

HOUSE...No. 83.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, February 15, 1860.

The Committee on the Judiciary, to whom was referred an Order of the House dated January 11, report the accompanying Bill.

Per Order,

TAPPAN WENTWORTH, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty.

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### AN ACT

To provide for the Security of Public Buildings and  
Bridges.

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

1    SECT. 1. There shall be a board of building and  
2 bridge commissioners, consisting of three persons,  
3 appointed by the governor with the advice of the  
4 council, for the term of five years, subject to removal  
5 at the pleasure of the governor and council.

1    SECT. 2. The commissioners shall, once in each  
2 year, and as often as they deem necessary, visit all  
3 buildings used for manufacturing and mechanical  
4 operations in which the operatives employed exceed  
5 fifty, and all railway station-houses, store-houses and  
6 bridges, all bridges built over a railway track, and all  
7 other bridges whose length exceeds forty feet between  
8 the abutments thereof; and shall thoroughly inspect

9 and examine into the strength and condition of the  
10 foundation, walls, and floors of such buildings, and into  
11 the capacity of its passages and doors for egress in  
12 case of an alarm, and into the condition and strength  
13 of the foundation, abutments, arches, piles, timbers,  
14 flooring, railing, covering, and supports of said bridges,  
15 and shall make all inquiries and tests necessary to  
16 ascertain if the strength of such buildings and bridges  
17 is sufficient to sustain with safety the weight to which  
18 they are subjected, and whether such structures are  
19 in conformity with the provisions of the law applica-  
20 ble thereto.

1     SECT. 3. It shall also be the duty of said commis-  
2 sioners to inspect and examine any other building  
3 mentioned in this act, whenever they have cause to  
4 suspect that the same is unsafe or insecure for the  
5 purpose for which it is used or designed.

1     SECT. 4. When said commissioners shall be of  
2 opinion that any building mentioned in this act is  
3 from any cause unsafe and unfit to bear the weight  
4 which it has to sustain, or is not provided with  
5 sufficient passages and doors for egress in case of an  
6 alarm, or when said commissioners shall be of opinion  
7 that any bridge mentioned in this act is unsafe and  
8 unfit to bear the weight which it has to sustain, they  
9 shall, if the building or bridge can be altered, repaired  
10 and supported, so as to be sufficiently safe and strong  
11 for the purposes for which it is designed or used, by  
12 an order in writing specify the repairs, alterations and  
13 supports necessary to be made, and the term within  
14 which such repairs and supports shall be commenced  
15 and completed, and if the owner of such bridge or

16 building shall refuse, or for the space of five days from  
17 the time specified in the order, neglect to commence  
18 or to complete the repairs and supports mentioned  
19 therein, then such building or bridge shall be deemed  
20 a nuisance; and said commissioners may thereupon  
21 apply to one of the justices of the supreme judicial  
22 court to issue an injunction to restrain the further  
23 occupation and use of such building or bridge until a  
24 hearing can be had.

1 SECT. 5. Such justice shall forthwith issue process  
2 for such purpose, and, after a full hearing of the  
3 owner, may dissolve or modify the injunction, or  
4 make the same perpetual, and make such orders and  
5 decrees to compel the owner of such bridge or build-  
6 ing to cause suitable repairs and supports to be  
7 applied thereto, and to suspend, restrain or prohibit  
8 the further use of such bridge or building, as may be  
9 needful in the premises, according to the course of  
10 proceedings in equity.

1 SECT. 6. Any building hereafter erected for man-  
2 ufacturing purposes, if more than two stories high  
3 above the foundation, shall, if built with brick or stone,  
4 have the walls of its upper story sixteen inches thick,  
5 and the walls of each succeeding story in descent shall  
6 be four inches thicker than of the one immediately  
7 above it. Any such building, whose height does not  
8 exceed two stories, shall have its entire walls above the  
9 foundation sixteen inches thick. The materials com-  
10 posing the walls shall be laid in good mortar or cement,  
11 and be properly and securely bound across the walls.  
12 When the material for the walls is brick, the binding  
13 shall be at every successive seventh course from the

14 foundation. The floors shall be thoroughly supported  
15 with sound and substantial pillars made of wood,  
16 iron, stone, or brick laid in cement.

1 SECT. 7. The floors of such building shall not,  
2 when the machinery is in operation, have placed upon  
3 it, including the operatives and the strain caused by  
4 the motion and jar of the machinery and gearing, a  
5 greater weight than ten per cent. of what it is capable  
6 of supporting.

1 SECT. 8. The inside walls, ceilings, passages and  
2 staircases of any building used for manufacturing,  
3 which is not painted once at least in seven years,  
4 shall be whitewashed once at least within every suc-  
5 cessive fourteen months, and every such building  
6 in which children or young persons are employed,  
7 shall, if painted with oil, be washed with soap and  
8 hot water once at least in every successive fourteen  
9 months.

1 SECT. 9. The gearing and elevator in any building  
2 used for mechanical and manufacturing purposes,  
3 near which young people are liable to pass or be  
4 employed, shall, if practicable, be securely fenced or  
5 guarded, so as to prevent accident.

1 SECT. 10. All railway bridges hereafter erected,  
2 shall be so constructed as to be capable of supporting  
3 ten times the weight, jar and strain to which they  
4 are to be subjected.

1 SECT. 11. All railway station-houses, store-houses,  
2 and other structures used by railroad corporations,  
3 and hereafter erected, shall be strongly and securely

4 built and supported, and the floors thereof made  
5 capable of sustaining ten times the weight that shall  
6 be placed upon them.

1 SECT. 12. School-houses, designed to contain more  
2 than one hundred scholars, and of more than one  
3 story high, shall be safely built and securely sup-  
4 ported, and the floors made capable of sustaining ten  
5 times the weight, jar and strain to which they may  
6 be subjected; and the house shall be provided with  
7 suitable passages and doors, for safe and convenient  
8 egress in case of alarm.

1 SECT. 13. All public buildings, churches, halls  
2 and other buildings, designed for places of public  
3 resort, shall be safely and securely built and supported;  
4 and the floors shall be made capable of sustaining ten  
5 times the weight, jar and strain to which they may  
6 be subjected, and such buildings shall be provided  
7 with suitable passages and doors for safe and con-  
8 venient egress in case of an alarm.

1 SECT. 14. Any person or corporation owning a  
2 building intended for mechanical purposes, of the  
3 capacity mentioned in section two, and any person or  
4 corporation owning either of the buildings or struc-  
5 tures mentioned and described in sections ten, eleven,  
6 twelve and thirteen of this act, shall, before the same  
7 is used, notify, in writing, the said commissioners, of  
8 the intention to use such building or structure, and  
9 request an examination thereof by them; and it shall  
10 be the duty of said commissioners forthwith to visit,  
11 inspect and thoroughly examine the building or  
12 structure, and make a certificate of such examination,

13 which shall state the thickness of the foundation and  
14 walls of the building, and if the walls are of brick or  
15 stone, how they are laid and bound, a general descrip-  
16 tion of the floors, how they are secured to the walls,  
17 and the kind and size of their supports; how much  
18 weight will be required to crush each floor, and the  
19 amount of weight, jar and strain that is to be placed  
20 upon the same, including in such last mentioned  
21 weight the operatives, if any. If the structure  
22 examined is a bridge, the certificate shall state the  
23 materials of which the bridge is constructed, the  
24 length and width of the same, the number, length  
25 and height of the arches, if any, the number of piles,  
26 if any, the size and length of the stringers, if any,  
27 and the spaces between the same, and the weight said  
28 bridge is intended to sustain. Said certificate shall  
29 also state the weight required to crush the floors and  
30 bridge respectively.

1     SECT. 15. The certificates made in accordance  
2 with the foregoing section, shall be recorded by the  
3 commissioners in the order in which they are issued,  
4 and a minute of such record, stating the page of the  
5 book on which the certificate is recorded, and the  
6 time of its entry therein, shall be indorsed on the  
7 certificate, which shall be delivered to the owner of  
8 the building or bridge to which it relates.

1     SECT. 16. If the owner of such building or bridge  
2 shall permit or allow the same to be used before  
3 obtaining the certificate mentioned in the two next  
4 preceding sections, he shall forfeit a sum not exceed-  
5 ing two thousand dollars.

1     SECT. 17. The lessee of a building mentioned in  
2 this act may be deemed the owner thereof so far as to  
3 be held liable to execute and perform the orders and  
4 directions of said commissioners and to the penalties  
5 prescribed herein.

1     SECT. 18. If a building mentioned in this act is  
2 owned by one or more individuals, the order men-  
3 tioned in section four shall be delivered to an owner  
4 or lessee of the building or to their agent. If such  
5 building or bridge is owned by a private corporation  
6 or county, city, town, parish, or religious society, or to  
7 a school district, the order shall be left with any officer  
8 or person on whom a writ against such corporation or  
9 society may by law be served.

1     SECT. 19. If any owner or lessee of a building  
2 mentioned in section eight, neglects to comply with  
3 the provisions of said section, he shall forfeit not less  
4 than one hundred dollars, to be recovered by indict-  
5 ment.

1     SECT. 20. If any owner or lessee of a building  
2 mentioned in section nine, neglects to comply with the  
3 provisions of said section, he shall forfeit not less than  
4 one thousand dollars, to be recovered by indictment.

1     SECT. 21. Said commissioners shall keep a record  
2 of their doings, which shall at all times be open to  
3 the inspection of the governor and council and any  
4 committee of the legislature, and they shall, on or  
5 before the fifteenth day of October in each year, make  
6 a full report of their doings to the secretary of the  
7 Commonwealth.