

HOUSE.....No. 69.

[Reported by the Committee on the Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Thirty-
Nine.

AN ACT

To regulate Fire Departments.

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

1 SEC. 1. Whenever any fire department shall be
2 authorized to be established in any town, it shall be
3 organized in the manner herein set forth, and the
4 members thereof shall be governed by the provisions
5 and subject to the liabilities and may exercise the
6 powers contained in this act.

1 SEC. 2. The selectmen of any such town shall, in
2 the month of April annually, appoint for their fire
3 department, as many engineers, as they may think

4 expedient, not exceeding twelve, who shall hold their
5 offices for one year from and after the first day of
6 May next succeeding, and until others are appointed
7 in their stead. And the selectmen may fill all vacan-
8 cies which may occur in said offices.

1 SEC. 3. The selectmen, immediately after the
2 said appointment, shall issue a notice to each of said
3 engineers to meet at such time and place, as shall
4 be designated in such notice; at which meeting, the
5 said engineers, shall choose a chief engineer, a clerk,
6 and such other officers, as they may deem necessary
7 for their complete organization.

1 SEC. 4. The said engineers shall have and exer-
2 cise the same powers, in relation to the extinguish-
3 ment of fires, which fire-wards may by law have and
4 exercise: And they shall exercise all the powers,
5 and perform all the duties, in relation to the nomina-
6 tion and appointment of engine-men, which select-
7 men now by law are required to exercise and perform.
8 And they may appoint such number of men to the
9 engines, hose, hook and ladder carriages, and to con-
10 stitute fire companies for the securing of property,
11 when endangered by fire, as they may think expe-
12 dient. *Provided*, that the number of men appointed
13 to each hydraulion, or suction fire engine, shall not
14 exceed fifty; to each common engine thirty-five; to
15 each hose-carriage five; to each hook and ladder
16 carriage twenty-five; and to each fire company,
17 twenty-five men

1 SEC. 5. The said engine, hose, hook and ladder
2 carriage men, and said fire companies, may organize
3 themselves into distinct companies, may elect the
4 necessary officers, and establish such rules, regula-
5 tions and by-laws, as may be approved by the board

6 of engineers, and may annex penalties to the breach
7 of the same, not exceeding ten dollars in any case,
8 and the same may be sued for and recovered by the
9 clerk of the company, and shall be appropriated to the
10 use of the company. *Provided*, such rules, regula-
11 tions, and by-laws, shall not be repugnant to the
12 Constitution or laws of this Commonwealth.

1 SEC. 6. The said engineers, and all persons ap-
2 pointed by them, as provided in this act, shall be sub-
3 ject to the same duties and liabilities, and be entitled
4 to the same privileges and exemptions as enginemen,
5 may by law be subjected and entitled to when ap-
6 pointed by selectmen.

1 SEC. 7. The boards of engineers shall have the
2 care and superintendence of the public engines, hose,
3 fire-hooks, ladder-carriages and ladders in their re-
4 spective towns, together with the buildings, fixtures
5 and appendages thereto belonging, and all the pumps,
6 reservoirs for water, and apparatus owned by the
7 towns and used for extinguishing fires, and shall cause
8 the same to be kept in repair, and when worn out, to
9 be replaced, and from time to time shall make such al-
10 terations therein, and additions thereto, as they shall
11 deem necessary: *provided*, such alterations, additions
12 or repairs shall not, in any one year, exceed the sum
13 of one hundred dollars, unless the town shall have au-
14 thorized a larger appropriation.

1 SEC. 8. The board of engineers, established ac-
2 cording to the provisions of this act in any town, may,
3 at any meeting thereof, establish such rules and reg-
4 ulations as they may judge proper to prohibit or regulate
5 the carrying of fire, firebrands, lighted matches, or oth-
6 er ignited materials, openly in the streets or thorough-
7 fares of such town, or such parts thereof, as they may

8 designate, or to prohibit any owner or occupant of any
9 building within such town, or such part thereof as the
10 said board may designate, from erecting or maintain-
11 ing any defective chimney, hearth, oven, stove, or
12 stove-pipe, fire-frame or other fixture, 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 be the means of kindling or
16 spreading fires. And they may also, from time to
17 time, make and ordain rules and regulations for their
18 own government, and for the conduct of citizens pres-
19 ent at any fire, and may annex penalties for the breach
20 of any such rules, ordinances, and regulations, not ex-
21 ceeding twenty dollars for any one breach thereof; and
22 the same may be prosecuted for, and recovered, by the
23 chief engineer, in his own name; and all penalties, so
24 recovered, shall be appropriated by the engineers, to
25 the improvement of the fire apparatus of the town:
26 *provided*, that such rules ordinances and regulations,
27 shall not be repugnant to the Constitution or laws of
28 this Commonwealth, and they shall not be binding
29 until approved by the inhabitants of the town, in legal
30 meeting held for the purpose, and published in the
31 manner in which the town shall direct.

1 SEC. 9. No act hereafter passed, establishing a
2 fire department in any town, shall take effect, until it
3 is accepted and approved by the inhabitants of such
4 town, at a meeting held for the purpose. And when
5 such fire department shall be established, subject to
6 the duties and liabilities, and with the powers and
7 privileges, and governed by the provisions of this act,
8 all laws inconsistent with the provisions of this act, or
9 with the provisions of the act establishing such fire de-
10 partment, shall be repealed, so far as they may apply
11 to such town.