

LAWS TO PREVENT FIRES DATE IN BOSTON TO 1636

As Early as 1679 Wooden Houses Were Forbidden And Setting a House Afire Was Punished With Death—Fire Department Begun in 1711

As early as 1636 Boston began measures for preventing fire hazard. In "The Book of the Colonial Lawes and Libertyes of Massachusetts Bay Colony," the following entry is found: "And further the Constable is to give the Watchman in charge, to see all houses in the street stilled, and lights put out (except upon necessary occasions) for the prevention of Danger by fire as much as may be . . ." The time for these lights to be extinguished was 10 o'clock.

In this connection it is interesting to note two instances of American conservation. It is in the halls of apartment houses, in this vicinity at least, that the lights are put out by the Janitor each night at 10 o'clock.

Aboard ships in the United States Navy lights in the officers' quarters must not be kept burning after the same hour. At that time a report is made by the Master-at-Arms to the Officer of the Deck of the condition of these lights in the words: "Ten o'clock, lights are out, sir."

Whipping for Brush Fires

In 1652 a law was passed forbidding anyone to set fires in the woods, Common grounds or those inclosed, "so as the same shall run into Corn grounds or Inclosures before the tenth day of the first Month, or after the last of the second Month, or on the last day of the Week, or on the Lord's Day." The offender was made to pay the resultant damages and half that amount as a fine; were he unable to pay, he was to be "corporally punished" with not more than 20 stripes for one offense.

And anyone who should "wittingly and willingly burn or destroy any Frame, Timber, Hewed, Sawen or Riven Heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax" was to pay double damages.

The same provision, together with being whipt, was made in the event of anyone who should set fire to "any Barn, Stable, Mill out House, Stack of Wood, Corn or Hay . . ."; but the person, from 16 years up, who burned a dwelling house, meeting house, store house was to be imprisoned, "there to remain without Baile till the next Court of Assistants" and to be put to death; and his lands, goods and chattels to be forfeited.

The most positive step taken toward fire prevention in those early days of the Massachusetts Bay Colony was that which provided that all houses should be constructed of brick or stone. At the Second Sessions of the General Court held in Boston, Oct 15, 1679, Edward Rawson, secretary, the following law and preamble was passed:

Only of Brick and Stone

"This Court having a sense of the great Ruines in Boston by Fire, and hazard still of the same by reason of the joyning and nearness of their buildings; for prevention of damage and loss thereby for future. Do therefore Order and Enact; That henceforth no dwelling house in Boston shall be erected and set up, except of stone or brick, and covered with Slate or Tyle, on penalty of forfeiting double the value of such buildings, unless by allowance and liberty obtained otherwise from the Magistrates, Commissioners and Select men of Boston or major part of them; And further the Select men of Boston are hereby Impowred to hear and determine all Controversies about proprieties, and rights of any person to build on the Land wherein now lately the housing hath been burnt down, allowing liberty of Appeal for any person grieved to the County Court."

The following year the law was suspended for the space of three years owing to the inability of many persons who had suffered losses by the

"late fire" to rebuild with brick or stone. In 1683 the law was again put into effect. The fine attached to a breach of this law was 100 pounds.

In the same year in order to encourage brick and stone buildings it was ordered that "whosoever shall so Build shall have liberty to set his Partition Wall in his Neighbours Ground, leaving Jagges in the Corners of such Walls, for the Neighbours to adjoyne their Buildings to; And that when the same shall be Built unto, the Neighbour Adjoyning shall pay for half the Wall so far as he shall Adjoyn; And in case of Difference, that the Select Men have power to appoint Persons to make Valuation, or lay out the Line between such Neighbours."

Had to Relax the Law

It soon became evident that the restriction placed upon building was such that a little leeway should be given to the inhabitants. It is probable that the manufacture of bricks had not sufficiently progressed to allow of any but the more wealthy to build with them, and the time consumed in getting the stones was such that persons felt the task to be too great for them. Jan 28, 1684, the following law was passed: "This Court doth Order, That it shall and may be lawful for any Person or Persons to Erect any small Building; Provided, it do not exceed eight Foot square and seven Foot Studd, of wood or Timber; any Law to the contrary notwithstanding; Provided they have the Approbation of the Selectmen of said Town."

With the passage of a law in 1709 leaving the matter to building frame houses, of whatever size, to the discretion of the Governor and his Council may be seen the cause for the future conflagrations of Boston.

All frame houses which were illegally built had to be demolished or "pulled down."

To provide for the proper regulation of bricks, brick-cullers were to be annually chosen to "view, divide and cull . . . bricks that shall be exposed to sale." For this work he was recompenced at the rate of 4 pence per 1000 bricks culled. This was paid by the seller and buyer equally. All persons who sold bricks which were not first viewed by the cullers were fined at the rate of 20 shillings per 1000, half of which amount went to the town where the bricks were molded and the other half to the person giving the information.

Ten "Fire Wards" Named

Clay for the bricks had, in the language of the law, to be "digged before the first of November, and turned over in the month of February and March a month before it be wrought; and that no Person temper their Bricks with salt of brackish water"—"bricks to be nine inches long, two and a quarter inches thick, and four and a half inches broad." . . . The moulds were to be "well shod with iron." This law was passed in the same year that the restriction to brick and stone buildings went into effect.

The beginnings of the Boston Fire Department may safely be said to have been begun in the year 1711, when "Fire-Wards" were appointed by the town. At first, there were 10 of them. The badge of office was "A staff of Five Feet in length, colored Red; and headed with a bright Brass Spire of Six Inches long." The fire-wards were empowered to call upon any citizen for assistance in stamping out a fire.

Especially interesting is the phraseology of the preamble to the law providing for the punishment of those persons who were invariably at the fires to obtain plunder. It reads: "and divers Evil-minded and Wicked persons, on pretence of Charitably offering their Help, taking advantage of such Confusion and Calamities, to Rob, Plunder, Imbezel, Convey away, and Conceal the Goods and Effects of their distressed Neighbors."

Ban on Fireworks

In 1706 an act was passed calling for the erection upon the "Common or

Training-field" of a Powder-House in which all gunpowder should be stored. Another provision of this act was that which forbade any ship, "lying to or grounded" at any "wharf," having gun powder aboard. Other provisions of the same act stated that powder should not be carried from one part of the town to another in trucks; and that in places where powder was kept only brass or tin "Tunnels" should be considered proper containers for them.

By an act of the 25th of May, 1715, Fireworks, spoken of as "Squibbs, Serpents or Rockets," were forbidden to be set off by any child. All children offending against this law, whose parents would not pay the fine attached, were required to set in the Stocks or Cage or imprisoned for a space of not more than 24 hours.

One or more "Sweepers of Chimneys"—excluding, of course, Old Santa Claus—were appointed by the Selectmen for the purpose of seeing that all chimneys were in good condition. The rates for work done by them was as follows: For each chimney of five stories, one shilling and four pence; four stories, one shilling and two pence; three stories, one shilling; other common chimneys, eight pence, and "all Kitchen Chimnies that are above the Tops of the House they belong to in proportion to the length of the House at the Rate above."

Chimney Sweeping a Monopoly

No private individual was allowed to sweep out any chimney other than his own upon a fine of 10 shillings. Any person not sweeping his chimney within 24 hours after he was ordered by the official sweepers to do so was liable to a fine of five shillings for each day that a fire was allowed to be built under a chimney.

Any person whose chimney should "take Fire and Blaze out at the Top through foulness, or for want of Sweeping" was liable to pay the sum of 20 shillings, that is, if the fire happened within 42 days after the chimney was swept.

Section 7 of the same act states that "no person shall presume hereafter to carry fire in this Town abroad, or in and through the open Air from any House or Place to any other House or Place, but in a warming pan or other safe Vessel, well covered, so as to secure the Fire from the Wind, & from being scattered by the way or in the Streets and Lanes, or on the Buildings, on the Penalty & forfeiture of two shillings."

Section 8 ordered that no fire should be kindled within two rods of any house, warehouse, woodpile, or any combustible matter, except, as the laws reads, "in shipwrights Buildings, Yards Coopers and Rope-makers works, a careful Person standing by to watch the same."

Early Rubbish Laws

No dirt was allowed to remain within the area of any of the streets for a longer space of time than six hours (would that the same provision existed today and was enforced). Rubbish piles incidental to a building or repair job were supposed to be cleared away within 24 hours.

In one of the early files, mentioned above, there is a summons for 80 persons offending against the Building with Brick and Stone Act, among them being a "Peregrine White." The lack of any date attached to the paper in question prevents the determining of what relationship this person was to the first Peregrine White, who, as every school child knows, was the first white person born in New England.

In still another document, dated 19th of September, 1673, appears an act for the erection of a wall or wharf "for securing the said town from Fire Ships, in case of ye Approach of An Enemy."