

tion in December in the year eighteen hundred and ninety-four.

*Approved June 14, 1894.*

AN ACT IN RELATION TO THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE AND THE INSPECTION OF BUILDINGS.

*Chap. 481*

*Be it enacted, etc., as follows :*

SECTION 1. The district police force shall be divided into two departments, which shall be known respectively as the inspection department and the detective department of said force. The inspection department shall consist of twenty-four male members and two female members, together with the chief of said force; the detective department shall consist of twelve members, and said chief. The chief of said district police force shall be the head of each of said departments. No member of the inspection department of said district police force shall be called to perform any other duties than those pertaining to the office of inspector of factories and public buildings, unless his services are commanded by the governor as provided by law in suppressing riots and preserving the peace; but the members of said inspection department shall continue to have and exercise all powers now given by law to members of said district police. Vacancies in either of said departments shall be filled by appointment to the department in which the vacancy occurs.

Inspection and detective departments of the district police.

Vacancies.

SECTION 2. Such inspectors shall enforce the provisions of this act, except as herein specified, and the various provisions of law relating to the employment of women and minors in manufacturing, mechanical and mercantile establishments, and the employment of children, young persons or women in factories or workshops, and the ventilation of factories or workshops, and the securing of proper sanitary provisions in factories or workshops, and the making of clothing in unsanitary conditions; and for this purpose the said inspectors may enter all buildings used for public or manufacturing purposes, or for factories or workshops, examine the methods of protection from accident, the means of escape from fire, the sanitary provisions and the means of ventilation, and may make investigations as to the employment of children, young persons and women.

Inspectors, powers, duties, etc.

May enter certain buildings, etc.

Inspection of  
uninsured  
stationary steam  
boilers, etc.

SECTION 3. One member of said force shall be detailed to inspect, under the direction of the chief of said force, uninsured stationary steam boilers and their appurtenances, and to inquire into the ability and competency of the engineers in charge thereof and report to said chief.

Jurisdiction of  
proceedings.

SECTION 4. The superior court shall have concurrent jurisdiction with the supreme judicial court of all proceedings under this chapter.

Parties  
aggrieved by  
orders of  
inspector may  
apply for  
injunction, etc.

SECTION 5. Any person or corporation aggrieved by the order, requirement or direction of an inspector given under this act may, within ten days from the day of the service thereof, apply for an injunction against the enforcement of the same to a justice of the superior court; and thereupon, after such notice as the said justice shall order to all parties interested, a hearing may be had before some justice of said court at such early and convenient time and place as shall be fixed by said order, or the said justice may appoint three experts to examine the matter and hear the parties, which experts shall be disinterested persons and skilled in the subject-matter of the controversy; and the decision of said court, or the majority of said experts in writing, under oath, filed within ten days from the date of such hearing in the clerk's office of said court in the county where the subject of the controversy lies, may either alter the order, requirement or direction of such inspector, annul it in full or affirm the same. A duly certified copy of said decision, so filed as aforesaid, shall have the same authority, force and effect as the original order of the inspector; and said decision shall have the same authority and effect as the original order, requirement or direction. If such decision shall annul or alter the order, requirement or direction of the inspector, the court shall also enjoin the said inspector from enforcing his order, requirement or direction, and in every such case the certificate required by section twenty-seven of this act shall thereupon be issued by said justice or by his order, or the said experts appointed by said justice.

Decision of  
court or experts.

Compensation  
of experts.

SECTION 6. The court may award reasonable compensation to experts appointed under the provisions of this act, to be paid by the county where the subject of the controversy lies, providing the appeal is decided against the order of the inspector; and to be paid by the party taking the appeal in case the order of the inspector is sustained.

SECTION 7. If the order, requirement or direction of the inspector is affirmed by the court or experts, costs shall be taxed as in civil cases against the party moving for the injunction, such costs to be paid into the treasury of the county where the subject of the controversy lies.

Payment of costs.

REPORT OF ACCIDENTS.

SECTION 8. All manufacturers, manufacturing corporations and proprietors of mercantile establishments shall forthwith send to the chief of the district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them, whenever the accident results in the death of said employee or causes bodily injury of such a nature as to prevent the person injured from returning to his work within four days after the occurrence of the accident.

Notice of certain accidents to employees to be sent to chief of district police.

SECTION 9. When notice of any accident is sent to the chief of the district police under the provisions of section eight of this act he shall forthwith return to the sender of such notice a written or printed acknowledgment of the receipt of the same.

Receipt of notice of accident to be acknowledged.

SECTION 10. The chief of the district police shall keep a record of all accidents so reported to him, together with a statement of the name of the person injured, the city or town where the accident occurred and the cause thereof, and shall include an abstract of said record in his annual report.

Record to be kept.

REGULATION AND INSPECTION OF BUILDINGS.

SECTION 11. With the exception of Boston each city or town which has adopted chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-two, or section one of chapter one hundred and four of the Public Statutes, or which adopts this section, may for the prevention of fire and the preservation of life, by ordinances or by-laws not repugnant to law and applicable throughout the whole or any defined part of its territory, regulate the inspection, materials, construction, alteration and use of buildings and other structures within its limits, excepting such buildings and structures as are owned or occupied by the United States or the Commonwealth, and excepting also, bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for each violation of such regulations.

Certain cities and towns may regulate inspection, etc., of buildings.

Building of  
dwellinghouses,  
etc., in certain  
towns regulated.

SECTION 12. In a town which has adopted chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy, or section two of chapter one hundred and four of the Public Statutes, or which adopts this and the following section, no dwelling house or other structure more than eight feet in length or breadth and seven feet in height, except detached houses or structures situated more than one hundred feet from any other building, and wooden structures erected on wooden wharves, shall be built within such limits as the town may from time to time prescribe, unless made of and covered with some incombustible material, or unless a special license in writing is granted therefor by a majority of the selectmen for reasons of public good or necessity, and is recorded in the records of the town.

Buildings not  
conforming,  
etc., to be  
deemed  
nuisances.

SECTION 13. Any building or structure erected in violation of the provisions of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy, or of section two of chapter one hundred and four of the Public Statutes, or in violation of the preceding section, shall be deemed a common nuisance, without any other proof thereof than proof of its use; and the selectmen may abate and remove any such building or structure in the same manner as boards of health may remove nuisances under sections twenty-one, twenty-two and twenty-three of chapter eighty of the Public Statutes.

Inspection of  
buildings in  
cities adopting  
certain pro-  
visions.

SECTION 14. In any city where the city council has adopted chapter forty-seven of the acts of the year eighteen hundred and seventy-eight, or sections four to twelve, inclusive, of chapter one hundred and four of the Public Statutes, or adopts this and the eight following sections, the superintendent of public buildings or such other officer as the mayor and aldermen may designate shall be inspector of buildings, and immediately on being informed by report or otherwise that a building or other structure or anything attached to or connected therewith in said city is unsafe or dangerous to life or limb, shall inspect the same; and if it appears to him that it is thus dangerous, he shall forthwith notify in writing the owner, agent or any person having an interest therein, to remove the same or to make it safe and secure; and if it appears that said structure from any cause would be specially unsafe in case of fire, it shall be deemed to be dangerous

Owners, etc.,  
of dangerous  
structures to be  
notified.

within the meaning hereof; and he may affix a notice of its dangerous character in a conspicuous place on the exterior walls thereof; and no person shall remove or deface such notice without authority from him.

SECTION 15. Whoever is so notified shall be allowed until twelve o'clock noon of the day following the service of the notice, in which to commence the securing or removal of such structure, and shall employ sufficient labor to secure or remove the same as expeditiously as it can be done; but in cases where the public safety requires immediate action the inspector may, if the mayor and aldermen so order, enter upon the premises with such workmen and assistants as may be necessary, and cause such unsafe structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for the protection of passers-by.

Dangerous structures to be secured or removed.

SECTION 16. If such owner, agent or person interested in such unsafe structure refuses or neglects to comply with the requirements of such notice within the time specified, and such structure is not secured or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting of the city engineer, the chief engineer of the fire department and one disinterested person to be appointed by said inspector; and a report of such survey shall be reduced to writing, and a copy thereof served on such owner, agent or any interested person.

Premises to be surveyed, etc., in case of failure to comply.

SECTION 17. If such report declares such structure to be unsafe and dangerous, and if the owner, agent or person interested continues such refusal or neglect, the inspector shall cause the structure to be taken down or otherwise made safe; and the costs and charges incurred shall constitute a lien upon the estate where the same is situated, to be enforced within the time and in the manner provided for the collection of taxes on real estate; and such owner or interested person shall forfeit and pay to the city, for every day's continuance of such refusal or neglect after being so notified, not less than ten nor more than fifty dollars, to be recovered in an action of tort.

If found unsafe, structure to be taken down, etc.

SECTION 18. Any owner or interested person aggrieved by such order may, within three days after the service thereof upon him, apply for a jury to the superior court if sitting in the county, or to a justice thereof in vacation. The court or justice shall issue a warrant for a jury to be

Person aggrieved may apply for a jury.

impanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-nine of the Public Statutes relating to highways; or instead thereof, if the applicant so elect, and after such notice as the court or justice shall order to the adverse party or parties, shall direct a trial to be had at the bar of the superior court, in the same manner as other civil cases are there tried by jury.

Verdict.

SECTION 19. The jury may affirm, annul or alter such order, and the sheriff, if the trial is had before him, shall return the verdict to the next term of the court for acceptance; and the verdict, whether before the sheriff or in the superior court, being accepted, shall take effect as an original order.

Damages and costs.

SECTION 20. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the city; if it is altered in part, the court may render such judgment as to costs as justice may require; but nothing contained in this and the two preceding sections shall prevent the city from recovering the forfeiture provided for in section seventeen, from the date of the service of the original notice, unless the order is annulled by the jury.

Notices to persons out of the Commonwealth, how served.

SECTION 21. If an owner or interested person lives out of the Commonwealth any of said notices may be served by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

Injunction to restrain illegal construction, etc.

SECTION 22. The supreme judicial court or a justice thereof, in term or vacation, may by injunction or other suitable process in equity, restrain the construction, alteration, maintenance or use of a building or structure in violation of any ordinance or by-law of a city or town, and may order the removal or abatement thereof as a nuisance; and may in like manner restrain the further progress of the construction, alteration or repair of a building or structure reported to be unsafe or dangerous, as provided in section sixteen, until the determination of the matter, as provided in section eighteen.

Belting, etc., in factories to be guarded.

SECTION 23. The belting, shafting, gearing and drums of all factories, when so placed as to be, in the opinion of the inspectors of factories and public buildings, dangerous to persons employed therein while engaged in their ordinary duties, shall be as far as practicable securely guarded. No machinery other than steam engines in a

Cleaning of machinery, etc.

factory shall be cleaned while running, if objected to in writing by one of said inspectors. All factories shall be well ventilated and kept clean.

SECTION 24. Every building now or hereafter used, in whole or in part, as a public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage or place of public resort, and every building in which ten or more persons are employed above the second story in a factory, workshop, or mercantile or other establishment, and every hotel, family hotel, apartment house, boarding house, lodging house or tenement house in which ten or more persons lodge or reside above the second story, and every factory, workshop, mercantile or other establishment the owner, lessee or occupant of which is notified in writing by the inspector hereinafter mentioned that the provisions of this act are deemed by him applicable thereto, shall be provided with proper ways of egress, or other means of escape from fire, sufficient for the use of all persons accommodated, assembling, employed, lodging or residing in such building; and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use. Every room above the second story in any such building, in which ten or more persons are employed, shall be provided, if the said inspector shall so direct in writing, with more than one way of egress by stairways on the inside or outside of the building, placed as near as practicable at opposite ends of the room; stairways on the outside of the building shall have suitable railed landings at each story above the first, and shall connect with each story by doors or windows, and such landings, doors and windows shall be kept clear of ice and snow and other obstructions. Women or children shall not be employed in a factory, workshop, or mercantile or other establishment, in a room above the second story from which there is only one way of egress, if the said inspector shall so direct in writing. All doors and windows in any building subject to the provisions of this section shall open outwardly, if the said inspector shall so direct in writing. No portable seats shall be allowed in the aisles or passageways of such buildings during any service or entertainment held therein. The proscenium or curtain opening of all theatres shall have a fire resisting curtain of some incombustible material, and such curtain shall be properly constructed and

Certain buildings to have proper ways of egress or other means of escape from fire.

Doors and windows to open outwardly if inspector so directs.

Theatres to be provided with fire resisting curtain.

shall be operated by proper mechanism; the certificate of the said inspector shall be conclusive evidence of a compliance with such requirements.

Regulations for  
the construction  
of public build-  
ings, etc.

SECTION 25. No building designed to be used, in whole or in part, as a public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage or place of public resort, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a factory, workshop, or mercantile or other establishment, and having accommodations for ten or more employees above said story, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a hotel, family hotel, apartment house, boarding house, lodging house or tenement house, and having ten or more rooms above said story, shall hereafter be erected until a copy of the plans of such building has been deposited with the inspector of factories and public buildings for the district in which such building is to be located, by the person causing the erection or construction of such building, or by the architect who has drawn such plans, which plans shall include therein the system or method of ventilation provided for such building, together with a copy of such portion of the specifications of such building as such inspector may require, nor shall any such building be so erected without the provision of sufficient ways of egress and other means of escape from fire, properly located and constructed. The certificate of the inspector above named, endorsed with the approval of the chief of the district police force, shall be conclusive evidence of a compliance with the provisions of this act: *provided*, that after the granting of such certificate no change is made in the plans or specifications of such ways of egress and means of escape unless a new certificate is obtained therefor. Such inspector may require that proper fire stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the spread of fire therein or its communication from any steam boiler or heating apparatus; and no pipe for conveying hot air or steam in such building shall be placed nearer than one inch to any woodwork, unless protected to the satisfaction of such inspector by suitable guards or casings of incombustible material, and no wooden flue or

Proviso.



ing the premises for which it was granted, and shall be so revoked whenever in his opinion any conditions or circumstances have so changed that the existing ways of egress and means of escape are no longer proper and sufficient. A copy of the said certificate shall be kept posted in a conspicuous place upon every floor of such building by the person occupying the premises covered thereby.

Acknowledgment of application to issue pending the granting or refusal of certificate.

SECTION 28. Upon an application being made to an inspector for the granting of a certificate under this act he shall issue to the person making the same an acknowledgment that such certificate has been applied for, and pending the granting or refusal of such certificate such acknowledgment shall have for a period of ninety days the same effect as such certificate, and such acknowledgment may be renewed by such inspector with the same effect for a further period not exceeding ninety days, and may be further renewed by the chief of the district police force, until such time as such certificate shall be granted or refused.

Notice to be given of changes in premises for which certificate has been issued.

SECTION 29. In case any change is made in any premises for which a certificate has been issued under this act, whether in the use thereof or otherwise, such as terminates the effect of such certificate, as above provided in section twenty-seven, it shall be the duty of the person making the same to give written notice thereof forthwith to the inspector for the district, or to the chief of the district police.

Notice to be given if building fails to conform to provisions.

SECTION 30. In case any building, or portion thereof subject to the provisions of this act is found by an inspector to fail to conform thereto, or in case any change is made in such building or portion thereof, such as terminates the effect of a certificate formerly granted therefor as aforesaid, it shall be the duty of such inspector to give notice in writing to the owner, lessee or occupant of such building specifying and describing what additional ways of egress or means of escape from fire are necessary in the opinion of such inspector, in order to conform to the provisions of this act, and to secure the granting of a certificate as aforesaid. Notice to any agent of such owner, lessee or occupant in charge of the premises shall be sufficient notice under this section to such owner, lessee or occupant.

If building is owned, etc., by several persons either may apply thereto fire escapes, etc.

SECTION 31. In case any building subject to the provisions of this act is owned, leased or occupied, jointly or in severalty, by different persons, any one of such persons

shall have the right to apply to any part of the outside of such building, and to sustain from any part of the outside wall thereof, any way of egress or means of escape from fire specified and described by an inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and any such way of egress or means of escape may project over the highway.

SECTION 32. When a license is required by law or municipal ordinance, in order to authorize any premises to be used for any purpose mentioned in section twenty-four, no license for such purpose shall be granted until a certificate for such building or portion thereof shall first have been obtained from an inspector as above provided, and no such license hereafter issued shall continue in force any longer than such certificate remains in force.

License for use of premises not to issue until certificate has been obtained.

SECTION 33. No wooden flue or air duct for heating or ventilating purposes shall hereafter be placed in any building subject to the provisions of section twenty-four of this act, and no pipe for conveying hot air or steam in such building shall be placed or shall remain placed nearer than one inch to any woodwork, unless protected to the satisfaction of the said inspector by suitable guards or casings of incombustible material.

Wooden flues, air ducts, etc.

SECTION 34. Every story above the second of a building subject to the provisions of section twenty-four of this act shall be supplied with means of extinguishing fire, consisting either of pails of water or other portable apparatus, or of a hose attached to a suitable water supply and capable of reaching any part of such story; and such means of extinguishing fire shall be kept at all times ready for use and in good condition.

Every story above second to be supplied with means of extinguishing fire.

SECTION 35. It shall be the duty of such members of the inspection department of the district police force as may be assigned to such duty by the chief of such force to enforce the provisions of sections twenty-four to thirty-four inclusive of this act, outside of the city of Boston; and for such purpose such inspectors shall have the right of access to all parts of any building subject to the provisions of said sections.

Enforcement of provisions.

SECTION 36. Cities may by ordinance provide that the provisions of said sections twenty-four to thirty-four inclusive of this act shall apply to any buildings of three or more stories in height within their respective limits.

Sections 24 to 34 may apply to certain buildings in cities.

SECTION 37. It shall be the duty of every person or corporation, being the owner, lessee or occupant of

Owners, lessees or occupants of factories, etc.,

to cause provisions of law to be carried out, damages, etc.

a factory, workshop or manufacturing establishment, or owning or controlling the use of any building or room mentioned in and subject to sections twenty-four to thirty-four inclusive of this act, to cause the provisions thereof to be carried out; and such person or corporation shall be liable to any person injured for all damages caused by a violation of the provisions of this act. No criminal prosecution shall be made for such violation until four weeks after notice in writing by an inspector of factories and public buildings of any changes necessary to be made to comply with and conform to the provisions of said sections twenty-four to thirty-four inclusive, has been sent by mail or delivered to such person or corporation, nor then, if in the meantime such changes have been made in accordance with such notification. Notice to one member of a firm or to the clerk or treasurer of a corporation or to the person in charge of the premises shall be deemed sufficient notice hereunder to all members of such firm or such corporation owning, leasing or controlling the premises. Such notice may be given to them in person or sent by mail.

Persons may be enjoined from using buildings contrary to provisions.

SECTION 38. Any person using or occupying a building contrary to the provisions of this act may be enjoined from such use or occupation in a proceeding to be had before the superior court or supreme judicial court at the instance of the inspector, and upon the filing of a petition therefor any justice of the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity.

Sections 24 to 38 not to apply to Boston.

SECTION 39. Sections twenty-four to thirty-eight inclusive of this act shall not apply to the city of Boston.

Schoolhouses in cities to be provided with fire escapes, etc.

SECTION 40. In case a schoolhouse situated in any city has not been provided with a safe and proper way of egress or other means of escape from fire, as required by this act, within six months after the written notice provided for in section thirty hereof, the mayor of such city, for the purpose of carrying out the provisions of this act relative to ways of egress or other means of escape from fire in schoolhouses, may, upon petition of one hundred citizens or taxpayers in said city, authorize the expenditure upon any such schoolhouse of not exceeding fifteen per cent. of the cost thereof, payable from any moneys in the treasury of said city not otherwise appropriated.

SECTION 41. The openings of all hoistways, hatchways, elevators and well holes upon every floor of a factory or mercantile or public building shall be protected by good and sufficient trapdoors, or self-closing hatches and safety catches, or such other safeguards as the inspectors of factories and public buildings direct; and all due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by the occupant of the building having the use and control of the same.

Openings of hatchways, elevators, etc., to be protected.

SECTION 42. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device, to be approved by the inspectors of factories and public buildings, whereby the cabs or cars will be securely held in event of accident to the shipper rope or hoisting machinery, or from any similar cause.

Elevator cabs or cars to be provided with safety devices.

SECTION 43. If any elevator, whether used for freight or passengers, is, in the judgment of the inspector of factories and public buildings of the district in which such elevator is used, unsafe or dangerous to use, or has not been constructed in the manner required by law, the said inspector shall immediately placard conspicuously upon the entrance to or door of the cab or car of such elevator, a notice of its dangerous condition, and prohibit the use of such elevator until made safe to the satisfaction of said inspector. No person shall remove such notice or operate such elevator while such notice is placarded as aforesaid without authority from said inspector. This section shall not apply to the city of Boston.

Notice to be placarded when elevators are unsafe.

SECTION 44. Every owner, lessee, proprietor or manager of a hotel situated in this Commonwealth, which is not otherwise suitably provided with fire escapes for the protection of human life in case of fire, or of a lodging house containing ten or more rooms above the second story, shall place or cause to be placed a knotted rope or other better appliance for use as a fire escape in every room of said hotel used as a lodging room, except rooms on the ground floor, which knotted rope or other better appliance shall be securely fastened at one end of it to a suitable iron hook or eye to be securely screwed into one of the joists or timbers next adjoining the frame of the window, or one of the windows of said room at least five feet from the floor, which rope shall be at all times kept coiled and exposed to the plain view of any occupant of said room; the coil to be fastened in such manner as to be

This section not to apply to Boston.

Fire escapes to be provided in hotels and certain lodging houses.

easily and quickly loosened and uncoiled; such rope shall contain knots not more than eighteen inches apart, and a loop on the end at least three inches in length, and shall not be less than one half inch in diameter and of sufficient length to reach from such window to the ground. Such rope, iron hook or eye and fastenings shall be of sufficient strength to sustain a weight of four hundred pounds, and there shall be plain directions how to use such rope or other better appliance printed and posted within six inches of the hook or eye to which the rope is fastened.

Annual inspection of hotels and certain lodging houses.

SECTION 45. It shall be the duty of the inspector of buildings of every city or town in the Commonwealth, or if there is no such officer, of the chief engineer of the fire department of every city or town in the Commonwealth, in the month of May of each year to inspect every room of every hotel and lodging house of ten or more rooms above the second story in the city or town in which he is performing the duty of inspector of buildings, or of chief engineer, and to ascertain if the provisions of this act are complied with, and to report the condition of the rope or other better appliance to the chief of the district police.

Use of explosive or inflammable compound in factories restricted.

SECTION 46. No explosive or inflammable compound shall be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

Inspection of structures represented to be unsafe.

SECTION 47. Any member of the inspection department of the district police force when called upon by the mayor and aldermen of any city, except the city of Boston, or by the selectmen of a town, shall inspect any building or other structure or anything attached to or connected therewith in such city or town which has been represented to be unsafe or dangerous to life or limb.

Unsafe structures to be removed or made safe.

SECTION 48. If it appears to an inspector upon such inspection that the building or other structure, or anything attached to or connected therewith, is unsafe or dangerous to life or limb, in case of fire or otherwise, he shall proceed to cause the same to be removed or to render the same safe and secure, in the manner provided by sections fourteen to twenty-one inclusive of this act, and may cause proceedings to be instituted under section twenty-two of this act.

Words "mayor and aldermen" construed.

SECTION 49. The words "mayor and aldermen", in section fifteen of this act shall be construed to apply to the mayor and aldermen of a city or the selectmen of a town, as the case may be.

SECTION 50. If in any city or town in which such inspection is made there is no city engineer or chief engineer of the fire department, the mayor and aldermen or selectmen, as the case may be, shall designate some other officer or officers, or some suitable persons in place of the officers so named, to act upon the board of survey provided for in section sixteen of this act, and the provisions of said section and of sections seventeen to twenty inclusive, and of section twenty-two of this chapter shall apply to a board thus constituted.

Board of survey.

SECTION 51. In every manufacturing establishment where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells or appliances that may control the motive power, or such other means as shall be satisfactory to the inspectors of factories: *provided*, that in the opinion of the inspectors such communication is necessary.

Communication with engineer's room where machinery is propelled by steam.

SECTION 52. No prosecution for a violation of the provisions of section fifty-one of this act shall be made until four weeks after notice in writing by an inspector has been sent by mail to such person, firm or corporation of any changes necessary to be made to comply with the provisions of said section, nor then, if in the meantime such changes have been made in accordance with such notification.

Proviso.

Prosecution for violation of provisions of section 51.

SECTION 53. No outside or inside doors of any building wherein operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress.

Doors not to be locked during hours of labor.

SECTION 54. Any person, firm or corporation, being the owner, lessee or occupant of any such building shall, after receiving five days' notice in writing from one of the inspectors of factories and public buildings, comply with the provisions of the preceding section.

Owners, etc., to comply with provisions of section 53 after five days' notice.

SECTION 55. The inspectors of factories and public buildings shall enforce the provisions of this act.

Enforcement of provisions.

SECTION 56. A district police officer detailed to perform the duties required by this act, who fails to perform such duties faithfully, shall be immediately discharged from his office.

Officer failing to perform duty to be discharged.

SECTION 57. The chief of the district police shall report in print to the governor on or before the first day of

Annual report to governor.

January of each year, in relation to factories and public buildings, with such remarks, suggestions and recommendations as he may deem necessary.

Penalty for violating provisions of sections 44 and 45.

SECTION 58. Any person violating the provisions of sections forty-four and forty-five of this act as to fire ropes in hotels shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail or house of correction for not more than six months, or by both such fine and imprisonment.

Penalty for violating provisions of section 51.

SECTION 59. Any person, firm or corporation, being the occupant of any manufacturing establishment, or controlling the use of any building or room where machinery propelled by steam is used, violating the provisions of section fifty-one of this act, shall forfeit to the use of the Commonwealth not less than twenty-five dollars, and not more than one hundred dollars.

Penalty for failure to observe provisions of sections 24 to 34.

SECTION 60. Any person or corporation owning, leasing, occupying or controlling any building or room mentioned in section twenty-five of this act, who shall fail to observe the provisions of sections twenty-four to thirty-four of this act, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Penalty for failure to send notice of accident, etc.

SECTION 61. Any person or corporation failing to send notice of any accident as required by section eight of this act, shall be punished by a fine not exceeding twenty dollars.

Penalty for violating provisions.

SECTION 62. Any person or corporation violating any provision of this act, where no other special provision is made, shall be punished by a fine not exceeding one hundred dollars.

Repeals.

SECTION 63. Section eleven of chapter one hundred and three, and sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen, twenty-one, twenty-two and twenty-four of chapter one hundred and four of the Public Statutes; chapters two hundred and eight and two hundred and sixty-six of the acts of the year eighteen hundred and eighty-two; chapter one hundred and seventy-three of the acts of the year eighteen hundred and eighty-three; chapter fifty-two of the acts of the year eighteen hundred and eighty-four; chapters one hundred and seventy-three and two hundred and sixty of the acts of the year eighteen hundred and eighty-six; chapters one hundred and thirteen, three hundred and ninety-nine and four hundred and twenty-six of

the acts of the year eighteen hundred and eighty-eight; chapters eighty-three, one hundred and seventy-nine, three hundred and seven and four hundred and thirty-eight of the acts of the year eighteen hundred and ninety; chapter three hundred and two of the acts of the year eighteen hundred and ninety-one; chapters one hundred and eleven, one hundred and ninety-nine and three hundred and eighty-seven of the acts of the year eighteen hundred and ninety-three, and chapters three hundred and thirty-seven and three hundred and forty-one of the acts of the year eighteen hundred and ninety-four, and all acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved June 16, 1894.*

AN ACT TO AUTHORIZE THE TOWN OF PEPPERELL TO REFUND ITS INDEBTEDNESS.

*Chap. 482*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Pepperell, for the purpose of refunding its existing indebtedness, may issue bonds, notes or scrip therefor to an amount not exceeding twenty-five thousand dollars, payable at periods not exceeding ten years from the date thereof. Said bonds, notes or scrip shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum, and may be sold or negotiated at public or private sale upon such terms and conditions as said town may deem proper.

May issue bonds, notes or scrip, etc.

SECTION 2. Said town shall at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act.

Annual payments on loan.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof shall in all other respects apply to the issue of said bonds, notes or scrip.

P. S. 29 to apply.

SECTION 4. This act shall take effect upon its passage.

*Approved June 16, 1894.*

AN ACT TO AUTHORIZE THE COMMONWEALTH TO ACQUIRE THE LOCATION IN PART OF THE BOSTON, REVERE BEACH AND LYNN RAILROAD, AND TO AUTHORIZE A RELOCATION IN PART OF SAID RAILROAD.

*Chap. 483*

*Be it enacted, etc., as follows:*

SECTION 1. The metropolitan park commission created by chapter four hundred and seven of the acts of the

May take property, etc., in Revere for