

HOUSE.....No. 11.

[Reported by a special committee consisting of Messrs. Lincoln of Worcester, Lee of Salem, and Peck of Pittsfield.]

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Five.

AN ACT

To establish a Fire Department in the Town of Worcester.

1 SEC. 1. **BE** it enacted by the Senate and House
2 of Representatives, in General Court assembled, and
3 by the authority of the same, That the Selectmen of
4 the Town of Worcester are authorized, and it shall
5 be their duty, in the month of April in each year, to
6 appoint as many Engineers for their Fire Department
7 as they may think expedient: *Provided*, such number
8 so appointed shall not exceed twelve, who shall hold

9 their offices for one year from and after the first day
10 of May next succeeding, and until others are appoint-
11 ed in their places. The said Selectmen are authoriz-
12 ed and required to fill any vacancies in the said office
13 of Engineer, and the said Engineers shall possess the
14 same authority and exercise the same powers in rela-
15 tion to the extinguishment of fires as fire wards did
16 by law possess and exercise, previous to the passing
17 of this act.

1 SEC. 2. *Be it further enacted*, That the said Se-
2 lectmen immediately after the appointment shall have
3 been made of said Engineers, issue a warrant to one
4 of their number, requiring him to notify a meeting of
5 the Board of Engineers at such time and place as
6 shall be designated in such warrant, at which meet-
7 ing the said Engineers shall elect from their number
8 a Chief Engineer, a Clerk, and such other officers as
9 they may deem necessary for their more complete or-
10 ganization.

1 SEC. 3. *Be it further enacted*, That the said En-
2 gineers be, and they are hereby authorized and re-
3 quired to exercise all the powers and perform all the
4 duties in relation to the nomination and appointment
5 of Enginemen which the Selectmen of said town
6 have been heretofore by law authorized and required
7 to exercise and perform, and all appointments made
8 by said Engineers pursuant to this act, shall subject
9 the person thus appointed to the same duties, and en-
10 title them to the same privileges and exemptions as
11 Enginemen are by law entitled to, when appointed by
12 the Selectmen: *Provided, however*, that they shall
13 not be exempted from military duty unless they shall
14 produce to the commanding officer of the company,

15 within whose bounds they reside, in the month of
16 May, in each year, certificates of their appointment,
17 signed by the Chief Engineer or by the Clerk of the
18 Board of Engineers. *And be it further provided,*
19 That every member of the Fire Department for said
20 town, shall be entitled to the same privileges and ex-
21 emptions as by law are provided for Enginemen.

1 SEC. 4. *Be it further enacted,* That the said En-
2 gineers be, and they are hereby authorized and em-
3 powered to appoint such number of men to the En-
4 gines, Hose, Hook and Ladder carriages, and to con-
5 stitute a company for the rescuing of property when
6 endangered by fire, as they shall think expedient :
7 *Provided,* That the number of men appointed to each
8 and every hydraulian or engine with suction hose,
9 shall not exceed fifty men ; to each common engine
10 thirty-five men ; to each hose carriage five men ; that
11 the number of hook and ladder men shall not exceed
12 fifty men, and for a fire company fifty men. They
13 are also authorized and empowered to appoint three
14 men as Assistant Engineers, who shall exercise such
15 supervising control and authority relative to the oper-
16 ations for extinguishing fires, and to the inspection
17 and preservation of the fire apparatus belonging to
18 said town, as the Board of Engineers may from time
19 to time delegate to them : and the said engine, hose,
20 hook and ladder carriage-men, and the fire company
21 are authorized to organize themselves into distinct
22 companies, to elect captains, clerks, and other neces-
23 sary officers, to establish such rules and regulations as
24 may be approved by the Board of Engineers, to an-
25 nex penalties to the breach of the same, which may
26 be sued for, and recovered by the clerk of any com-

27 pany so organized, before any court of competent ju-
28 risdiction, and shall be appropriated to the use of such
29 company. *Provided*, That no penalty shall exceed
30 the sum of ten dollars; and *provided further*, that
31 such rules and regulations be not repugnant to the
32 constitution and laws of this Commonwealth.

1 SEC. 5. *Be it further enacted*, That the said
2 Board of Engineers shall have the care and super-
3 intendence of the public engines, hose, fire-hooks,
4 and ladder carriages and ladders, together with the
5 buildings, fixtures, and appendages, thereto belonging,
6 and all the pumps, reservoirs for water, and all appa-
7 ratus owned by the town of Worcester, and used for
8 extinguishing fires, and shall cause the same to be
9 kept in repair, and when worn out, to be replaced,
10 and from time to time to make such alterations there-
11 in, and additions thereto, as they shall deem necessa-
12 ry: *Provided*, such alterations, additions or repairs
13 shall not exceed in any one year, the sum of one hun-
14 dred dollars, unless said town of Worcester shall have
15 authorized a larger appropriation.

1 SEC. 6. *Be it further enacted*, That the said
2 Board of Engineers, at any meeting thereof, may es-
3 tablish such rules and ordinances as they may judge
4 proper, to prohibit or regulate the carrying of fire,
5 fire-brands, lighted matches, or any other ignited ma-
6 terials openly in the streets or thoroughfares of said
7 town, or in such parts thereof as they may designate,
8 and to prohibit any owners or occupants of any build-
9 ing within said town, or such parts thereof as such
10 Board may designate, from erecting or maintaining
11 any defective chimney, hearth, oven, stove or stove-
12 pipe, fire frame, or other fixtures, deposite of ashes,

13 or any mixture, or other material which may produce
14 spontaneous combustion, or whatever else may give
15 just cause of alarm, or may be the means of kindling
16 or spreading fires. And the said Board of Engineers
17 may also from time to time make and ordain rules
18 and regulations for their own government, and for the
19 conduct of citizens present at any fire, and may an-
20 nex penalties for the breach of any rule, regulation or
21 ordinance which they may have deemed expedient to
22 make, not exceeding twenty dollars for any one breach
23 thereof. And the same may be prosecuted for, and
24 recovered by the Chief Engineer in his own name
25 before any court of competent jurisdiction, and all
26 penalties so recovered shall be appropriated by said
27 Engineers to the improvement of the fire apparatus
28 of said town: *Provided*, such rules, regulations and
29 ordinances shall not be repugnant to the constitution
30 and laws of the Commonwealth, and shall not be
31 binding until the same shall have been approved by
32 the inhabitants of said town, in legal meeting held for
33 that purpose, and published in some newspaper print-
34 ed in said town of Worcester.

1 SEC. 7. *Be it further enacted*, That the ninety-third
2 chapter of the statutes of the year eighteen hundred
3 and twenty-eight, and all former laws inconsistent
4 with the provisions of this act, shall be repealed so
5 far as they may apply to said town of Worcester, and
6 the provisions of this act shall take effect as soon as
7 the same shall have been accepted by a majority of
8 the inhabitants of said town qualified to vote in town
9 affairs, at a meeting legally notified for that purpose,
10 and shall continue in force until modified or repealed
11 by the Legislature of this Commonwealth.

