dwelling, tenement, or lodging house, except that rooms for coachmen or grooms may be allowed in private stables authorized by this act, upon special permit from the inspector of buildings. Buildings used for storage, etc., of combustible substances not to be occupied as dwellings, etc. Ibid. § 111.

Receptacles for ashes, etc. construction and deposit of. Ibid. § 112.

142. All receptacles for ashes, waste, and other substances, liable, by spontaneous combustion or otherwise, to cause a fire, shall be made of incombustible material satisfactory to the inspector of buildings. Every building used as a tenement or lodging house shall have outside and appurtenant to it a suitable space satisfactory to said inspector for the temporary deposit of garbage and other refuse matter.

Night watchmen in tenement and lodging-houses. Ibid. § 113.

143. Every lodging-house containing over fifty rooms above the first floor, and every tenement-house containing more than fifty sleeping-rooms above the first floor, shall have at least one night watchman exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning; and every lodging-house of the second or third class containing more than one hundred rooms above the first floor, and every tenement-house containing more than one hundred sleeping-rooms above the first floor, shall have at least two night watchmen exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning. But in the latter class of lodging and tenement houses, a proper system of thermostats, or automatic fire-alarms, approved in writing by the inspector of buildings, may be substituted for one of the watchmen. In all lodging or tenement houses of either of the above classes a red light shall be kept burning at night at the head and foot of every flight of stairs, and one or more gongs shall be so placed, and be of such size and number, as to give the alarm throughout the house in case of fire; and in every sleeping-room there shall be conspicuously posted directions for escape in case of fire. The inspector may make such other or further requirements for prevention of and escape from fire as may be reasonably necessary under the conditions of each case. Any innholder who fails to comply with the provisions of this section shall thereby forfeit his license.

Substitution of thermostats, when.

Lights, gongs, etc.

Permit required for erection of grain elevator, etc., placing of engines, dynamos, etc. Ibid. § 116.

144. No grain elevator, or building for the storing or manufacture of high combustibles or explosives, or for chemical or rendering works, shall be erected, and no engine, dynamo, boiler, or furnace, except exclusively for the heating of, or to raise elevators in, the building in which it is, shall be placed in any building without a permit issued under the provisions of the following sections.

145. Every application for a permit required by section one hundred and sixteen shall be filed with the inspector in writing, and shall set forth the location and character of the building, the size, power, and purpose of the apparatus, with such further information as the inspector may require.

Application for permit, how made. Ibid. § 117.

146. Every such application shall be published in at least two daily papers published in Boston, and at least three days in each; and the applicant shall also, if so directed by the inspector, conspicuously post on the premises a copy of an application, and deliver copies thereof to such persons as the inspector may direct, and shall file an affidavit with the inspector that the notice required has been duly given. If no objection is filed with the inspector before the expiration of ten days from the time of the first publication of notice, or within ten days of the delivery and first posting of notice if required, the inspector shall, if the arrangement, location, and construction of the proposed apparatus is proper, and in accordance with the terms of this act, issue a permit for the same. But if such objection is filed, the application shall be referred to the board of appeal, the chairman of the board of health, and the chairman of the board of fire commissioners, together sitting as a commission, or such members of said boards respectively as, in case of the absence or disability of the chairman, the standing members of the board of appeal, or their duly appointed substitutes, shall in each case appoint. The two members of said commission sitting with the board of appeal shall receive the same compensation as the members of that board.

Publication and posting of application. Ibid. § 118.

Objections to applications, proceedings upon.

147. Said commission shall in each case cause due notice to be given to all parties of the time and place of hearing, and after hearing the parties shall authorize the inspector to issue a permit, under such conditions as may be prescribed by said commission, or to withhold the same. If the permit is refused, the applicant, and if it is granted, the objectors, shall pay such costs as the commission may determine.

Hearing upon objections. Ibid. § 119.

PROTECTIVE DEPARTMENT.

148. By an act passed March 10, 1874, certain officers of fire insurance companies in Boston were incorporated under the name of the "Boston Protective Department," with power to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires, and whose appointment shall be subject to the approval of the board of fire commissioners; also to provide suitable apparatus to save and preserve life and property at or after a fire. Power is granted to such corps and its officers to enter any building on fire, or which, in their judgment, is immediately exposed to, or in danger of taking fire from other burning buildings, to protect and save life and property therein, and to remove such property or any part thereof at, or immediately after, a fire: *provided, however*, that nothing in the act establishing this corps shall be so construed as to lessen in any way the authority of the officers or members of the Boston fire department, or to warrant or justify any interference with them in the performance of their duties, nor in any way to justify the owner of any building or personal property in the abandonment of his property.

149. The officers and men of the Boston protective department, with their teams and apparatus, shall have the right of way while going to a fire, through any street, lane, or alley in the city of Boston, subject to such rules and regulations as the city council and the fire commissioners may prescribe, and subject also to the rights of the Boston fire department; and any violation of the street rights of the Boston protective department shall be punished in the same manner as is provided for the punishment of violations of the rights of the Boston fire department in chapter three hundred and seventy-four of the acts of eighteen hundred and seventy-three.

150. The provisions of section four of chapter one hundred and seven of the acts of eighteen hundred and eighty, being "An Act in relation to pensioning disabled members of the fire department of the city of Boston and for other purposes," shall be held to apply to the members of the Boston protective department in the same manner and to the same extent as to the members of the fire department.

Boston protective department established. 1874, c. 61, § 1.

Duties.

Right of way through the streets while going to a fire. Ibid. § 3.

Application to Boston protective dept. Feb. 16, 1881.

I N D E X .

	PAGE
Absence from duty	13, 28, 30
alarms	42
quarters	28, 31
at meals	32
of district chiefs	19
Accounts, company	38
hose	37
of chief clerk	5, 6
operators	13
superintendent of repairs	18
Age limit	44
Agreement on entering service	9
Alarms, how given out	13, 14
still	15, 43
general	14, 15, 40
special	15, 16
Deer Island and Chelsea	17
in the houses	28
extra, from fires	40
All-out signal	14
Apparatus, when allowed out of city	42
Appearance on street	36
Applications, civil service	8
for promotion or transfer	9
for leave of absence	30, 31, 33
not granted	33
Appointments	8, 34
not affected by religion or politics	45
Assembling of call-men	27
Assignment of wages	45
Assistant chief	11
Assistant enginemen, duties of	24, 25, 47
Assistant inspector of wires	12
Associations, departmental	32, 47
prohibited	46

	PAGE
Badges	23, 36, 46
Batteryman, duties of	17
Bills	39
Books kept by chief clerk	5, 6
Buildings, inspection of	20, 23
Burst hose	38
Call force	22
command at fires	26
drill of	46
assembling of	27
Captains, duties of	22, 23, 25, 37
Cards, special	15
Charges	10
Chelsea alarms	17
Chief Clerk, duties of	5, 6
Chief of Department, duties of	11, 40
other duties of	31, 35, 36, 38, 39
office hours of	11
Assistant	11
Church leaves	32
Civil-service certification	8
Classification of members	22
Cleanliness, rules for promotion of	13, 19, 23, 26, 36, 44
Clocks, Public, care of	12
Combination alarms	14
Companies, organization of	22, 25, 26
"covering" movements of	42
at fires, duties of	41, 43
Complaints against superiors	10
Conduct, when on leave	33
general rules of	44, 45
at fires	42
Conversation, boisterous	42
disrespectful, indecent, or profane	45
with visitors	28
Counsel not allowed	11
Courtesy between officers and members	45
Days off	31
Debts	45
Deckhands	25
Demeanor toward superiors and inferiors	44, 45
Department, composition of	5
Detailed members, duties and privileges of	35

	PAGE
Detailed members for assistance of linemen	47
Deer Island alarms	17
Discharges	9, 10
Discussions	45
District Chiefs, duties of	19, 20, 21, 36, 37, 40
response to ex-district alarms	21
Drill	46, 47
Drivers, duties of	24, 25
Engine never left without attendant	24
Enginemen, duties of	24, 25, 47
Assistant, duties of	24, 25, 47
Festivities	46
Fire-boat company, organization and duties of	25
Fire districts	7, 8
Fire-hats	46
Fires, duties at	40, 41, 42, 43
command at	23, 40, 41
extra alarms from	40
use of hose at	40, 41
conduct at	42
absence or tardiness in connection with	42
steam pressure at	42
police at	43
Foreman of construction	17
Forms	39
Fourth of July regulations	34
Gambling	45
Gauge-cocks	47
General alarm	14, 15, 40
orders	23, 27
rules	44
Horses, to be numbered	37
rules for proper care of	37
officials charged with care of	36, 37
hitched twenty minutes	15, 41
Hose, regulations concerning	25, 37, 38
at fires	40, 41, 42
company at fires	41
carriage follows engine	25
Houses, care of	26, 44

	PAGE
Houses, force maintained at	15, 32, 43, 47
Hydrants, use of, at fires	41
Idling	44
Ignorance of rules no excuse	48
Influence, use of	9, 10
Information, special, required	13, 48
Injuries, disability from	33
Inspection by district chiefs	20, 21
captains	23
veterinary surgeon	22
street patrol	29
of uniforms	21, 36
to promote immunity from fire	20
Inspector of Wires, duties of	11, 12
Assistant	12
Journal, company records to be kept in	28, 30, 31, 35, 37, 38, 40, 47
Judgments	9, 11
Leaves of absence	30, 31, 32, 33, 34
applications for	30
granted by	31
restrictions on	31
applications refused	33
church leave	32
absentees shall respond	32
sick leave	32
not allowed from 8 P.M. day before to 6 A.M. day following July 4	34
Lieutenants, duties of	23, 25
Linemen, duties of	17
badges	36
assistance for	47
Liquors not allowed in houses	45
Manuals supplied to members	23
Meal hours, arrangements regarding	47
additional hour allowed	33
Meals, where taken	32
absence at	32
Meetings of Board	5
departmental associations	32
Members, in general, duties at fires	27, 43
must remain in district	14, 27

	PAGE
Members, in general, response to alarms	14, 15, 41
"covering" duty of	42
conduct at fires	42
absence or tardiness	42
must remain near apparatus	43
cowardice, etc.	43
general rules governing	44, 45, 46
special information required of	48
conduct in houses	45
call, response to alarms	14, 15, 27
assemble weekly	27
unavoidable absence of	31
substitutes for	31
additional compensation for	34
shall work in district	47
must remain in district	14, 27, 34
permanent, detail duties of	35
shall not engage in outside work	46
Messages, telephone, confidential	39
listening to	39
Names not to be used in the familiar form	45
Obligations assumed by members	9, 34
Officers in charge of companies, duties of	32, 36, 37, 38, 46
Operators, rules governing	12, 13
Patrol duty, regulations concerning	27
of enginemen, assistant enginemen, and drivers	29
house, duties of	28, 31
exempt from other work	28
conversation with visitors	28
maintained day and night	29
street, rules governing	29
appearance and deportment of	29
inspection and reports made by	29
in case of fire	30
sickness	30
physical condition of	30
Pay of substitutes	34, 35
Permanent force	22
Police, communication with	43
Politics to be avoided	45
Presents not received or given without consent of board	46
Probation period	9

	PAGE
Profanity, etc.	45
Promotions	9, 47
Property, surrender of	10
not loaned	23
Punishments, character of	10
Rank, official, order of	8
Reappointment	9
Relief Association	47
Repair-shop, control and management of	18, 19
duties of employés	19
working hours	18
punishment of delinquents	19
acting-superintendent of	19
Reports, special	13, 28, 32, 33, 35, 37, 38, 39, 42, 46
morning	23, 32, 37
from Inspector of Wires	12, 47
chief clerk	7
linemen	17
superintendent of repairs	18
district chiefs	11, 20, 21, 32, 35, 36, 42
veterinary surgeon	22, 37
captains	23
call captains	26
street patrol	29, 30
house patrol	28
operators	13
regarding horses	37
hose	38
of injuries	33
lost hats and badges	46
on uniforms	21, 36
substitutes	21
Requisitions	39
Resignations	9
when denied	10
Riding on apparatus	42
Roll-call	11, 23, 27, 34
Roll of Merit	6, 43
Rules, object of	5
Commissioners to make	5
rescind conflicting orders and rules	48
School signal	14
Shoeing accounts	38

	PAGE
Short leaves	31
Sickness	30, 32
Sidewalks, snow and ice cleared off	26
Sleeping on duty	13, 28, 30
Smoking	45
Special signals	15
cards	15
calls, examples of	16
Speed, rate of	24, 25, 42
Steam pressure	42
Still-alarms	15, 43
Substitutes, appointment, examination, obligations and pay of	34, 35
taught to distinguish alarms	28
Superintendent of Repairs	18
Supplies, requisitions for	39
Telephone, use of	39, 40
Transfers	9
Uniforms, inspection of	21, 36
wearing of	34, 36
character of	36
Vacations	33
Veteran's certificate	44
Veterinary surgeon, duties of	21, 22, 37
Visitors	44
Voting	45
Washing accounts	38