



A CENTURY OF SERVING TEXAS

A HISTORY OF THE STATE FIRE MARSHAL'S OFFICE
1910-2011

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EXECUTIVE SUMMARY

100 Years of Serving Texas: The State Fire Marshal's Office, 1910-2010

The Texas State Fire Marshal's Office, a program of the Texas Department of Insurance, came into existence in December 1910. Our primary mission, from the beginning, has been to reduce the incidence and severity of fires, thereby reducing fire deaths, injuries and property losses.

No one alive today remembers what life was like before the State Fire Marshal's Office (SFMO) was founded in 1910. The world was a violent, painful and tragic place back then. The sad truth is that many people died needlessly, from bad judgment, inattention, preventable accidents: the kinds of risky behavior that initiatives like "Have an EXIT Strategy," "Risk Watch" and "Remembering When" aim to correct.

Death came in a variety of ways. All too often it was fire-related. Occasionally it was inevitable, but all too often it was preventable. Unsafe fire practices abounded. Most of the safety measures we take for granted today did not exist then or were not practiced.

Fires still kill people and animals and destroy property every day across the country, but not on the scale experienced in the 19th and early 20th centuries, such as in Chicago, Baltimore, Boston, New York City, and San Francisco, to name but a few.

The creation of the position of Texas State Fire Marshal and State Fire Marshal's Office by the 31st Legislature in 1910, reflected the larger, national "progressive," or "populist" movement and was meant to reduce fire losses and also to better control and regulate fire insurance companies.

At that time, it was estimated that 50 percent of fire waste in Texas was attributable to incendiary origin, yet there was not a single prisoner in the Texas Penitentiary system convicted of arson. Under the new law, the state fire marshal would have the authority to ascertain the causes of fires throughout the state.

In 1917 the Texas Legislature gave the SFMO Fire/Arson Investigation Authority. This amendment to the fire insurance law enlarged the power and authority of the State Fire Marshal and permitted him to assist actively the district attorneys in the prosecution of persons charged with arson. Beginning in 1931, the SFMO began a policy of vigorous investigation of fires of incendiary (suspicious) origin, commonly known as "profit" fires. Between 1931 and 1936, there were 635 indictments with 210 convictions, and these prosecutions had been perhaps the controlling features in the state's fire loss reduction from \$17.56 million annually to \$7.725 million.

The State Fire Marshal's Office has been working with state primary schools, universities and colleges practically since the day it was founded on fire safety issues, including campus fire safety and fire safety education from Pre-K through colleges and universities, most recently through the "Have An EXIT Strategy" initiative which urges Texans to learn two ways out of wherever they might be: their own kitchen or bedroom, office or shop at work, a night club or movie theater, or any other locale. Find out more about the initiative at www.haveanexitstrategy.com.

How much progress have we made during our first 100 years?

Reports by the state fire marshal covering the years 1911-1915 showed that between 11,000 and 13,000 structural and outdoor fires each year, entailing annual losses between \$12,000,000 and \$16,000,000, had occurred in Texas. The per capita fire loss in this state was about \$4, or \$20 for the average family, within this short period. Many leading European nations had a per capita fire loss of less than 50 cents (Holland had a loss of only 11 cents per capita per year), during the same period.

In 2010, property losses from a reported nearly 77,000 structural and outdoor fires amounted to losses of \$510,000,000, or about \$20 per capita, a significantly lower dollar loss than the period 1911-1915, taking into account inflation (\$1 in 1910 is worth \$24 today) and the state's population increase, from approximately 4,000,000 in 1915 to approximately 25,000,000 in 2010.

Even more important than property losses is the loss of human life. Approximately 450 lives in Texas were lost each year from 1931 to 1936 (the earliest known statistics), and improper use of kerosene and gasoline were the leading causes of such deaths. In 2008 (latest available statistics), 181 Texas civilians lost their lives (82 attributable to unknown causes and only 5 to open flame).

While significant progress has been made in the last 100 years, much remains to be done.

What does the future hold? Much the same as it has. Fire will continue to occur, despite our best efforts. Hopefully, the numbers and severity of those fires will decrease, as well as injuries and fatalities. Suspicious fires will still need investigating, and buildings will need fire safety inspections. And fire safety education will never end, as long as babies continue to be born. Fire safety is not instinctive. Humans are not born with an innate sense of fire safety; they must be taught it, generation after generation. The fine details may change, but not the big picture.

Chapter One: The State Fire Marshal's Office Today

The Texas State Fire Marshal's Office (SFMO) is a program of the Texas Department of Insurance (TDI) established in 1910.

The mission of the Texas State Fire Marshal's Office is to reduce the loss of life and property through prevention, education, and protection.

The Texas State Fire Marshal's Office is committed to performing all its functions for external and internal customers in a manner that upholds the highest ethical standards. These standards are a manifestation of the agency's core values and we will never settle for doing anything less than what these values exemplify. The State Fire Marshal's Office will utilize its authority in a fair and consistent manner and strive to follow best practices in all its operations. The pursuit and attainment of high ethical standards in all endeavors of this agency is the only acceptable path to our success.

The State Fire Marshal's Office is guided by the following values:

Professionalism, Excellence, and Trust through

Respect

We will treat all with courtesy and kindness.

Accountability

We are responsible for our actions.

Integrity

We will be honest and act in a manner that upholds our core values even when no one is watching.

Diligence

We are always mindful that we are public servants and will earnestly do our job.

Service

We work to exceed our customers' expectations.

Objectivity

We will act with fairness at all times and allow the facts, not preconceptions, to determine the outcome of our actions.

Passion

We never allow mediocrity to be acceptable, only greatness.

We offer a variety of services to -- and we work with -- the state's public-safety community to help achieve that goal.

The SFMO advocates compliance with the *Life Safety Code* as the best way for Texas communities to reduce the incidence and severity of fires.

Services offered by the State Fire Marshal's Office include, but are not limited to:

- * fire investigations.
- * fire safety inspections.
- * licensing and regulation of the fire alarm, extinguisher, sprinkler, and fireworks industries, and fire standard compliant cigarettes oversight.
- * fire prevention education.
- * firefighter fatality investigations.
- * the Texas Fire Incident Reporting System (TEXFIRS).

SFMO employees are located across the state to respond quickly to requests for investigations and inspections.

Fire Investigations

Any community that has suffered a fire-related incident may contact **Fire Investigations Services** for assistance. But because Texas experiences thousands of fires each year, the demand for investigation services requires a protocol that allocates the State Fire Marshal's Office resources in the most effective manner.

Catastrophic fires -- fires that have resulted in death, significant property damage or pose a serious threat to public health and safety -- rank highest according to the State Fire Marshal's Office investigation protocol. The protocol also includes fires believed to be the work of a serial arsonist, related to hate crime, or where the operation of a vital public institution is compromised.

Based on this protocol, upon a request from an authorized entity, or by order of the State Fire Marshal, **Fire Investigations Services** dispatches appropriate personnel to a fire scene to determine the fire's origin and cause, and to assist local officials in the collection and analysis of evidence that may lead to prosecution of an alleged arsonist.

At a fire scene, **Fire Investigations** personnel determine the fire's origin and cause, and assist local officials in the collection and analysis of evidence that may lead to prosecution of an alleged arsonist.

Arson Hotline

The public can use a toll-free number to report suspicious activity involving fires. The hotline, 1-877-4FIRE45 (1-877-434-7345) is staffed 24 hours a day.

Canine Teams

Certified canine teams are available 24 hours a day. Each team consists of a handler, who is a certified peace officer/arson investigator, and a canine that has been certified and trained to detect hydrocarbons.

Forensic Arson Laboratory

The SFMO Forensic Arson Laboratory, based in Austin, provides accelerant testing services and analysis of fire-scene debris to law enforcement and public safety organizations. The lab is accredited by the American Society of Crime Laboratories Directors (ASCLD).

Fire Industry Licensing and Licensing Investigations

SFMO Licensing regulates the planning, selling, installing, certifying, and servicing of fire extinguisher, fire alarm and fire sprinkler devices and systems through the statewide registration and licensing of firms and individuals who provide these services.

In addition, the SFMO conducts Licensing Investigations of fire alarm, extinguisher, and sprinkler systems. This section also inspects fireworks stands to ensure compliance with adopted safety standards.

Fire Standard Compliant Cigarettes Oversight

Cigarettes are one of the leading causes of fire deaths in the United States. In 2007, the State of Texas passed a law that requires all cigarettes sold in Texas to be certified as fire safety standard compliant by January 1, 2010. Fire standard compliant cigarettes are designed to reduce the amount of time that a cigarette continues to burn when not being smoked, meaning that it is less likely to ignite furniture, bedding or other flammable materials. The State Fire Marshal's Office was placed in charge of all rulemaking, certifications, and investigations relating to fire standard compliant cigarettes.

Fire Safety Inspections Services

Fire Safety Inspections Services conducts fire safety inspections of public and private buildings and facilities throughout the state, including state buildings, daycare and elder-care centers, foster homes, hospitals, hotels and motels, university and college buildings, and other buildings upon request or complaint.

Inspections of storage, handling, and use of flammable liquids are conducted at retail service stations throughout the state.

On January 1, 2013, the SFMO began fee-based inspections of buildings by request.

Code interpretation and consulting services to city and county fire protection agencies, private individuals, state agencies and business owners are provided, as well as research, reporting and recommendations for improvement to counties regarding fire prevention and protection.

Outreach, Policy and Research Services

The SFMO promotes fire safety in Texas in a variety of ways, such as Juvenile Firesetter Intervention Programs, youth fire safety educational materials, and educational conferences.

Youth Fire Prevention and Intervention Program

Upon request, the SFMO helps fire departments establish their own community-based firesetter intervention program for juveniles. We also provide a database software program that facilitates the collection and maintenance of records about juveniles participating in local Youth Fire Prevention and Intervention Programs.

Youth Fire Safety Education

The SFMO recommends that Texas school districts adopt "Risk Watch," the comprehensive youth safety and accident-prevention program produced by the National Fire Protection Association. "Risk Watch" teaches fire and burn prevention, poisoning and falls prevention, water, bike and motor vehicle safety, choking and strangulation prevention, and firearms injury prevention. "Remembering When" is a similar fire- and accident-program designed for senior citizens. However, the SFMO continues to offer *Fire Safety for Texans*, a series of fire and burn prevention curriculum guides, which are available, free of charge, at the SFMO Web site to those who teach

fire safety. Each guide, Kindergarten through High School, includes lesson plans, teacher materials, and student materials.

Educational Conferences

The SFMO produces public information programs, seminars and conferences, chief of which are the annual Fire Marshal's Conference and the bi-annual Juvenile Firesetter Intervention Conference.

Have An EXIT Strategy

The Have An EXIT Strategy initiative urges Texans to learn two ways out of wherever you might be: your own kitchen or bedroom, your office or shop at work, a night club or movie theater, or any other locale. Find out more about the initiative at www.haveanexitstrategy.com.



Take note of the entrance and an alternate exit wherever you live, work, or play!

Other Services

PPC Oversight

Assistance with Public Protection Classifications and the Insurance Services Office (ISO) Fire Suppression Rating Schedule is provided to fire departments upon request. This program is responsible for approving or disapproving proposed PPC ratings for communities.

Texas Fire Incident Reporting System (TEXFIRS)

The SFMO collects data from fire departments and compiles statistics to determine the impact of fire on lives and property. Each year, *Fires In Texas*, a summary of the fires reported to the SFMO, is published. This data is a valuable tool in developing laws, standards and prevention programs. For more information, contact texfirs@tdi.texas.gov.

Firefighter Fatality Investigations

The State Fire Marshal's Office is responsible for investigating all firefighter fatalities that occur in connection with a firefighting incident in Texas. These investigations are conducted in cooperation with fire-service organizations such as the State Firemen's & Fire Marshals' Association, Texas Fire Chiefs Association, Texas Association of Firefighters, Texas Fire Marshals Association, Texas Commission on Fire Protection, Texas Forest Service, and Emergency Services Training Institute.

Chapter Two: The Bad Old Days

No one alive today remembers what life was like before the State Fire Marshal's Office was founded in 1910. The world was a violent, painful and tragic place back then. The sad truth is that many people died needlessly, from bad judgment, inattention, preventable accidents: the kinds of risky behavior that initiatives like "Have an EXIT Strategy," "Risk Watch" and "Remembering When" aim to correct.

Children and adults died within the blink of an eye; children especially, dozens a year in any given Texas county. Healthy one day, then dead the next.

Death came in a variety of ways. All too often it was fire-related. Occasionally it was inevitable, but all too often it was preventable. Unsafe fire practices abounded. Most of the safety measures we take for granted today did not exist then or were not practiced.

Fires still kill people and animals and destroy property every day across the country, but not on the scale experienced in the 19th and early 20th centuries, such as in Chicago, Baltimore, Boston, New York City, and San Francisco, to name but a few.

Practically every town in Texas has its story of how most or all of its downtown area burned to the ground, sometimes accidentally, sometimes deliberately, but almost always fueled by unsafe construction and fire-use practices. In central Texas alone -- Bastrop: 1862; Taylor: 1879; Schulenburg: 1893; Smithville: 1896; Industry: 1917; Red Rock: 1918.

Arson was often suspected but seldom prosecuted. In Bastrop County, only two arson cases were prosecuted during the years 1874-1881, although newspapers from the same period often listed arson as the suspected cause in their reports.

February 1881: "The home of Mr. W. B. Bryant, 8 miles north of Bastrop, was entirely destroyed by fire, supposed to be the work of an incendiary. Mr. Bryant and wife lost everything except the clothes they were wearing. The house was the property of John H. Williams of Baltimore, valued at \$8,000. It was built in Confederate times at a cost of \$19,000. No insurance."

October 1882: "On Friday evening last, the gin belonging to Mr. B. F. Jones, at Alum Creek, was destroyed by fire. The fire is supposed to have originated from a spark of fire falling from the chimney into the lint room. Some ten bales of cotton inside of the gin, and thirteen bales lying in the yard, were burned. The gin and buildings were insured for the sum of \$800."

"The McDade gin, the property of Mr. Neil F. Campbell, was burned on Monday last. The fire was discovered about 2 o'clock in the morning, but too late to prevent the destruction of the property. There is no doubt of its being set on fire. Some eight bales of cotton were burned. The property was insured for \$2,600, but the insurance will not cover the loss."

Even when arson suspects were identified and arrested, convictions were seldom obtained. In October 1880, The *Brenham Sentinel* reported:

"Joseph R. Clark, charged with arson, was disposed of this morning with a verdict of acquittal for the defendant. The particulars are, to wit: Dr. J.T. Clark, father of defendant, now of Navasota, lived in Old Washington in 1880, in which place he carried on a store up to the 11th of June, 1880, when his storehouse was burned down. The same fire burned the storehouse of Mr. Wilson. Dr. Clark's property was covered by insurance, which policy remains yet unpaid. The grand jury of the fall term of 1880 found a true bill, charging Joseph R. Clark, son of Dr. J. T. Clark, aged about nineteen years old, with the crime of willfully burning the property. This case was fully and completely sifted by County Attorney Haynes, examining about fifteen witnesses, and the defense about ten or eleven, but at the close of this examination the prosecution caved completely and asked the court to request the jury to find a verdict of 'not guilty,' which he did."

One notable exception occurred in 1883 in Austin, when a private residence was set on fire. The legendary Austin police detective John Chenneville, later immortalized by the famous author O. Henry in one of his short stories, found some facts that led him to believe that the son of the woman who lived in the house set it on fire, and he launched an investigation. When the young man found that Chenneville had conclusive evidence against him, he admitted that he had set fire to the building, saying that he had tried to do so the night before, but was prevented, and so carried out his intent the next morning. He stated the reason simply that he became angry with his mother. He was convicted and sent to state prison.

In the first 20 years of statehood, at least 16 county courthouses burned down, often under mysterious circumstances, by men wishing to destroy court records. Many more such fires would follow over the next several decades, the culprits undiscovered.

In 1983, we almost lost the seemingly indestructible Texas Capitol in Austin to a fire that also killed one young man. In 2007, two state workers died in a fire, in rented office space in an unsafe Houston office building. These tragedies did not occur in a vacuum; they were the latest fruit of a lackluster attitude to fire suppression and safety that dates back to the Republic of Texas and the founding of Austin.

The history of fire, fire suppression and fire prevention in Austin and Texas government goes back to the founding of Austin and the fates of both have been inextricably intertwined ever since.

All of Austin's first buildings, including the Capitol and President's "mansion," were made of wood, and mostly logs at that. Austin's first recorded fire occurred on the evening of November 15, 1839, scarcely two weeks after President Lamar arrived. James Burke's store, at the corner of Bois d'Arc and Congress Avenue, caught on fire and was burned to the ground, together with the building attached thereto, in which had been opened, by the enterprising proprietor, a reading room, for the public benefit; his goods were saved. The fire was accidental.

Despite Burke's fire, in the first year or so of Austin's existence, Indian attacks were more of a problem than fire, but finally, late in 1841 the City Council appointed a fire guard, whose duty it was to inspect every fireplace, stove, and chimney in the city for fire safety. In December, Richard Bullock organized a seven-man fire protection group. General W.B. Harney gave the town a small garden engine. Numerous fires had broken out in Austin which had gotten entirely out of control that at times threatened the young city with a holocaust. However, the group was neither skilled nor equipped to fight fires, and fire protection was still inadequate.

Because of Sam Houston's animosity toward President Mirabeau Lamar, who left office in 1841, and threat of capture by an invading Mexican Army in 1842, the seat of government was moved from Austin to Washington-on-the-Brazos in 1842, but not the archives, whose removal from Austin was prevented by a group of Austin citizens. Austin was re-designated the capital in 1845, by which time Texas and the U.S. Congress had voted for the annexation of Texas by the United States.

On September 9, 1845, the office of the treasurer of the Republic of Texas in Austin was destroyed by fire; it was considered to be incendiary in nature, probably set by men about to be exposed as defaulters.

The burning of the office of the treasurer of the Republic of Texas during the waning days of the Republic occurred after a committee of Austin citizens had surrendered the Republic's archives to the treasurer for transfer to Washington on the Brazos, but before the treasurer had brought the treasury archives back to Austin, which were still at Washington On The Brazos.

At 2 a.m. on the 9th, the office of the treasurer was entirely consumed by fire. The flames issued through the windows from the inside. No one lived in the house or near it. The treasurer,

President Anson Jones and his secretary had just left for Washington On The Brazos, to prepare for the removal of the Texas capital back to Austin, prior to statehood. The fire was doubtless the work of an incendiary who may have hoped in this way to destroy existing evidence of defalcation or indebtedness to the government. This supposition was more probable from the fact that the Treasury Secretary had announced his intention of placing his books and papers in a condition to exhibit fully the accounts of debtors and defaulters, previous to the change of government. To this day, no one knows the identity of the perpetrator or his motives. The documents within the office in Austin were large package of promissory notes that had been redeemed (and were therefore worthless), so the government suffered no pecuniary loss. The chief victim was Dr. Moses Johnson, the treasurer, who owned the building. The burned promissory notes had not been deposited in an iron safe, but tossed in a wooden box. Only a few days' timing saved many truly valuable documents and records from being burned.

By December 1846, a fire company had formed; it held elections on the 12th of that month. William Cockburn was elected chief, first lieutenant O. Wilcox, second lieutenant a man named French, secretary James M. Long, and treasurer William H. Cushney.

The next government building fire victim was the original President's House. At the time of its construction, it was the grandest house in a city of humble log cabins. When the seat of government of the Republic of Texas was moved to Austin in 1839, a temporary capitol building, public offices, and an official residence for President Mirabeau B. Lamar were planned and constructed by Edwin Waller. The hilltop site selected for the house was identified as block 85 on the original city plan and contained twelve lots, bounded by Brazos, San Jacinto, Bois d'Arc (now Seventh), and Hickory (now Eighth) streets. A two-story white frame house described as having some pretensions to Greek styling, with a two-tiered portico in the Greek Doric order, was built during the summer of 1839 and occupied by President Lamar in mid-October that year. After Lamar left office in 1841, the hastily built official residence, as well as the temporary capitol, were left unoccupied and steadily deteriorated. The President's House was destroyed by fire in March 1847.

In late March 1847, a fire at Mr. Key's stable, was followed shortly thereafter by a fire at Mr. F. Dieterich's house. It was the biggest fire event to date in the city and the fourth such fire event in the previous three months, demonstrating beyond doubt to the citizens of Austin the necessity of completing the organization of the hook and ladder company and of obtaining the necessary apparatus as soon as possible.

The company did not last too long, because after the November 4, 1852, fire at John Horan's house on Colorado street, the newspaper observed, "Had the weather been dry and a westwardly wind prevailing, no human exertions could have prevented the extensive stable of the Swisher House from taking fire, and the burning of that immense mass of combustible matter would have caused the destruction of the entire business part of the city. The hand of Providence has thus once more preserved us; when will our citizens do something for the preservation of their property from the ravages of fire? In case of fire, what have we to arrest its progress? No fire company; no fire engine; no hooks, ladders or buckets, and a very inadequate supply of water elsewhere than from the river. We must prepare to protect our city against fire, and it should be attended to immediately. The impression is, that Mr. Horan's fire was set on fire by an incendiary; if the suspicion be correct, it behooves our authorities to keep a strict watch upon the suspicious characters among us, if there be any such."

About 20 minutes before 3 o'clock that morning, the citizens of Austin were aroused by the startling cry of "fire!" and the ringing of bells. Horan's house, along with the adjacent kitchen and a portion of the contents of each, were entirely consumed. There had been a gentle rain during the earlier part of the night, which, with a brisk breeze from the south, was all that saved the city from a general and disastrous conflagration. As it was, strong exertions were required to save the residence of General Albert Sidney Johnson, which was once or twice on fire.

On November 2, 1850, an ordinance was published that among other things provided for the creation of a Fire Committee, whose duty it was to examine all fire places and other places in the city which might jeopardize the safety of the city; and upon such examination, if they believe such places are dangerous, or that there is a probability of danger arising from the use of such places, they shall report to the Marshal, who shall notify the owner or owners of such places to have the same repaired, so as not to endanger the safety of property by fire; and upon such notice, should such person or persons refuse to repair the same within a reasonable time, it shall be the duty of the Marshal to have the same repaired or entirely removed, at the expense of such person.

On February 24, 1851 it was reported that the contract for building a fire-proof land office building had been awarded to John Shea, of Houston, and Francis McHugh, of Austin.

Just before daylight on September 10, 1853, the city was alarmed by the startling cry of Fire! and the ringing of bells. The fire was found to be in a small frame building in the rear, and within three feet of the large frame house on Congress Avenue, occupied by Mr. Neal, as a dry-goods store and Horan as a grocery – known as the “Whiting buildings.” The building in which the fire originated was in full blaze when discovered, and all hope of saving the town from a general conflagration seemed vain; but there being no breeze, or a very slight one from the North, by almost superhuman exertions the fire was confined to the building in which it originated, and the City saved. “Surely our citizens will now do something to protect the City from the calamity of fire – from entire destruction by which we have been Providentially saved now these three times within a year. We propose a meeting at the Capitol, this evening, at 4 o’clock, to form a Fire Company. Who will respond?” implored the *State Gazette*.

Early on the morning of October 11, 1855, the adjutant general’s office and living quarters, a log cabin, was destroyed by fire. Adjutant General James S. Gillett was aroused by the noise of fire close to him. He rushed from his room to the adjoining, records room and discovered it and the archives in flames. The window shutter was open and had no doubt been forced open. The fire was burning so rapidly that Adjutant General Gillett was barely able to save a few clothes and get out alive.; in a few more minutes his sleeping apartment would have been enveloped in flames. If there had been a breeze the fire would have spread to surrounding buildings.

All the records of the office and a large number of important papers filed in the cases of applicants for relief were destroyed. It was the work of an incendiary, probably by some person or persons implicated in forgery schemes, regarding state land grants to army veterans, whose guilt would be found in the records in the Adjutant General’s office. General Gillett had carefully avoided having any fire kept in his room for some time past. As mentioned, the office’s window had been found open and the fire appeared to have been built on the floor. The fire created a very strong feeling of indignation against its perpetrators.

The House of Representatives had reported in 1852 that protection and preservation practices and procedures were insufficient to protect these valuable records and recommended an appropriation to rectify this shortcoming. The records, including the invaluable muster roles of Texas Revolution veterans, were also in poor condition.

A Col. Boggess, deputized by the House of Representatives, found one of two suspects, a man named Hines (often referred to as “Haynes”), near Rusk, in November. Hines confessed, and in so doing, implicated John. J. Blankenship and B.J. Lewis, saying that they had promised him \$1000 for burning the adjutant general’s office, but after he had fired the office, the pair paid only half of the amount promised. Warrants were sworn out in Travis County for their arrest.

Meanwhile, in December 1855, a fire at Johns and Gamble, painters, was only just contained. It almost destroyed the old treasury building. If it hadn’t been contained, there’s no telling where it might have spread. There was then some talk of organizing a fire company, but as the *State Gazette* observed, “The excitement will last a few days, then die off and not again be revived until another calamity will admonish the citizens of Austin of the utter insecurity of their property against the ravages of fire.”

A special committee of the sixth legislature reported on January 8, 1856, that the vague and uncertain testimony of military service then in effect for land warrant eligibility made it possible for dishonest persons to obtain a large amount of bounty and donation warrants by forgery. It was alleged that some of the parties concerned in the forgeries were responsible for the fire, so as to destroy all evidence against them.

Two years earlier Gillett had told the legislature of the importance of placing these documents in a fire proof building. Testifying before the committee, Gillett said, "Just then they were seized with a keen fit of economy and refused. They can now see the result of their unwise parsimoniousness. 'Pennywise -- pound-foolish.'"

Beginning in February 1856, several attempts were made to arrest Blankenship at his home below Waco, on the Brazos River, without success. In the first attempt, the sheriff at Waco collected a posse of 20 men but when they arrived at Blankenship's house, they found Blankenship so strongly fortified and aided by so many armed friends, that the posse returned to Waco without accomplishing the arrest. The sheriff returned the next night with reinforcements, but found that Blankenship had fled to the safety of the Brazos River bottoms.

It is at this point that the story bifurcates and your guess as to which version is true is as good as anyone else's.

A couple of days later, according to his defenders, Lewis passed through Waco from east Texas, headed for Austin, unaware of the warrant out for his arrest. But the Travis County sheriff met him unexpectedly with a posse, about the time Lewis reached Austin, and arrested him.

Having learned from the McLennan county sheriff at Waco that Blankenship had eluded them, the Travis County sheriff went with a force of some 30 to 40 men in pursuit of him and met Blankenship the next day, who was headed for Austin, about 40 miles up the road, and took him into custody without incident.

The other version, supported by several sources, states that the Travis County sheriff attempted unsuccessfully to arrest Blankenship at Waco, but that Blankenship pledged that he would make his appearance at Austin at the appointed time, to answer the charge against him.

On Sunday, February 10, the next day, Monday, having been fixed as his day for examination, Lewis rode into Austin, accompanied by around 20 friends, each heavily armed with double-barrelled shotguns, revolvers, and Bowie knives.

On the following morning, Blankenship rode into Austin, in like manner, with 30 friends similarly armed, declaring that all the sheriffs in Texas could not arrest him, but that they were willing to undergo examination before the magistrate. All of Austin was outraged and indignant at the pair and their supporters. Austin was in the state of highest excitement there or elsewhere in Texas for many years. The most prominent men of the city were sufficiently aroused to arm themselves to aid in carrying the law into effect if necessary. The sheriff put together a 50-man posse to arrest Blankenship at the City Hotel and make sure that none of his friends would be allowed in the courthouse unless they were needed as witnesses.

A committing trial was immediately had before justices Mann and Graves and the testimony of Hines was strong against Blankenship, but the defense introduced other evidence to prove an alibi, that Blankenship had been in Waco at the time of the fire. Blankenship was acquitted, and went on to become involved in several controversial and prominent Waco-area property cases, and in 1870, was granted permission by the Texas Legislature to erect a toll bridge over Tehauacana creek in McLennan County.

Hines was committed to confinement in default of security (\$5000) to appear as a witness at the next term of the District Court of Travis County. But strangely, he was not put in the Travis County

jail, but rather confined in a room in Swenson's new building, at the cost to the state of \$30 per month, guarded by four men who were paid \$2.50 per day each, again by the state. Many citizens questioned this unorthodox treatment.

On March 8, Hines, called the author of the destruction of the Adjutant General's office, had escaped from the guard of the sheriff and was at liberty. The sheriff had been authorized to employ ample guard for the safekeeping of the prisoner and he was under guard when he escaped. At the time of his escape, three of the guards were absent, and the fourth could give no account of his escape. One of the guards, Thomas Haynie, was arrested for negligence in the matter. He had a committing trial on March 11 before Justice Graves who found insufficient evidence for his commitment and released him. He claimed to have been drugged by the prisoner, a claim not supported by doctors present at the trial. Haynie was soon re-arrested for allowing a prisoner to escape.

The prisoner's escape, and "the utter inability of the State to bring to justice the accessories, call loudly for a radical reform in our criminal laws. It seems utterly hopeless to do anything in this case in the present state of things. Even if Hines should be caught and brought back, we have no assurance that justice will be done. The admission is a deplorable one, truly, but such seems to be the fact, and it is time that we look the matter in its true light and effect some remedy."

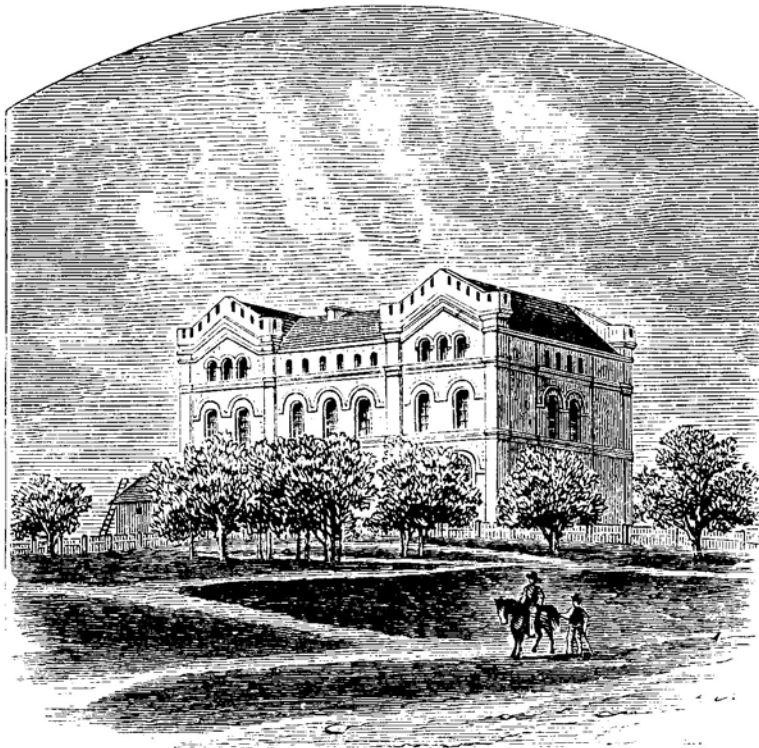
Suspensions of impropriety reached clear up to Governor Elisha Pease, but nothing was ever proven.

Charges were brought up in the spring term of the district court in Austin in the case of State of Texas vs. John J. Blankenship, John Cummins and Charles Q. Haley. Two of the accused persons were dismissed by the District Court in Austin and the other was transferred to District Court at Georgetown and later dismissed. This case was in the courts until April 5, 1867. With all the records destroyed, Pease suspended the office Feb 4, 1856. All his previous duties with regard to donation and bounty claims were turned over to the newly created commissioner of claims created by a legislative act on August 1, 1856.

Hines resurfaced in July 1856, as a member of a group of men engaged in robberies and thefts along the Rio Grande. The bandits were ambushed by the U.S. rifle regiment patrolling the area while stealing government horses. They had also been suspected of robbing the Catholic Church at Guerrero, Mexico. Their party had separated before they were overtaken by the Rifles, and but three of them were seen when the camp was surrounded. One of them, Hines, made his escape, not, however, without being wounded. In the saddle-bags found in their camp, were the gold and silver vases, or ornaments, taken from the Guerrero Church. One prisoner was hung, and another, while attempting to make his escape, received a shot from which he subsequently died in the hospital at Ringgold Barracks.

The regiment pursued Hines, but evidently without success, for at this point he disappears into the fog of history, except for this tantalizing possibility, from the *Louisville Journal* in April 1858:

"We understand that Dr. Haynes was discharged from the work house about a week ago. Several letters have been received here since from Washington and other points, mentioning various swindles committed by him. His first operations were confined to tailors; but, having 'replenished his wardrobe,' so as to be presentable in good society he extended his sphere of action, and soon went extensively into speculation. He took the name of Mitchel; went to Washington; stopped at Kirkwood's, and mingled with the best society. Among other extensive speculations, he contracted with General Houston for Texas lands to the value of \$86,000; but did not quite close the transaction. He made similar contracts with others, buying 35 half sections of land in one instance. Haynes, as he is commonly known, has achieved a reputation, such as it is, almost national. He has figured for many years as a swindler. He is but a short time out of the Kentucky penitentiary, where he was sent for bigamy. It is said that he originally came from Hagerstown, Maryland, and his real name is Jesse Duncan Elliott Quantrel."



The Land Office of Texas – Austin.

Governor Pease addressed the legislature in November 1856 and stressed the importance of providing suitable fire proof buildings for the protection of the state's remaining archives. The State Department was in an insecure wooden building, and the then-current General Land Office, while adequately safe, was overloaded, and a new General Land Office would allow the existing General Land Office building to be used by other departments not then supplied with fire proof buildings.

He also thought it prudent to hire a night watchman hired to guard the public buildings to prevent them from being broken into,

and make them more secure from fire. The legislature agreed and approximately \$40,000 to build the General Land Office that still stands today on the Capitol grounds as the Capitol Complex Visitor Center.

On the evening of September 25, 1857, Austin Hook and Ladder Co. No. 1 organized under a live oak tree on the east side of Congress Avenue, corner with 8th Street.

Until this time there had been no organized fire company. The *State Gazette* and the *Texas Intelligencer*, two local papers, continually ran articles about the necessity of organized fire protection. The first home of the company was in Peck's Hall, a two-story frame building on 6th Street near the present-day Driskill Hotel, which also served as the local opera house. Equipment included a Seagrave trussed hook and ladder truck with tiller, three-horse hitch, three trained horses, extension ladders up to 60 feet, Hale harness, hangers, and Babcock extinguishers. The company used wooden buckets at first, but later was supplied with leather fire buckets. The first uniforms consisted of blue eight-cone firefighter hats, red shirts with "H & L No. 1" across the breast, and black patent leather belts with white gloves. The company's logo was "Always Ready!" Alarms were given by cries of "Fire," pistol shots and the ringing of church bells. The first man to get the key would open the truck house and act as commander; the truck then pulled out, and the members would fall in and grab hold of the ropes.

The first state asylum for the insane was opened in Austin in 1858, and was one of the most substantial and imposing buildings in the city, as well as ostensibly conforming to all the latest approved methods of ventilation, cleanliness, security against fire, etc., etc., for institutional care in the United States. Perhaps this was so in the beginning, but within 20 years of its opening, fire safety issues cropped up that would not be resolved for many decades.

On the night of July 22, 1860, some 25 to 30 houses were fired in different parts of the city. But not much damage was done; 60 men were detailed to patrol the city. The fires continued through October.

The Governor's Mansion fire of 2008 is still fresh in everyone's minds, but almost totally forgotten is another fire in the Governor's Mansion that nearly turned tragic. One sleety night in the winter of 1864, Susie Murrah, wife of Governor Pendleton Murrah, was lying ill in bed. Fires had been lit in the mansion's fireplaces to counteract the cold, and one of the big logs rolled out onto the floor of the library, setting the room ablaze. As cries of "fire" broke out, the Governor rushed into his wife's bedroom, wrapped her in a quilt and carried her across the street to a neighbor's home, where he placed her on the bed of the woman of the house.

Ironically, the fire thawed a 14-year emotional gulf between them that had begun on their wedding night, which they spent apart, due to a misunderstanding, as to where they were to meet to begin their first night of marital bliss. Murrah, being an inordinately proud and stubborn man, had not expressed one word of affection to her during that time. But as he was rescuing her, he called her "my dear," and she broke down weeping with joy and disbelief, upon hearing this first word of tenderness from him since their wedding night.

With the end of the Civil War and the entry of Union troops into Austin in June 1865, a number of the old members of the Austin Hook and Ladder Company assembled one evening with a view of reorganizing. The company, which had been virtually dead during the war, elected officers that night, with C.F. Millett was company foreman.

In 1866, the City Council appointed C.F. Millett as the first person to hold the position of Fire Chief. He served three years. Also that year, cisterns were installed at eight locations to supply water for fire protection.

In 1868, Washington Fire Company No. 1 was established on 6th Street. The first fire engine, pulled by hand, was replaced by a steamer, which in turn was abandoned when the water company changed to the Holly system in the early 1880s. The engine company then was converted to a hose company.

By 1870 Austin had a population of 5,000, but Galveston was by far the state's largest and most important city, and given the city's commercial importance, it's not surprising that the importance of having a resident fire marshal was first expressed there, in a *Galveston News* editorial, in November 1870:

Galveston folks in many of their doings resemble unconverted sinners, who procrastinate and put afar off the completion of that necessary work. In nearly every city in the country, the Insurance Companies maintain an officer, whose business it is to watch the erection of buildings, see that they are properly constructed, so as not to be unnecessarily hazardous. He reports all his observations to the companies that employ him. Looks out for suspicious persons, and in case of fire investigates its origin. Such an officer in Galveston, would save ten times his salary in the course of a year. Let us suppose a case. Brown enters an Insurance office, and is asked a half percent higher rate than his neighbor Smith paid. He complains. "Yes," says the Secretary, Smith only pays so much, but I find that you have a dangerous flue, or are carelessly addicted to the use of kerosene; our Fire Marshal so reported six months since." Take another, the store of Smiggins is burned; the company declines to pay — a suit is brought. The Fire Marshal takes the stand and testifies that his suspicions were aroused on such a day before the fire, he went into the store and tapped such and such rows of boxes, finding them empty. Thus it is that it in a thousand ways a Fire Marshal becomes useful and valuable. Every time we have a fire the insurance companies resolve to employ such an officer, but soon forget their wise resolution.

In 1873, an ordinance was proposed to the Austin City Council that would provide for investigation into the origin of fires; after a fire the mayor would immediately summon the building's occupants and others who might know something about the fire's origin to be examined and their testimony recorded. It was hoped that incendiary "rogues, with the certainty of a rigid examination staring them in the face, would hesitate to apply the torch for malice or gain." It was adopted by the

council in May of that year.

In August of 1873 while a man hired to smoke the bats out of the capitol building's upper portion was performing his work (the stench of the bat guano had become unbearable), the cupola caught fire and parties nearby had a lively time for a few moments putting it out. The only excuse the man could render was that he was ordered to get rid of the "bloody cratherrs" and he thought the best way was to "cook them."

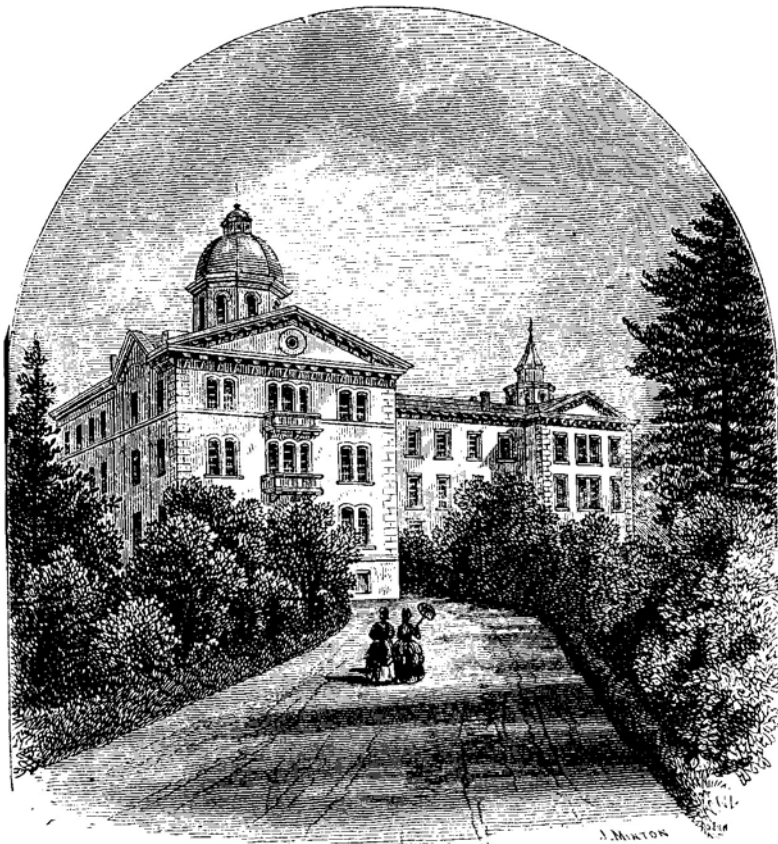
A fire in the State Capitol on Feb. 14, 1874, burned completely through the floor between the second and third floors. According to fire department records, "It was owing only to the timely arrival of several members of the Hook and Ladder Company that the building was saved." The City Council then approved the hiring of an engineer to operate a new \$6,000 engine. He was on duty at all times and was paid a monthly salary of \$100. The City Water Company installed the

first hydrant system on Austin's two main streets: Congress Avenue and Pecan Street.

On March 23, 1874, a new city ordinance provided for an Assistant Chief, recorder, and fire and police commissioner, in addition to the Fire Chief.

On Christmas Day 1874 the Lunatic Asylum caught fire and came within an ace of burning down.

A year and a month later, the State Insane Asylum caught fire again, which caused a stir that almost amounted to a panic. The fire originated in the third story, from a defective flue, and had it caught in the night, it is probable that it could not have been extinguished. One of the attaches was badly burned while putting out



The State Insane Asylum – Austin.

the flames. "This narrow escape should be a warning," wrote the *Austin Statesman*, "and should stimulate steps for the better protection of State property from destruction by fire. A committee might be appointed by the legislature to inspect the various State buildings and report upon their condition and liability to fire disasters. We have always thought that the state and city should jointly take some action for the protection of property in and about the city from losses by fire. The truth is, an adequate water work system is of as great necessity to the State government as it is to the city."

In 1876, the 15th Legislature created TDI's predecessor, the Department of Insurance, Statistics and History. In addition to his insurance-related duties, the commissioner was charged with keeping information and statistics on the state's population, wealth and general resources. He was also the state historian, state librarian, and finally, superintendent of public grounds and buildings, a duty that would soon prove to be very important in the fire history of state buildings.

At the preliminary meeting of the State Fire Department of Texas, held at Waco, July 4, 1876, it was decided to call fire delegates from each company and department in the state for the purpose of perfecting a permanent organization of the State Firemen's Association of Texas to meet in convention at Austin October 11, 1876.

When the State Firemen's Association of Texas met in San Antonio in 1880, a committee was appointed to submit to the upcoming legislature all matters of interest to the firemen of Texas on which legislation would be asked.

Topics of discussion at that year's meeting included: What constitutes a regularly organized fire company? What is the best hook and ladder truck for general use in cities and towns of a population not exceeding 20,000? Incendiarism, arson, and responsibility of insurance agents in connection therewith. Best and cheapest water supply. Are not iron shutters to fire proof buildings a serious disadvantage and an impediment to firemen in the discharge of their duties? What is the means firemen can adopt for protection from smoke on entering a burning building? Is it advisable to carry fire escapes on trucks carrying extension ladders, and if so, what is the best escape? The importance of fire alarm service to fire departments, and the necessity of its being controlled by the departments.

On the evening of December 5, 1876, the Brooklyn Theater was presenting the play, "Two Orphans." Mr. Studley, who played the part of Jacques, made efforts to calm the excited audience. He stepped to the footlights and said: "There is no trouble here. There is no fire. Ladies and gentlemen, keep your seats." Many resumed their seats but only for a few seconds. The flames spread rapidly, and the theater was soon enveloped in flames. Miss Kate Claxton and Mrs. Farrell showed great self-possession; remained upon the stage till the scenery at the left was completely licked up, and then rushed out in stage costume, saving only dresses they wore. The panic became general before the actors left the stage. The audience rushed for the door, women fainted, the aisles were blocked and many thrown down and trampled on. Ushers and police made every effort to induce the people to retire in good order without effect. The heat was intense, and men fell helpless to the floor. Mrs. Farrell and a number of actors jumped into the auditorium and took their chances for exit by Washington street door.

Most of the killed were in the dress circle, their means of escape being cut off by the burning stairs. The bodies were found in heaps within a few feet of the door. It was supposed they went down when the lobbies fell. They were burned beyond recognition.

The stairs and lobbies to the upper floor became quickly choked up with a terrified crowd, who trampled over one another, until progress was impeded. Doubtless many were suffocated by the smoke, which was dense within the space of three minutes from the first appearance of the fire.

Bodies were found in heaps along the line of the main lobby and gallery, the stairs having fallen through the upper flooring, which was burned away. The sight appalled the stoutest heart.

Charred heads, legs and arms protruded in promiscuous disorder from amid a black mass of debris. Recognition was impossible, except, perhaps, when remnants of clothing remained.

People in Austin were horror-struck when reading of the roasting alive of 250 men and women in a Brooklyn theater. A week after the Brooklyn fire, the Daily Statesman editorialized: Two lessons in a century, this in Brooklyn, and that in Richmond, should make city governments see that theaters and churches have proper places of exit.

Several of the hallmarks of the tragic Station Nightclub fire, which prompted creation of the Have an EXIT Strategy campaign, were the unsafe use of incendiary materials, flammable decorations and wall coverings, and the panicked, stampede reaction of the crowd in trying to reach the main entrance/exit. This reaction has historically been the cause for massive casualties in many performance and mass gathering venue fires.

A tragedy similar to the Station fire, and the Brooklyn fire tragedy just mentioned, was narrowly averted in Austin in August 1880, through practices the SFMO now encourages as part of Have an EXIT Strategy: staying calm, having a plan and following it.

“Thursday night during the last act of the ‘Fairy Grotto’, from some cause too much of the red light composition was fired and a part of the scenery was ignited, creating the wildest confusion among the vast audience. Large numbers made for the doors and had it not been for the coolness and exalted courage of Miss Ella Carter who was performing in the act, the most dire consequences would have followed. She, seeing the confusion and the result likely to follow from a stampede from the building, remained steadfast at her post and with marvelous intrepidity infused confidence in the audience by commencing a song which she continued until quiet was restored. An instant after the scenery ignited the trained attaches of the Opera House turned on the water from the well arranged water works and extinguished it in a moment’s time.”

In August 1877, a new fire nozzle and hose ordered by the local water company for the state capitol building arrived from St. Louis. *The Austin Statesman* observed that they were tested and found perfect, and that “the Capitol is now made more secure against the devouring elements.”

In November 1877, one of the outhouses of the Blind Asylum was destroyed by fire, and the main building was thought at one time to be in danger, but the firemen, who were just returning from the funeral of August Newman, promptly went to the scene of action, and with their usual courage succeeded in controlling the flames that seemed destined to destroy the entire establishment. While fighting the fire, four firemen were injured; three barely escaped serious bodily injury. Foreman E.T. Deats died as a result of his injuries on Jan. 20, 1878, the first Austin fireman to die in the line of duty.

In attempting to pull down the burning building, it fell at an unexpected moment, burying them beneath the burning rubbish, but they were extricated without serious damage. The following day, the City Council located one of the hydrants of the water works near the Blind Asylum, which would have been of valuable assistance in extinguishing the fire had it been finished. Too much care cannot be bestowed upon the facilities for guarding and protecting the unfortunate inmates whom fate has rendered comparatively helpless. Firefighter Newman, for some cause unknown, had committed suicide the day before the fire by shooting himself through the head with a pistol bullet.

Youth Fire Prevention And Intervention is one of the SFMO’s many important programs. Arson has one of the highest rates of juvenile involvement. Of those arrested, more than 50 percent are age 17 and under. More than 500 juveniles are arrested for arson annually in Texas. These juveniles are responsible for more than \$6 million in property loss. Fire interest in children is almost universal. Children of all ages are involved in firesetting behavior. Although curiosity about fire is natural, setting fires is not. Children who set fires exhibit a variety of characteristics, including being impulsive, mischievous and oppositional, thrill seeking, and violent and

aggressive. Juvenile firesetter intervention programs are successful in reducing firesetting behavior. According to NFPA, without intervention more than 75 percent of youths who have played with or set fire will do it again. Intervention programs within the fire service evaluate juveniles and their families to identify needs and determine risks for future firesetting, provide appropriate fire safety education, and help juveniles and their families meet other needs (counseling, social services, etc.) by referring them to other resources within the community.

Let's look at the case of little Willie Lewis, caught and arrested for arson in Austin in 1880, and contrast the methods of dealing with youthful arsonists then versus now.

On July 13, 1880, the dwelling of Mr. Eldridge Perry burned. The next day it leaked out that possibly Perry's house had been set on fire. At the time the fire occurred no one was about the premises, all the family having gone over to visit a near neighbor. Before leaving, house was carefully locked and been made secure, and no fire was left in the stove or about the yard.

City Marshal Ed Creary, after hearing all the facts connected with the fire, had his suspicions aroused, and directed the police to arrest a certain well known juvenile, Willie Lewis, and on the morning of July 15, the boy was captured and carried to the police station. In conversation with the marshal he confessed to robbing the house. The *Statesman* reporter had a long talk with the boy at the marshal's office. He was white, and said he was 11 years old. According to the reporter, he bore the unmistakable impress of the "veritable street gamin of the larger cities. In the way of shedding tears he excelled even Job Trotter, and the manner in which he turned them loose and checked them was a marvel."

In his conversation with the marshal and reporter, he said that he and one other boy were on their way to the watermelon patch below town, and while passing Mr. Perry's house observed that no one was about the premises. The brilliant idea of robbing the building then suggested itself and they proceeded at once to put it into execution. They entered the yard and tried the doors and windows, and fortunately for their purpose found one of the latter in a good condition to be opened.

They entered the building and stole a gold watch and chain and one or two other articles, and then left the house. He said after getting on the outside his companion took a small China bowl and went to his mother's, and filling it with coal oil returned and poured it upon a lot of shavings under the house and, striking a match, set fire to it. He and his companion were both under the house at the time, and he says they had trouble in getting out, the flames spread so rapidly. His right arm was slightly burned near the wrist, and his clothes bore unmistakable evidence of having coal oil on them.

After they emerged from under the building he said they ran down the street a block and sat down until the fire was discovered by men passing by. They then repaired to the scene of conflagration, and watched it to its final winding up. During the recital of his yarn the little fellow frequently burst out crying and no monkey with his tail burnt off ever looked more doleful and begone. His alleged companion, a boy about 14 years of age, was arrested on July 16 but proved an alibi, and it was more than likely that no one assisted the young prisoner.

On the morning before his arrest Willie entered the residence of Mrs. Gray, near the central depot, and stole her watch and chain. It was recovered and restored to her. He had time and again entered different business houses in the city, and hardly a day passed that he was not caught stealing. He had been arrested often and the reporter said he was never surprised at seeing him in the lock-up.

He was a sharp and intelligent little fellow, and when asked by the reporter "Who made you?" he replied "God" and commenced crying in the most pitiful manner. "What will become of you when you die if you keep on stealing?" "I'll go to hell," and another flood of tears followed. "If you persist in your present career what do you think the officers will do with you?" "I reckon they'll hang me,"

and the flow of tears increased in volume. The boy was a “hard case” and stealing and robbing seemed to be second nature with him, and he appeared to be a hopeless case to the marshal and the reporter. His parents lived in Austin and the reporter was informed they were hard-working, honest people, and did all in their power to keep their little son out of mischief.

“The late fire and loss of Mr. Perry, one of our most worthy citizens, was another proof,” the reporter concluded, “if any were needed, of the absolute necessity of the county providing a house of correction for juveniles. This boy, eleven years old, who set fire to the house, was a confirmed thief, but there was no way of punishing him. Hundreds of the other homeless waifs, black and white, can be found in the community.”

On July 20, Willie Lewis was up before Judge Lee. After a careful examination the judge concluded to hold Willie in the sum of \$150. He gave the bond and was released.

On July 29, 1880, William Lewis, the little boy who set fire to and burned Mr. Perry's house, was up before Judge Friedrich for burning the Perry dwelling.

On August 14, Lewis, who was out under bond for burning Mr. Perry's dwelling house was again in the tolls. “Two days earlier, he undertook the pleasing task of stealing a lot of bottles from one Mr. Kennedy. He was caught in the act and turned over to the officers and placed in jail. Lewis is a hard citizen, and seems to be a hopeless case. He is about twelve years of age, and stealing appears to be a perfect mania with him,” the *Austin Statesman* opined.

He went on to commit a variety of thefts and violent crimes for the next decade. In the summer of 1882, after being arrested for stealing a pistol, he was released, on the condition that he would leave Austin. He went to San Antonio. A letter received by San Antonio City Marshal Sharden from the city officials of Austin represented him to be a burglar and a house-burner. This was almost incredible he was so young. The police were instructed to keep an eye as it were on the youthful outlaw and see that his career in San Antonio would be short.

When taken before the bar where Recorder Anderson read to him the letter from Austin, Willie did not deny it but simply said that he had no bail against him in San Antonio and that he had come to San Antonio to reform. The only relative he had was a stepfather, who, he said, refused to support him, and so he is either obliged to hustle around as best he can to earn an honest living, or steal. Recorder Anderson was of the opinion that a jail is the poorest place in the world to send such boys, and that the city or county should provide a house of correction and reform, instead of educating them up to accomplished criminals in crowded jails.

Willie was back in Austin less than a year later and resumed his life of crime, although it is not known whether he ever committed another act of arson.

On May 17, 1881, an *Austin Statesman* reporter visited the Treasury and took a look at the million and a half of dollars he and other Texans had deposited there. “The whole of it is confined in a massive fire and burglar proof vault and safe and it is perfectly secure. It may not be amiss to say that the Treasurer and his employees are among the most careful and agreeable gentlemen, and all can rest assured that the business of the office is conducted upon the most rigid and economical principles consistent with the best interest of the very large, most prosperous and respectable family of Texans. We can all sleep calmly, knowing that our vast wealth is carefully guarded, and our financial affairs most admirably managed.”

In October 1881, the *Galveston Daily News* editorialized on the unsafe and unhealthy conditions at the state insane asylum in Austin, which were contrary to the commonly accepted standards of the time:

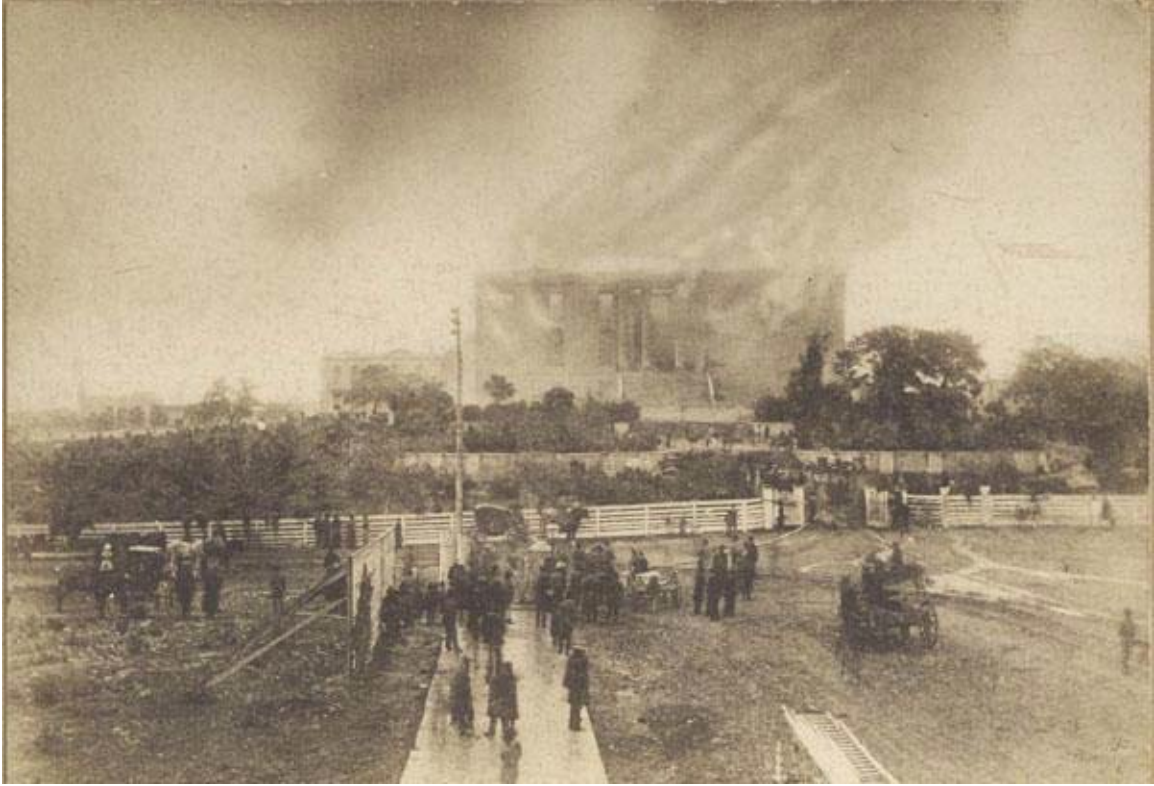
“Every requirement here indicated seems not only necessary, but indispensable, and yet the report of the character of the buildings now in use at the Austin asylum lends to the conclusion

that hardly a single rule bearing upon the sanitary measures, or a single rule intended to insure safety from accidents by fire, have been considered; neither is the building lighted, heated, or provided with water in accordance with these rules. It is palpably hazardous to attempt the cure of lunatic patients in inflammable building without means of extinguishing fires, without proper ventilation, without safe and convenient appliances for preserving the air in the wards pure, and wholesome, without substantial and generous diet, and by crowding 400 inmates together in the space that would normally house half that number. A fire or an epidemic would inflict a terrible calamity. The old or main buildings are without any means of suppressing a fire, and are liable at any moment to burn to the ground. If new and even first-class fire-proof additions be erected, a fire in the immensely large and inflammable old fire-traps in close proximity would melt their limestone walls to the ground like so much snow. It is to be hoped that the new managers to be appointed will be men of sufficient independence and humanity to take all these things into consideration."

On November 9, 1881, while Governor Roberts, Comptroller Brown, Treasurer Lubbock, Land Commissioner Walsh, Attorney General McLeary, and the new capitol commissioners, Judge Jo Lee and Col. L.N. Norton were consulting over the plans for the proposed new capitol, the old one was being set on fire a few feet from them through the carelessness of a department clerk, and the ignorance of a mechanic who ran a stove pipe against the paper and plank sides of a room full of books, instead of into a flue, as he supposed he was doing.



Old, "Colonial" Capitol before the fire of November 9, 1881



Old, "Colonial" Capitol on fire, November 9, 1881

A hole had formerly been cut in the stone wall between the two rooms for a stove pipe to be extended from the attorney general's east room to the further or east wall of the book room, in which there was a flue. Latterly, this aperture on the book-room side had been papered or planked over, but was open on the side of the attorney general's office. A few days ago a stove was put up in the eastern room of the attorney general's office, and the stove pipe from it was placed in that aperture. The sparks when the fire in the stove was lighted, of course made their way through the paper or plank over the stove hole in the book room and dropped down among the books and caused the fire. That room contained the entire reserve supply of all the Texas Supreme Court Reports, from the organization of that tribunal up to and inclusive of volume 53, received from the publishers but a few months ago. The journals of the congress of the republic and all the legislatures since annexation were also deposited there, and the same may be said of several hundred volumes of the Revised Civil Statutes of the State.

The fire had got well under way among the valuable and inflammable material before it was discovered, and had made such headway before any general alarm could be given that it was impossible to save the building with the inadequate water supply in the Capitol grounds, and the little pressure on the water pipes at that time. But the portraits of old heroes and old Texans in the Representative Hall and the Senate Chamber, and many valuable works from the State Library, could have been saved if the heads of the State Government had shown presence of mind at the first discovery of the fire. But the State Library, geological specimens, the portraits, paintings, furniture, and everything in the legislative halls is a total loss, and the only things saved from the building were the records of the various departments, and some of them in a damaged condition. The loss of the building itself can not be considered a very great calamity, but some of its contents were invaluable, and can never be replaced.

The flames consuming the State Capitol reduced to ashes mementoes dear to Texas history. Beside the six volumes of historical records of the early days of Mexico, many portraits of the

fathers of the Republic, and of celebrities of a later date, which can not be replaced, were destroyed. While the loss of some of these may be lightly borne on account of the little art value they possessed, there is still one painting the absence of which on the walls of the future capitol will ever form a source of regret, It is the historic portrait of David Crockett, a painting that bore the true mark of genius in conception as well as in artistic treatment. The famous hunter was there represented, somewhat above life size, in the act of cheering on the hounds surrounding him. His right arm was lifted high, waving a broad-brimmed hat and his countenance seemed enlivened by the excitement of the chase.

Even the dogs, although representing a rather inferior breed, breathed the ardor of the occasion, and each fold and crease of the authentic costume was created in a broad though realistic style. Design, color and execution were alike masterly. It was the picture of the capitol. Two life-size pictures (oil) of Sam Houston were next in value. One, hanging in the hall of the House of Representatives, represented the hero of San Jacinto in standing attitude. It was originally painted by Bene, and was a good piece of work, but had suffered materially in the process of restoration, undertaken some eight years ago. Another, in the Senate chamber, represented the same statesman and soldier in sitting posture, and was probably the best known picture of Sam Houston extant. It has been copied repeatedly. A life-size picture of Washington addressing an audience was a hackneyed copy of little merit. A painting of Stephen F. Austin, presented by Hon. Guy M. Bryan, in the governor's office, also perished. There were a number of other paintings, which may be spared posterity without particular regret. General Burleson's portrait, of mediocre value, was saved. Mr. Huddle saved all of the portraits commencing with the first president to the old alcalde. The alcalde is regarded as fire-proof. The monument to the fallen heroes of the Alamo suffered some damage, and had as well succumbed, not being adequate to the memory of these gallant men.

The 16th and 17th Legislatures had failed to approve funding for hydrants; there was insufficient water or water pressure to mount an effective attack on the fire. An entry in fire records by department recorder A.H. Robinson, noted the pressure, however, was not sufficient to throw water even a few feet. "The economical solons (sessions) of the sixteenth legislature and so, too, the seventeenth, refused to appropriate enough money to supply the Capitol building and the grounds with hydrants and water. Today, we gaze upon the blackened walls of a burnt state house as the monument to their penny-wise and pound-foolish policy."

The day after the fire, upon the suggestion of the governor, Col. Spaight, as ex-officio superintendant of public grounds and buildings, made complaint before Justice of the Peace Gregg to cause an investigation of the capitol fire under the statute. Accordingly Justice Gregg swore in Messrs. Von Rosenberg, Wren, Berryman, Kelly, Williamson, and James, who viewed the ruins and they proceeded to hear evidence at Gregg's office the next morning.

Fingers were pointing at each other everywhere after the fire, as several articles in the *Galveston Daily News* pointed out, beginning on November 15, 1881:

"THE NEWS, in this issue, in the special letter of its Austin correspondent, publishes a reply to the State Commissioner of Insurance to some comments upon the conspicuous business defects of politicians elevated to high trusts as illustrated by the recent burning of uninsured public property at the capital. The comments referred to in THE NEWS issue of the 13th are met by Colonel Spaight, who appears to shoulder the entire responsibility of the failure of any official to procure the protection of a policy of insurance upon the old capital. Although he claims the duty to insure is not nominated in the law as applicable to his bureau, yet he proceeds to contention and debate against any one dreaming of so unusual and preposterous an idea as to insure a State capitol. It is then quite in order to hold the volunteer champion of the neglectful State administration responsible and solely responsible for the omission, if there has been one, which involves any dereliction of duty or palpable lack of ordinary business capacity. The commissioner attempts to avoid responsibility because the duty of insuring public property is not specifically set out in the act creating his office. He is by law superintendent of public buildings and grounds.

He has as such exercised the specific act of guarding the capitol against fire by having the flues cleansed. Was that specific duty set forth in the act, and was a specific appropriation made for the professional chimney sweep he employed? In the correspondent's letter referred to is mentioned the fact that the commissioner recognized great danger of fire and took precautions against it.

"The commissioner holds that no appropriation for insurance has been made in forty years; neither, might he add, has any been made for an expert chimney-sweep's salary. And yet THE NEWS only inquired why the commissioner had not asked the governor and legislature to provide insurance against a fire loss.

"Certainly, though not specified as one of his duties, there was nothing in the constitution or in the penal statutes to prevent a modest recommendation of the kind. As to the second chapter of the reply, that the law prohibits the appointment of a "special insurance official" to command the bureau, the country has a very startling and expensive reminder of the fact that the law has been very rigorously obeyed in that particular injunction. Another branch of the subject presents a more serious matter for consideration, and that is with reference to the water facilities in the capitol grounds. Colonel Spaight is ex-officio superintendent of the grounds, but is careful in his reply to state nothing upon his own authority upon that subject. The superintendent of the Austin waterworks is his witness, whose ex parte statements to himself he would have the public to believe are conclusive that the plugs and hydrants upon the grounds were sufficient in case of fire. Colonel Spaight has more immediate control of the grounds than the waterworks official, and ought to speak from his own knowledge. Again, the waterworks company has had a contract for supplying the grounds and buildings with water, and its official is an interested witness. Further, the chief of the Austin fire department, upon his oath, stated he could find but one hydrant there, and it was not good, and that if others were there they must have been covered with wood. Fourthly, it may be pertinently asked if the superintendent of the grounds is not responsible that this one accessible hydrant was not in good working order, and the one hid out was not accessible at the time of the fire? Perhaps the act creating the bureau failed to specify this responsibility.

"Evidences daily accumulate going to show the incapacity of the law-makers. It appears that even the governor discovered the absolute failure of the water supply from the hydrant on the grounds, while from the hydrants to the south of and outside the grounds an ample supply was obtained, but the smoke on that side of the building and the great distance the hose were stretched prevented the firemen from using it to advantage. This branch of the subject, in view of the serious responsibilities that may be brought to light, it is believed the commissioner and ex-officio superintendent of the grounds had done well to avoid, and not have challenged the damaging inferences to be drawn from the condition in which the fire companies found his facilities for protecting the uninsured property committed to his supervision. The next witness for the defence is Governor Coke, who declined to insure because the State was able to insure its own property—that is to say, the State was able to stand the loss, or the State government was in the insurance business and could afford to take the risk, neither inference being true. The State government was then and is yet in debt, and its business is as specifically stated in its charter of authority granted by the people as are the duties of the commissioner in the act creating his bureau, and his insurance bureau is the only business relating to insurance mentioned in that charter. Men have instituted waterworks, fire engines, fire-proof buildings, and it may be said also, chimney-sweeps, to protect public and private property from fire and fire losses, but they have found the best protection is an insurance policy. For public buildings every other protection against loss is to be required, except the lost named, and why? Because in thirty years the cost of insurance would be more than the value of the insured property, as stated by Colonel Spaight. That is true of perhaps five hundred millions of insured values in this country, which for that length of time have been kept insured. Observing this controversy, the insurers will now no doubt permit their policies to lapse. Yet the State has and will continue to pay for insurance in the way of water rates, chimney-sweeps, per diem, and the salary of the superintendent of the public buildings. Only recently have these protections been thrown about the capitol—with what good result is known—yet if the estimate of the cost of insurance thirty years back is to be paraded as a saving, the State for thirty years, or nearly that length of time, has also saved the cost of the bureau, the sweep and the

defective hydrant, which by the same calculation would have cost the State upward of \$247,300 – quite enough to justify the conclusion that they have been instituted all too soon unless at the same time the insurance policy had also been obtained. It is scarcely necessary to refer to the frivolous matters and deductions submitted by the commissioner having no force or bearing upon the propositions he has had the temerity to champion. He would infer that the State having during forty years dispensed with insurance, it is thereby shown to be undesirable. The State-for thirty-five years dispensed with the insurance bureau and other States have managed to exist more than forty years without any such luxury. Let the same inference follow. Another inference, equally absurd, is that because the superintendant of the waterworks knew nothing of Colonel King's application for additional water facilities, no such application was made and no additional facilities were needed. It was not unusual for Colonel King to act without the knowledge of other persons, and yet it was one of the unexpected results of the fire that this ignorance of the superintendent should play the important, double duty of protecting the water company and the superintendent of the public grounds from serious imputations. It is produced as evidence of a sufficient water supply and of the capacity and good working order of the plugs and hydrants on the grounds. It is quite at logical to infer that there has been no fire. The insufficiency of the water supply on the grounds has been quite as well established as the destruction of the State-house. THE NEWS has not been unaware of a disposition in some quarters to use the casualty at the State capitol for what appears very much like partisan ends. It is perhaps intended to put some obstacles out of the way that appear formidable. In such case let the logic of the events brought to view have full effect, and the acts and motives of those who asperse, as well as of those who now endeavor to avoid responsibility while insidiously reflecting upon others, be submitted to the test of public opinion.

“Regarding a statement upon his side of the insurance question, Commissioner Spaight, of the Bureau of Insurance, Statistics and History, I will call attention to an error, which he, no doubt, has fallen into unintentionally in respect to the evidence of Mr. John Bremond, chief of the Austin fire department, before the fire inquest. Mr. Bremond did say that a dozen engines could not have put out the fire after the window of the room where it originated had been broken into, and a current so created had fanned the fire into flames. He condemned in his testimony the one hydrant found in the capital as defective, and stated if there was more than one it was covered up with wood. The testimony of Mr. Mr. Bremond, Mr. Nagle, and others, was conclusive that the hydrant outside the capitol grounds furnished a good stream, without the use of the engines, while that in the grounds would not throw water into the second-story window. The governor, in his evidence, noted the fact that the water from this hydrant would not reach the window. Mr. Bremond did not testify that half a dozen engines could not have put out the fire when the engines arrived on the ground, but, as stated, they could not have put it out after the hole was made in the window and another witness stated this hole was made by the firemen. As to that dreadful stove in the attorney-general's office, the one that the jury found the cause of the fire, and condemned the attorney-general because he did not put it up himself, because he was not a tinner, tinker, and hollow-ware dealer, as well as attorney-at law, State counselor, and in the opposition to the Old Alcalde as Coke's successor, and because he should himself have mounted the ladder and sounded the pretended flue, that proved to be only a black hole in the wall, and not left it to the expert workmen employed for that purpose—well, about that stove, the attorney-general, who did not come to Austin to investigate flues, says he supposed the insurance commissioner, who has general supervision over the flues and black holes, had done so, as not long before that the commissioner had the chimney in the attorney-general's office cleaned out, and after the stove was put up the commissioner came into the room and inspected it, together with the clerk of the commissioner's bureau. It was standing in the room, the stove was, a week or more, loaded and ready to discharge its contents into the book-room, was visible to the porters, clerks and officials passing through the attorney-general's apartments, including the commissioner, and yet no one had the least notion that there was danger. There is always a fire bug of that kind about such old rattle-trap buildings.

"The old house had caught on fire several times previously, but without serious consequence. It was known to be in constant danger, Colonel Spaight himself took the precaution to employ a professional chimney sweep to clean out the flues, as he stated in his testimony, because they might be very foul and the top of the capitol was all wood. He was not sure, however, that the flue of the book-room was cleaned out.

"A great deal might be said tending to show that attorneys-general are peculiarly fitted to the business of the plumber and stove-pipe fitter, and that for such qualifications Mr. McLeary was selected to fill the position, but on the day of the fire I am satisfied neither he nor any of several other State officials were in a proper state of mind to tell from actual inspection the difference between a flue and a pancake; or, to draw it milder, between a black hole and a flue. On that day the capitol board had met and about concluded the final review of the contract, plans and specifications for the new capitol. They were State officials, including the attorney-general, and all felt extremely well satisfied with themselves and their work. The bottle had been exhausted and replenished. They began to be very happy, and some of the board really imagined they were standing under the dome of the new capitol. The party that took in this meeting, concealed as he was in the gallery, informs me there was nothing boisterous or any very marked excitement, but he left the impression that the board was incapable of bringing its intellect to bear successfully upon the problem of the flue and the pancake. When the fire forced itself upon their attention they were too rudely aroused from their dream *of capitol-building to see how in a few minutes capitols may be destroyed. But none of the party was merry enough to fiddle like Nero as the capitol burned. They acted promptly and with the best judgment, though their efforts were unavailing. And perhaps this is quite enough of an introduction to Colonel Spaight's article, which I promised him to send to you, and which I perceive he has first supplied to several other papers:

"COLONEL SPAIGHT'S REPLY.

In reply to the leading article of THE NEWS of the 12th inst., reflecting on the commissioner of insurance, and charging a lack of ordinary business capacity in failing to urge the governor and legislature to insure "that most dangerous fire-trap," the capitol, alleging that "a professional insurance official" in the position of commissioner would have saved the State a quarter of a million dollars; that had the legislature heeded the demand of the former commissioner, Colonel King, to provide fire-plugs and hydrants on the capitol grounds, the building would have been easily saved, and pointing out the great calamity which would have occurred if the treasury, with the cash balance uninsured, should have burned, Commissioner Spaight says that every statement of fact in the article is erroneous, and, therefore, the disparaging inferences have no foundation.

"He says: The duties of commissioner of insurance are specifically set out in the act creating the office, and the duty of providing for insurance of public property is not one of them, either expressly or by implication. It is wholly outside of the scope of his duties. In the forty years of the existence of Texas as a Republic and as a State, no appropriation to insure the public buildings has ever been made, or, as far as he can learn, has been even proposed. He has yet to learn that any State in the Union has ever taken out a fire policy on a capitol. The appointment of "a professional insurance official" as commissioner is expressly prohibited by the act creating that office, the reason assigned for the prohibition being to guard against professional bias in favor of insurance corporations as against the insured policy-holders.

"Captain W. D. Mather, president and manager of the Austin Waterworks Company, states that fire plugs and hydrants were placed in the grounds in 1870; that he was called before the legislative committee and gave it as his opinion that they were amply sufficient for the purposes, that no demand, to his knowledge, had ever been made by Colonel King or other persons that the fire plugs and hydrants then put in the grounds should be increased in number or size. Captain Mather farther asserts that they are, in fact, sufficient, because there are only two fire engines in the city, and there are two fire-plugs, distant one block from the capitol, besides those at the capitol.

"Captain John Bremond, chief of the fire department, testified before the fire inquest that when the engines arrived at the ground, six fire engines, with ample water, could not have saved the building. THE NEWS ought not to have been ignorant of the well-known fact that no insurance company would insure the cash balance from fire. 'Money, bullion, notes, accounts, deeds and evidences of debt' are expressly excepted in all fire policies.

"Governor Coke, while in office, was urged by leading insurance men of this city to insure the capitol, but being a sound, practical business man, he declined for the reason that the state was abundantly able to insure its own property, and that it would be bad economy to pay insurance corporations to do it. The soundness of his judgment is illustrated by the case in hand. According to .the estimate of THE NEWS the building and contents were worth a quarter of a million dollars. To insure this sum for, say, the thirty years the capitol has stood at 11/2 per cent, per annum (it could not have been done for less), it would have cost the State, with simple interest at 10 per cent added, the sum of \$280,875. Thus the premiums saved to the State by insuring its own-property will now replace the capitol and contents, with \$40,000 to spare.

"Having thus corrected the facts of THE NEWS article, Commissioner Spaight says he is content to leave the criticisms and the motives which inspired them to the judgment of the public."

In the same year, a tribute to Austin firefighters appeared in the Texas Siftings: "In no city in Texas that we know of, or elsewhere, is there so large a proportion of the best men in the community connected with the fire department. The most prominent bankers, merchants, and professional men in Austin are firemen."

In the days following the fire, paperwork from the burned capitol was found as far as 15 miles east and two miles south of Austin.

The burning of the old capitol had widespread consequences scarcely imaginable today, as the Austin Statesman pointed out on November 16, 1881, about one of Austin's most eccentric citizens:

And now there is much complaint about the well-known peripatetic old fellow, Professor Damos. During the early part of the year complaint was lodged against him that he was a dangerous character and he was taken in charge by the officers and arraigned before Judge Fullmore. He was adjudged a lunatic of a dangerous sort and sent to the asylum, but that institution refused to receive him, and he was brought back and turned out upon the streets, where he soon succeeded in gathering up his usual bundle of papers, and again commenced his almost unceasing perambulations. Up to the burning of the state house, he passed his nights in that building, and its loss has been a source of much trouble to the old fellow, who now passes his nights in the corridors of the Brueggerhoff building. During the cold nights the old man suffers a great deal, and it does seem it would be an act of charity to provide some place for him. Indeed, in view of the fact that he is growing worse and is now really dangerous, it is the duty of the authorities to make another attempt to have him placed in the asylum. Little girls and boys are warned to give Damos a wide berth when they meet him off the main thoroughfares, for should he get his hands on them he will surely inflict terrible injuries, if not kill them outright. A few days ago he caught a little boy, and no doubt would have murdered him had not a gentleman been passing and rescued him from the old man who had been worked into a perfect frenzy by being hooted at and teased. The Statesman warns boys and girls to beware of Damos.

City Marshal Ben Thompson, a day earlier, under instructions from the city engineer, stopped some improvements that were in process on Weed's livery stable on Pecan street. They were, it is stated, in violation of the fire ordinance.

After an inquiry lasting several days involving the examination of many witness, the jury of fire inquest issued its report on the capitol fire on November 22, 1881. The fire had been caused by a fire made in a stove in the room adjoining the book storeroom on the west, and occupied by C.

Edmundson, clerk of the attorney general, the said stove having been placed there on November 3, with permission of the attorney general, and under Edmundson's direction. Mr. B. Erickson, an expert workman of Radkey's stove house, placed the stove, and passed the stove pipe into a hole in the division wall between the clerk's room and the storeroom. The hole, apparently, had been previously used as a receptacle of a stove pipe, and was supposed by Edmundson and Erickson to be the entrance into a regular flue. That hole, however, was not the entrance of a flue, but was intended to pass stovepipe through the division wall, and through the storeroom to the chimney flue in the east wall of the storeroom. The storeroom, in the fall of 1875, for protection of books against dampness from rock walls, was ceiled by nailing planks to upright scantling, leaving a space between the walls and the ceiling. The space between the wall and the ceiling afforded sufficient draft for the fire in the stove to burn without causing the stove to smoke. The igniting of ceiling and books filled the storeroom full of smoke, which, although escaping through the chimney flue, penetrated the ceiling overhead into the rooms on the second floor, where the same was discovered by the assembly of the capitol board. The fire was observed nearly simultaneously by all officers in the building and many citizens, and the alarm was given. At the time of the discovery, with sufficient water at immediate command, the fire would have been checked and the building saved. Hose was attached without delay to the hydrant near the southwest corner of the capitol. The pressure, however, was not sufficient to throw water even a few feet. The insufficiency of the water supply caused the state officers to abandon the idea of checking the fire, and to turn their attention at once to the saving of the archives. The fire companies arrived merely to prove all attempts to check the fire useless, as they were driven back by the intensity of the smoke, and their attempts were futile. The jury found that while, by the law, the superintendent of public buildings and grounds was responsible for all damages occasioned by the injury or loss of any public property under his care, or resulting from any neglect of duty on his part, the various offices in the capitol building, occupied by heads of departments, are placed under the special control of their respective occupants, and that the several officers were responsible for the safe keeping of their respective offices, and their control of said offices would not be interfered with by the superintendent of public buildings and grounds. They found the cause of the fire was a stove put up in a room under the control of the attorney general, J.H. McLeary, and that the fire was not purely accidental, but was caused by the negligence of attorney general McLeary, in not having made himself familiar with the heating facilities of the rooms which the law placed under his special care and control; also in permitting a stove put up in a room controlled by him without directing an examination of the practicality thereof; by Edmundson's negligence in having the stove put up without investigating as to the existence of a flue; by Erickson's negligence in placing a stove pipe into a hole in the wall without sufficiently examining the same, in reference to its connection with a flue. But the jury did not believe that criminal negligence could be charged against any of the three men, as the surface around the hole in the wall was blackened by smoke, and the hole on the opposite side being ceiled was dark, and presented the appearance of a genuine flue, and found that for want of water from the hydrants at the critical moment, the fire could not be extinguished.

As bad as the Capitol fire was, it could have been worse. Had the fierce flames converted into ashes the vast records in the Land Office, there would have followed a confusion in land titles across the state, that would have opened the way to endless trouble and expense, and such an unsettling of land titles as would have cost the people of Texas millions upon millions of money. Had the building in which the Comptroller's and treasurer's offices been so destroyed, with the records they contained, and that big cash balance filled the heavens with clouds of blackened paper, there would have been widespread distress in the state, touching the pockets of every man, woman and child in its borders. It was something, in reflection, to be thankful for. Had the bungling service, which turned the fire out of a stovepipe in one of the Attorney General's rooms, into the document room, been transferred to, and had a similar effect at, the Land Office or the Comptroller's and treasury building, the damage to the state might have been a hundred or a thousand times greater than it was.

The pavilion at the insane asylum was destroyed by fire early in the afternoon of April 14, 1882. The alarm was sounded just before one in the afternoon. The asylum, though still in its same location today, was then located two miles north of the city, which was, obviously, much smaller in those days. There was no way of giving the alarm after the fire was discovered except to send someone all the way to town. The Austin firemen responded with hose carriages, trucks, and the Colorado steamer. But, when the firefighters arrived, the building was beyond all hope of salvation and the best that could be done was to prevent the spread of flames.

The alarm was given off as the inmates were preparing for dinner; the fire had been discovered by workmen building several buildings on the grounds. Several parties went to work to extinguish the flames, but having no appliances of any description except some buckets of water from an adjoining cistern, the task was hopeless. With a single hose nozzle it was asserted that the fire could have been suppressed in a few minutes. Meantime the attendants were laboring to save the patients in the building; 46 of them, all males. Fortunately, the fire spread very slowly, allowing attendants to evacuate all the patients. They were very excited, wanting to hurry upstairs to their dorms where certain death awaited them. Some were coaxed away by deceptions such as coming to dinner or the playground, others had to be carried, one jumped to the ground and broke both legs.

Had the fire attacked either of the main buildings, the *Austin Statesman* remarked, "humanity would have been called on to stand aghast at the awful result."

One attendant lost all his worldly goods because of his devotion to his patients. He didn't even have a hat when the fire was over.

The fire was thought to have started by defective pipe leading from a stove in the sitting room out through the roof.

The house was two-story brick, with a contracted price of \$12,000. As was the case then with state buildings, it was not insured. It was yet another big loss to the state for lack of water.

The *Austin Statesman* scolded the legislature the next day for its penny-wise, pound-foolish attitude: "The burning of one of the lunatic buildings brings the question of a proper water supply for state buildings prominently before the legislature. Had there been a proper water supply, thirteen or fourteen thousand dollars of loss would not have occurred. The fire began and worked slowly in the upper part of the structure and could have been extinguished with all ease, even with a very ordinary supply of water. So the state could have saved a large sum of dollars if there had been an adequate supply of water on hand when the capitol burned. The legislature ought not hesitate a day to provide means for the state to construct adequate water works at the earliest moment practicable. The state is able to provide such a system and were she not, even then public credit should be strained to protect these asylums. The governor has given the subject of a water supply for the state careful consideration and it would be wise to listen to his suggestions and profit by them."

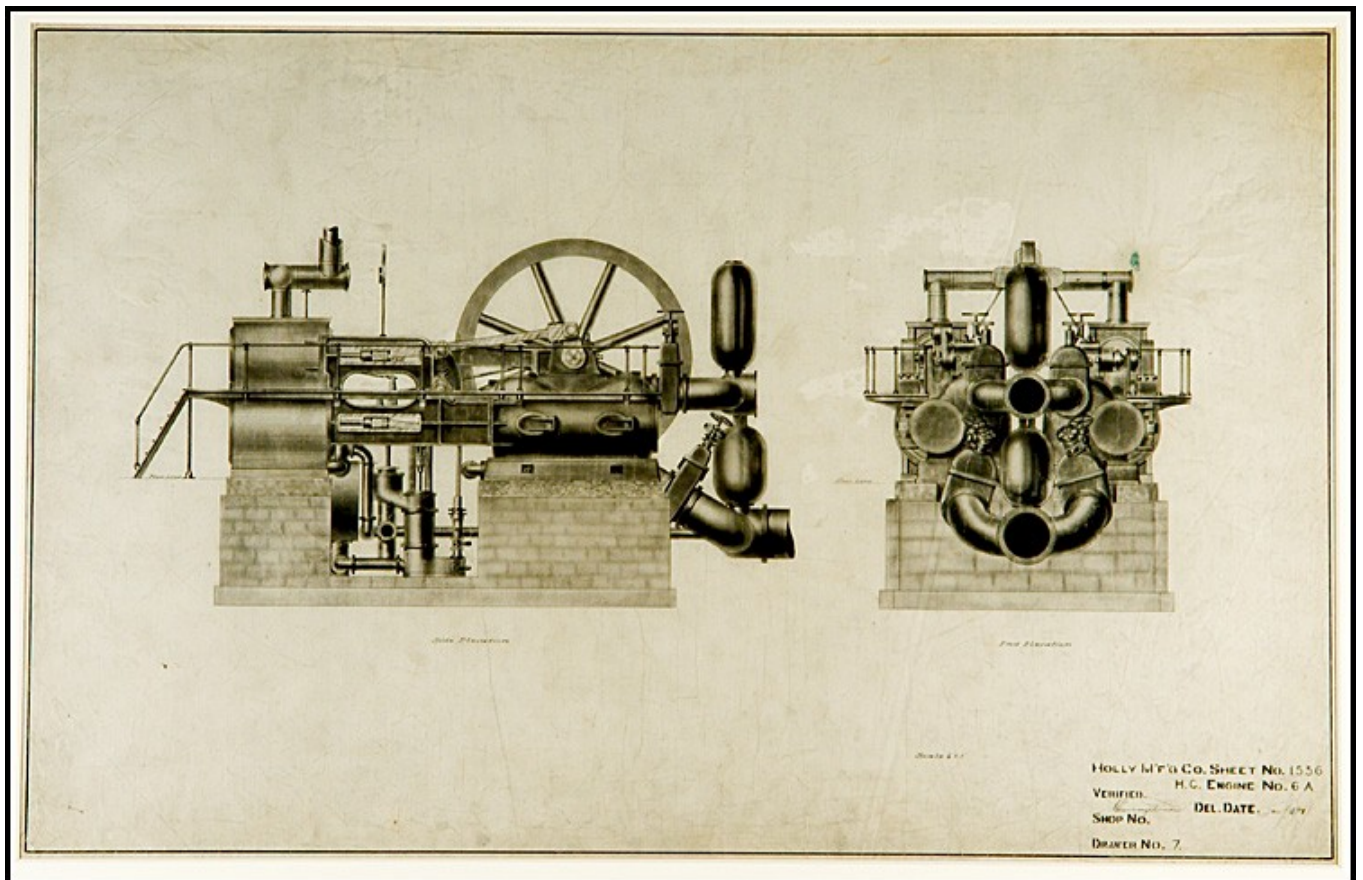
New buildings were under construction at the insane asylum in the fall of 1882. "The new dorms were perfectly fireproof, at least against the freaks of the lunatics upon the inside, which was of paramount consideration. The doors were so arranged that when opened, they would be secured open by a spring lock, thus preventing the possibility of a lunatic locking himself in his dormitory. Each ward was provided with two modes of exit by wide, roomy staircases. The only wood exposure was the floor, but that was oil finished and supplanted by foundations of cement. This construction was in response to the pavilion that had burned down the previous April," the *Statesman* reported.

By 1883, Austin was the first city in the southwest to have the new system of water works, direct fire and domestic pressure, by the quadruple, compound condensing and automatic engines of the Holly Manufacturing Co. This system of waterworks was well known throughout the north and

west and its progress was watched with great interest in Austin and in other cities of the state who were contemplating construction of water works. The direct pressure system did away with reservoirs and stand pipes, and maintained a regular pressure at all times.

Birdsill Holly (1820-1894) founded the Holly Manufacturing Company in 1859. For many years, the company specialized in waterworks pumping machinery, but eventually moved into the manufacture of entire water supply and fire protection systems.

Holly's system provided domestic water supply and fire protection from the same pipes. Contrary to the practice of the period, Holly did not use separate mains, nor was water kept at the ready in reservoirs or standpipes. His powerful engines pumped water from its source directly into the mains. Engines and pumps adjusted automatically to meet the increased water requirements of the fire service side of the system; when the emergency was over, they resumed supplying a lower volume.



Cross-compound pumping machine, 1897
Holly Manufacturing Company, Lockport, New York
ink on linen

Doodles, Drafts and Designs: Industrial Drawings from the Smithsonian



Smithsonian Institution
<http://www.sil.si.edu/exhibitions/doodles>

Mains were laid on every street inside Austin, and hydrants of new and enlarged pattern were planted along all of them. The new machinery threw a stream of water from any four of these hydrants of from 175 to 300 feet high. The Holly company guaranteed that the water could be

forced through at least eight hydrants at once to a height of 150 feet. At the test, a stream, or several of them, was thrown up in the air over 200 feet. Few people who had never seen water thrown to this height could conceive of this distance for a stream of water being forced up in the air through a pipe.

All owners of business houses were allowed to erect a stand-pipe in their buildings, with connections for flooding any or every floor in the house in case of fire, and this without additional cost. This arrangement lessened the cost of insurance materially. Commissioner Spaight had a stand-pipe erected in the temporary capitol, and facilities were abundant in that building for flooding every floor in case of fire. If the old capitol had had an arrangement like that, it would not have burned at all. To the enterprise of Capt. M.D. Mather, the president of the city water company, was due, in most part, the fact that Austin was enabled to be the first city in the South to have this best of all modern water supply systems.

At precisely half-past four o'clock on the afternoon of March 1, 1883, the fire bell on Austin's market house sounded the general alarm, which indicated that a fire was in progress outside the city limits. In a few minutes the news spread like a whirlwind that the state deaf and dumb institute was on fire. Immediately the excitement was intense, and everybody who could, started on a full run for the institution, which was about a mile distant across the river. City Marshal Kirk, with commendable foresight, went to Monroe Miller's stables and requested him to get his team ready to take an engine over, since the state had not made provision for water over there. In a remarkably short time, Miller had two of his finest and strongest horses hitched to Washington Steamer No. 1, and was scurrying over the road at a spanking speed. All along Congress Avenue could be seen nothing but flying vehicles of every description, hose carriages, hook and ladder trucks – a cosmopolitan crowd generally, with a large sprinkling of red-shirted firemen, with their flannel upper-half uniforms streaming in the wind behind like so many banners of blood. Among the foremost of flying vehicles was that of Capt. M.D. Mather. Arriving at the scene of conflagration, it was found the barn, with about \$300 worth of feed, was almost totally gone. The state printing office set about 30 feet south of the barn, and, but for the fact of the wind blowing to the north, this office would have also perished, as there was absolutely no water to be had except such as could be pumped from a deep well or cistern and thrown on with buckets.

In about 15 minutes from the time the fire alarm sounded, the engine, hose carriages and trucks were on the ground ready for action. Just before Washington steamer was placed in position to pump, the hose of Colorado No. 2 were unreeled at the cistern and screwed onto the engine as soon as she was placed at her post. From this arose a three-cornered row, that, while each individual participant may have felt himself justified in the part he took, was disgraceful to the department.

When the hose of Colorado company was put into Washington engine, Colorado steamer was not over, as there is only one engineer to both companies, and he was with Washington. The hose of Washington were not at the engine. Before the order was given to start up, Washington hose arrived and were screwed onto the other side. Mr. George Brush, a member of Washington, then gave the order to take off the hose of Colorado, to which Frank Jones, acting foreman of Colorado, objected. A few words followed, when Brush stated the case to Monroe Miller, the foreman of Washington; he immediately closed the valve connecting Colorado's hose with pumps. Thereupon Jones remarked that it was a "mean, dirty trick," when Miller struck at him, and Jones returned the blow, neither of which did any harm, as friends interfered. Chief Engineer August Ziller then came forward and ordered both men arrested by the fire policemen, and the order was obeyed in so much as that the would-be combatants were separated, and everyone thought the difficulty was at an end, notwithstanding the fact that each vociferated that the other "would hear more of this," etc., etc. Jones then ordered Colorado's hose detached from Washington engine and reeled up. Brush and Jones then had a few words, Brush remarking that "I am the man who first ordered that hose taken off our engine," and Jones retorted, "Yes, I know it, and it was a mean, unfair trick, as we were ready for action." He and Brush continued to have words, Brush following him to his (Jones') hose cart. Jones repeated that he thought the "shutting off Colorado's

hose a dirty piece of business.”

Brush then went up to him with two heavy iron hose wrenches in his hands, and said, “Yes, and I acknowledge that I was the man who first ordered them off. Oughtn’t that settle it?” Jones then replied, “Yes, and I repeat that it was wrong and cowardly, under the circumstances.” Brush then hit him with both irons, one cutting him just at the corner of the right eye, and the other cutting a long gash back of his left ear. Jones and Brush then clutched; Jones threw Brush backwards and was just preparing for active operations when the two were separated.

After the first few hasty words and blows that passed between Miller and Jones, the two never attempted to renew the affair. Each participant deeply regretted the whole unfortunate occurrence, and justly regarded it as disgraceful in the extreme, especially as there were a large number of ladies present.

No horses were in the stable at the time, and all the vehicles, improvements, etc., were removed. Superintendent John Ford said that the work was unquestionably that of an incendiary, as no fire was ever allowed near the stable, nor had there been any there. Ford stated that some unknown person evidently had some dark purpose to serve in burning down the institute, as two or three attempts in that direction had been made as of late. Only a few days ago he had found the sofa in the girls’ sitting room burning, it having been mysteriously fired.

The strongest lesson to be learned from the fire, the *Austin Daily Statesman* editorialized, was that the state should lose no time in passing a special appropriation for having water carried over to the deaf and dumb institute immediately., if the state’s contract with the city water company did not comprehend this. It was, the paper suggested, bad policy for all the department to leave the city together and go so far away.

A contract with Austin’s water company was indeed signed to provide water for fire protection at all the city’s state asylums, but this did not end the danger of catastrophic fires.

In September 1883, Superintendent Denton, of the Lunatic asylum, wrote to the attorney-general reciting a contract between the City Waterworks company and the Lunatic asylum, Deaf and Dumb asylum, Blind asylum, capitol building-commission and university management, submitting a copy of the contract to supply these institutions. Dr. Denton wanted to know if the contract was still in force, or had been forfeited by reason of the failure of the company to comply with its obligations. He said the company had not provided the water supply of the asylum in not throwing four fire streams 100 feet high from four hydrants erected by the State within the asylum grounds, and failed to furnish a sufficient supply of water for domestic purposes and other purposes on the 30th and 31st of August and on the 1st, 2nd, 4th, 6th, 8th, 10th, 11th, 12th and 13th of September and other days; also, that one day in August, when a fire actually caught in one of the asylum buildings, no water could be had from the water pipes in the building. Closing, he said, in consequence of the failure of said company to furnish water for the asylum at the times above mentioned and at various and sundry other times, the institution has suffered on account of the withdrawal of its accustomed water supply, all of which is susceptible of proof. The water company, it was thought at the time of the test of the four fire hydrants in the asylum grounds, had completely satisfied the Board of Managers. But as to subsequent failures indicated, there was good ground for complaint. However, the water company had insisted upon charging 1 cent per barrel for water used by the asylum except for fire purposes, and the real trouble probably grew out of this misunderstanding, the company being unwilling to supply water for general purposes unless paid for it.

During the last week in February 1885, Austin hosted the annual state firemen’s association meeting. Some 75 delegates for various Texas towns and cities attended. They gave firefighting demonstrations in the afternoon and were entertained at Scholz garden with music, tableaux, fire-works, etc.

On the morning of October 30, 1885, about 2 o'clock, the barn and corn-cribs of the insane asylum burned, also two frame buildings and a small stone house were destroyed, together with 1700 bushels of corn, 8000 bushels threshed oats, 9000 bundles fodder and a large quantity of hay, plows and harness. Carriages, buggy and live stock, except one cow and calf, were saved. The loss was about \$5000, with no insurance. The fire was supposed to have caught from a cigarette. An old Mexican employed there had occupied a room in the buildings. He was missing that morning after the fire, and it was believed that he left because he feared he would be charged with burning the place. As a result of the fire, Superintendent Denton forbade smoking on the premises. The provender destroyed was mostly raised on the asylum farm, and was sufficient to have supplied the institution until the next crop was made.

By 1886 Austin's fire alarm system included an approximately 4,000-pound, spring-clapper, general alarm bell at city hall and bell towers at two other firehouses. All companies were connected by a special phone system. When a report of fire came in, the alarm was sent to central; central then pressed a button and all companies were notified of the fire and its location (six rings for sixth ward, for instance). The officer on-duty at city hall was notified by central over the phone and rang the alarm bell, indicating location by number of taps. Each company had a prescribed district for first alarms. All companies turned out for second alarms.

The test of the new fire bell on August 31, 1887, was reported to have been measurably satisfactory. The tones were heard at the Deaf and Dumb Institute, across the river, by attendants, who said they were clear and well defined. Other parties in different sections of the city reported having heard the bell, but not without any too much distinction.

On April 2, 1902, in Terrell, a test of the new fire escapes recently put in the insane asylum there was made and found to be satisfactory in every respect. When the initial test was made about 1000 patients and as many visitors who were present to witness the test were carried through the escapes. On the first trial without any drilling, 100 persons were sent through the "chute" per minute but the superintendent, Dr. J.S. Turner, stated that with a little practice, which he planned on giving the institution's inmates, he expected that rate to be greatly increased.

A July 1892 fire at the insane asylum in Austin caused at least \$10,000 damage. From fifty to seventy-five patients were deprived of room and some arrangement of keeping them elsewhere was necessary. Superintendent White got room for them at the San Antonio asylum. The Austin fire department received the highest praise. The men made the long run and got down to effective work, though without adequate supply of water, in the shortest space of time.

On October 23, 1893, the *Galveston News* editorialized:

"Austin, Tex., Oct. 23.—The item published in these dispatches a few days ago to the effect that insane asylum was without adequate water protection seems to have stirred up the directors of that institution and come out with more zeal than information undertakes in one of the local papers to-day to show that rumors only were the basis of the item referred to.

"There is nothing at issue, in this asylum matter save whether the State's property is reasonably safe, and whether the poor unfortunates confined within the asylum are amply protected against the horrors of fire. No one with a full knowledge of the situation will say that they are. It is true that a stand pipe which is an "architectural ornament" has been erected north of the main building, but architectural beauty has never been known to put out fires. It is also true that this stand pipe is eighty-five feet high and has a capacity of 319,000 gallons of water. But per contra only 100,000 gallons of this water is of any use in case of fire, as when only two thirds full the stand pipe pressure is useless, and it will not be denied that the stand pipe is never full. It is likewise a fact that plenty of hose and apparatus has been purchased and that a fire brigade has been organized, but of what use are all of these without water?"

"No one denies that they have a duplex pump out there to pump water from the artesian -well into the standpipe and to obtain direct pressure with in case the standpipe fails to do what is expected of it, but suppose it gets out of whack? Or, further, has it ever been put to the test and come up to all that is claimed for it?

"When the legislature was asked for an appropriation for the water system just completed out at the asylum it was understood that it was to be put in as an adjunct to the water service furnished by the water company, not to be depended on entirely and exclusively.

"A short time ago the asylum board notified Receiver Spence that they didn't need any more water for domestic purposes, but that they would continue to take it for fire protection at \$125 per month, the price paid for domestic and fire use combined being \$150 per month. Of course Judge Spence wouldn't agree to this, as although the asylum would have ostensibly been supplied with fire protection only, there was nothing to prevent its using as water as formerly, as it was paying for it by measurement. The receiver, therefore, cut off the water entirely, and took up the mains.

"Now, the milk in the cocoanut of all this is that it is an attempt to save \$450 a month while the State treasury is sailing close to the wind, at the risk of burning up a lot of State property and roasting a few unfortunate lunatics. There's politics in it, that's all.

"So far as the water company is concerned, the *San Antonio Express* correspondent is not fighting its battles, but he does know that the Austin insane asylum is without sufficient fire protection and that if the exigencies of certain policies didn't require it, it wouldn't be so."

Fire broke out yet again on the afternoon of April 12, 1896, at the state insane asylum. The north building, male ward, having 200 patients, caught on fire. The fire burned a hole about fifteen square feet in the roof but was put out by the asylum department before the city department arrived. Loss \$100.

Every patient was removed from the building without the slightest injury. "When it was learned where the fire was it caused a great deal of excitement in the city and a large crowd went out to the asylum. The fire originated from a painter's furnace, used for melting tar for the roof."

By December 1896, Austin had a partly paid volunteer fire department consisting of seven companies (two hook and ladder companies, two with combination trucks and three hose companies) equipped with the latest improved apparatus. There was a 4000 pound spring clapper general alarm bell in the tower of city hall, also bells in the towers of Protection, East Austin, and South Austin fire houses. All the companies were connected by a special phone system, and the time record for companies getting out was from six to ten and 12 seconds.

In July 1899, Chief Stumpf estimated that it would cost the city about \$12,000 to put in a first class electric fire alarm system, and that it would be at least another year before the city would be in a financial condition to figure on the proposition. A modern fire alarm system would not only be a help to the fire boys, it would be a saving to the city.



A fire on the morning of September 30, 1899, totally destroyed the old temporary capitol, located on the southwest corner of Congress Avenue and Mesquite (11th) Street, which was erected in 1882, immediately after fire destroyed the state capitol the year before.

Old Temporary Capitol fire, September 30, 1899

Erection of the building began in July 1882, and it was completed in time for the regular session of the legislature, which convened in January 1883, despite having largely collapsed after heavy rains in the fall of 1882. During the 1885 legislative session some deficiencies in the building were exposed and another appropriation of several thousand dollars was made and used to repair the building. A called session in 1888 was the last held in the building.

The building was used from 1882 to 1888 as the capitol pending the construction of the present magnificent structure. It cost \$68,000 and was situated at the head of Congress Avenue, immediately in front of the present capitol. The ground floor was used as offices, the second occupied by the high school, and the third by tenants. The fire caught between the ceiling and roof from a defective flue. The furniture in the high school was covered by \$600 insurance, though the \$10,000 worth of machinery in the manual training department was without insurance and did not suffer, except from water, due to the heroic efforts of the firemen, who were greatly handicapped by the water famine in Austin. Insurance on the building amounted to \$5000 in favor of the state. Around a dozen firemen were painfully though not seriously injured by falling glass and plastering. Damage to office fixtures was placed at \$1500.

The fire would not have been nearly so disastrous, and would probably been stopped in its incipiency, had the city water works given any kind of water pressure. As it was, the pressure was so weak that all the city's hydrants except two had to be abandoned and a connection made with the old company's hydrants in the vicinity of the building. The pressure from the old company was strong, and prevented a complete wreck of the structure.

In response to the fire, insurance companies threatened to raise rates unless aggressive measures were adopted to secure an ample and permanent supply of water and lights.

Chapter Three: The Creation and Evolution of the Office of State Fire Marshal

Creation and Original Duties

The creation of the position of Texas State Fire Marshal and State Fire Marshal's Office by Senate Bill No. 7, Chapter 8, 4th called session, 31st Legislature in 1910, reflected the larger, national "progressive," or "populist" movement and was meant to reduce fire losses and also to better control and regulate fire insurance companies.

Attempts to create the position of Texas State Fire Marshal and State Fire Marshal's Office began during the 1909 special session of the Texas legislature when one of the bills introduced would have established the office of the state fire marshal. At the end of March 1909, the bill's chances looked good. The respective House and Senate committees had unanimously reported it favorably and the governor appeared willing to sign it. The bill was classified as educational.

Such laws were already in effect in Maine, Massachusetts, Maryland, Connecticut, North Carolina, South Carolina, Mississippi, Louisiana, Ohio, Minnesota, Kentucky, Wisconsin, and Tennessee.

At that time, it was estimated that 50 percent of fire waste in Texas was attributable to incendiary origin, yet there was not a single prisoner in the Texas Penitentiary system convicted of arson. The proposed law would have the state fire marshal and the fire chiefs of every city and town in the state work together to ferret out the causes of fires. The sheriff of every county would also be brought in as a co-operator.

Fire escape, chimney and divers other inspections would be duties of the state fire marshal, and he could appoint up to two deputies. The enactment of this law would, it was believed, result in a rigid enforcement of the law governing arson. The bill also provided that the state superintendent of public instruction would issue a booklet for the instruction of public school children on the chemistry of fires.

By the end of May, the state fire marshal bill had failed to pass.

But the fire insurance bill did pass, and the new State Fire Insurance Rating Board met in Dallas in October 1909 to inform themselves in regard to the theory and practice of fire insurance rating. The new fire insurance law required that all fire insurance companies doing business in Texas file their rate schedules with the board by January 1 for approval by the board. Theretofore, each company had done its own rating. The law was expected to revolutionize the fire insurance business in Texas, in part because it put the little insurance man and the big insurance man on an equal footing, and because now a businessman would "pay for what he gets and get what he pays for," with regard to his fire insurance premiums. The key rating system put into effect ensured that cities and towns with career firefighters, a fire marshal, approved electric fire alarm system, sufficient fire hydrants, brick buildings, and open alleys and wide streets for easier firefighting would have lower fire insurance rates.

In November 1909, the three board members visited Topeka, St. Louis, Chicago, New York and Atlanta to investigate methods employed in setting fire insurance rates and classifying risks. The board was to use the time before January 1 in securing data about Texas fire risks and in studying the matter of fire risks and the methods used in making fire insurance rates. Uniform classification of risks was a major duty of the board, besides reducing the rates where they thought the charges were too high. It was thought at the time that the board would be enjoined if it started reducing rates too briskly, and its orders might be attacked as unreasonable or the constitutionality of the law might be assailed.

The board was ready for business by the end of the first week in December, and the first insurance company rate schedule was expected to come as a Christmas present on December 25.

In August 1910, the legislature passed a bill repealing the present fire rating board law, which was regarded as defective, and creating a new fire rating board. The board, appointed by the governor, would make and establish rates, and in addition to the state fire marshal, each city and town would have a deputy fire marshal. In small places the deputy could serve without pay.

Before the bill's final passage, though, the provision to appoint the numerous assistant fire marshals was dropped. There would have been close to 3,000 appointed from the Austin headquarters. That was too much for the insurance bill's conferees to swallow. Instead of that provision it was set forth that a member of the fire rating board was to be designated as state fire marshal and that he would have the authority to ascertain the causes of fires throughout the state. At one time it was suggested that he be authorized to call upon justices of the peace to act as fire coroners.

The late summer and early fall of 1910 were especially brutal with regard to large fires throughout Texas and the fire insurance companies were complaining of heavy losses, that losses through the end of September had already exceeded all of 1909, despite the new fire rating board law and reduced hazards due to improved conditions and the removal of numerous exposure charges which had previously been figured by the companies in reaching a basis for fire insurance rates.

In October, the fire rating board began arranging the general-basis schedules as provided for by the new law that was to take effect on December 10, 1910. The companies would continue fixing and making specific schedules just as they had been under the existing laws. "The fact that there is at present a legalized trust among insurance companies in Texas to fix noncompetitive and monopoly prices for fire insurance creates an emergency and an imperative public necessity for the repeal of the present law," insurance company critics said.

With the state insurance board now having replaced the old fire rating board, Harry Wright, one of the three state insurance board members, became the first state fire marshal in December 1910. His colleagues on the board elected him to that position.

On December 13, State Fire Marshal Wright accompanied R.M. Hamby, secretary of the state insurance board, to Dallas to discuss the operation of the new law with the many general agents of insurance companies in that city. Wright then went to Oklahoma to look into the enforcement of the fire marshal law of that state.

The board members would serve only until February 1, when new members would be appointed by the newly elected governor, Oscar Colquitt.

The State Fire Marshal was involved in legal controversies from almost the beginning.

Among his defined duties, the State Fire Marshal was, from the beginning, charged with the task of investigating all fires of incendiary origin, and to make reports of such investigations to the county or district attorneys of the counties wherein the fires occurred, and to perform other services calculated to diminish the fire hazard.

SFMO records indicate that the first fire investigated by the state fire marshal (S.W. English) was in October 1909, of a store in Nederland that burned. This, despite the fact that the office of state fire marshal had not yet been created. The fire destroyed two business houses and a residence, according to contemporary news reports. It was believed that the stores had been burglarized and set on fire by the robbers. The amount of damage was estimated at \$10,000, \$3,000 of which was covered by insurance. "An investigation is being made by the officers," reported the *Galveston Daily News*, without any further elaboration.

In the early years, the State Fire Marshal's Office investigated mostly private property fires, commercial and residential. Previous to becoming state fire marshal, English had been a clerk in the state treasury department.

STATE FIRE MARSHAL WHO IS TERROR TO FIREBUGS



By April 1911, a test of certain provisions of the fire insurance board law grew out of an investigation started by the new State Fire Marshal, Wallace English, in a town not far from Austin. The provisions to be questioned were those giving the fire marshal powers to enter places, take inventories, examine books, etc. A fire loss occurred in the town in question, and English in his endeavor to ascertain the cause of the fire, attempted to take an inventory of the stock, but was refused the opportunity. He did not press the question, but returned to Austin and put the question of a fire marshal's powers to Assistant Attorney general C.E. Lane. Lane sustained the fire marshal, and planned a prosecution to test the validity of the provisions. There was no doubt in Lane's mind that English had the authority to enter and inventory, and that he could enforce his authority by applying to the appropriate district court for the

necessary writ or order to enforce his authority.

It was important at the time to note that Lane attended the court of criminal appeals, and was not from the attorney general's department. He was appointed by the governor, as were the insurance board members, but it was legal advice for the benefit of the insurance board.

On July 3, 1911, State Fire Marshal English left Austin for South Texas to promote his new state-wide trash clean-up crusade. He had inaugurated it the week before by sending out a circular letter to the various fire marshals and chiefs of fire departments in the state. In this letter English urged the necessity of disposing of accumulated trash as a necessary safe-guard and protection against fire, especially on July 4, when tons of fireworks would be touched off to honor America's birthday. He visited a number of cities and large towns in that section during the following week trying to drum up support among local officials in his proposition to rid streets and alleys of trash.

On July 25, English appeared before the House of Representatives to answer charges of contempt, in which he did not respond to the summons of the house investigating committee. He explained that he had understood that the committee would send for him when he was wanted;

that he was ready to testify at any time, and that he had, in fact, testified before the senate investigating committee. This explanation was satisfactory and the complaint against English was withdrawn.

Then in 1983, State Fire Marshal Ernest Emerson was subpoenaed by lawyers representing the Zenith Corporation to get certain information about the February 6, 1983, Capitol fire to use in a 1984 trial. The state sued Zenith for allegedly making a defective and unreasonably dangerous television set which caused the fire that heavily damaged the east wing of the Capitol.

The lawyers said state fire marshal Ernest Emerson, acting on the advice of one of Attorney General Jim Mattox's assistants, had refused to answer their questions about the fire.

Zenith contended that State District Judge Harley Clark of Austin abused his discretion when he turned down a request by company lawyers to interrogate Emerson on June 20. Emerson had been subpoenaed to appear and bring records with him, but Zenith's lawyers said the fire marshal had refused to comply with the subpoena and testify about a report on the fire and his personal observations. Zenith said Emerson even had refused to let Clark see the information in the judge's private quarters. The company said the fire marshal's information was crucial in the defense of the lawsuit. Emerson never testified, and the case was settled out of court in favor of the State.

More recently, the SFMO's investigation methodology in the controversial Cameron Willingham case has been called into question.

Just weeks after its creation, the State Insurance Board urged every incorporated city and town in Texas to enact a Fire Marshal Ordinance creating the office of City Fire Marshal, which it regarded as a most important step in the direction of fire prevention. The services of an active city fire marshal would secure for any city or town, a substantial reduction in insurance rates.

In November 1911, the Insurance Board issued its first annual report on state fire and fire insurance conditions. The report stated that "No more important feature or provision is embraced in the law than the creation of the office of State Fire Marshal; should every other feature of this law be annulled, this office alone, with greatly increased scope, would be full justification for passage of the law and the maintenance of the department. Up to the present time the board cannot point to any specific indictments or convictions had at its hands, since of all crimes in the calendar arson is the least susceptible of proof. The activities of the State Fire Marshal, however, in investigating on his volition, as well as upon the request of insurance companies and individuals, a large number of fires, is having its effect, in arousing communities to a sense of their responsibility, and assures the individual of the hearty disinterested co-operation of the State's officer in ferreting out crime and fixing the responsibility whenever the necessary evidence can be secured.

"The suggestions of the department to our municipalities, concerning the adoption and enforcement of city fire marshal ordinances, have been met with a response that is highly satisfactory. At the time the present board assumed charge of the affairs of this office there were few fire marshal ordinances in force in the State, and none of the fire marshals were reporting to the board. The records of the department show that on September 1, 1911, 66 cities and towns had adopted such ordinances, and that the fire marshals appointed there under were reporting in detail to the State Insurance Board fires occurring within the scope of their authority. These ordinances have for their object the investigation by the city fire marshal of all fires that occur, with the view of determining the cause of origin thereof, and the elimination of all common and unnecessary fires. That great good will come to any community as a result of activities of a wide awake city fire marshal, will not admit of question."

The State Fire Marshal's first arson conviction was for a fire that destroyed a servant's house in Fort Worth in February 1912; Arthur Prescott was sentenced to 12 years in prison for the deed.

Evolution

From the beginning in 1910 until 1975, the Commissioner of Insurance or a member of the State Board of Insurance (SBI) served as state fire marshal. There were amendments and revisions in 1913, 1927, 1951, 1957 and 1975.

In 1913, the State Insurance Board's name was changed to the State Fire Insurance Commission and its authority was broadened. The Insurance Commission was given the responsibility of selecting the fire marshal, whose official title was "fire marshal of the State Insurance Commission."

In 1927, the 40th Legislature created the Board of Insurance Commissioners, composed of the Life Insurance Commissioner, the Fire Insurance Commissioner and Casualty Insurance Commissioner. The Legislature also gave the insurance commissioner the power to approve or disapprove auto insurance rates and to promulgate uniform policy forms. Article 4682S stated " ... The duties heretofore placed upon and the powers and privileges heretofore exercised by the State Fire Marshal are now to be placed upon and exercised and enjoyed by the fire insurance commissioner."

In 1951, the Insurance Code provided that the Fire Insurance Commissioner was to assume the duties of the State Fire Marshal.

In 1957 the Code was amended to provide that the Commissioner of Insurance act also as the State Fire Marshal.

The 1975 legislation (Senate Bill 925) mandated the creation of the State Fire Marshal's Office apart from the Commissioner of Insurance and the appointment of a state fire marshal who would be a state commissioned officer and would administer, enforce, and carry out the applicable provisions of the Texas Insurance Code and other statutes. The office of State Fire Marshal is presently Chapter 417.002 of the Government Code.

Consolidation legislation introduced in 1977 proposed to consolidate the SFMO with the Texas Commission on Fire Protection and Personnel Standards and Education and the Firemen's Pension Commission, but failed to pass. It resurfaced during the 1991 regular session of the legislature through Senate Bill 383, and consolidation became effective in October 1991.

This new agency represented the consolidation of four entities: Texas State Fire Marshal's Office; Texas Commission on Fire Protection Personnel Standards and Education, which was a separate agency; Key Rate Section, formerly of the Texas Department of Insurance; and Fire Department Emergency Board, which was an adjunct to the State Fire Marshal's Office. The commission's broad range of responsibilities was set out in four different codes -- the Government Code, Health and Safety Code, Insurance Code and Penal Code-with some responsibilities coming under the purview of federal law and national standards.

The Texas Commission on Fire Protection had five divisions: Field Operations/Enforcement, Engineering, Information Resources, Standards and Licensing, and Administration.

The Field Operations/Enforcement Division, headed by the State Fire Marshal, operated out of headquarters and six regional offices. Additional regional offices were planned to improve service delivery. Enforcement personnel investigated fires and assisted in the prosecution of suspected arsonists. This division implemented an arson abatement program, consisting of an arson laboratory, an arson hot-line, a juvenile firesetter counseling referral program, an arson taskforce and other important components with local, statewide and national implications. Operations personnel inspected public buildings and private facilities, such as prison structures and daycare centers, for fire hazards and enforce rules governing fire extinguisher, fire alarm and automatic fire sprinkler industries to ensure proper installation and operation of fire protection products.

They also inspected flammable storage facilities and investigated suspected leaks at retail service stations. In addition, they regulated the manufacture, sales and use of fireworks. The division was also responsible for the review and inspection of state-owned facilities, including the State Capitol. The state fire marshal was Ernest Emerson.

The *Engineering Division* was responsible for the inspection of cities, communities, and rural fire prevention districts to determine their fire protection capabilities. Cities and communities were evaluated according to established standards in the Key Rate Schedule for the purpose of recommending fire insurance key rates to the Texas Department of Insurance. Rural fire prevention districts were evaluated for recognition of the district boundaries and the fire departments for individual risk key rate reductions. The inspection program was conducted on a six-year cycle beginning in 1992. The division staff began with a review of the then-current Key Rate Schedule to determine appropriate changes. This division also provides engineering expertise to other agency divisions.

The *Information Resources Division* was the focal point for information, publications and educational programs about fires and the fire service in Texas. This division gathered data about the fire problem and fire protection to develop fire prevention education, including an innovative education program to teach school children how to prevent and appropriately react to fires. This data was also available to help fire protection providers and the other agency divisions develop effective fire prevention programs and fire protection strategies. Information Resources also provided fire data to consumer protection and product regulation agencies at the national level. The agency's internal information systems development and operations services were provided by this division.

The *Standards and Licensing Division* was formed by merging the functions of the Texas Commission on Fire Protection Personnel Standards and Education with the Licensing Section of the State Fire Marshal's Office. This division certified paid and volunteer fire fighters, aircraft crash and rescue personnel, and fire investigators and inspectors. Other responsibilities included enforcing standards for training and protective equipment for fire fighters, providing training resources to fire departments, approving training curricula, and inspecting training facilities. This division also licensed companies and individuals involved in the sales, service and installation of fire alarms, fire extinguishers, and fire sprinklers as well as personnel in the fireworks industry.

The *Administration Division* was developed using personnel from each of the merged entities, training existing staff to perform new responsibilities, and adding specialized personnel. Administration staff provided agency and program support functions such as personnel administration, payroll and benefits, staff development, accounting, purchasing, facilities management, loan and grant administration, loss control and risk management.

With the passage of Senate Bill 371, the 75th Legislature returned the SFMO to the Texas Department of Insurance, effective September 1, 1997.

Chapter Four: The SFMO's Role in Fire Safety at State Institutions

The State Fire Marshal's Office has been working with state universities and colleges practically since the day it was founded on fire safety issues, including campus fire safety and fire safety education in Texas schools.



Old Main, Agricultural and Mechanical College of Texas, before burning

Early on the morning of May 27, 1912, fire completely destroyed the main building of the Agricultural and Mechanical College of Texas. It was the third major campus fire in six months. The mess hall had been destroyed by fire at dawn on November 12, 1911. The temporary mess hall burned down on December 1, 1911.

Fire Marshal English investigated these fires and stated that the failure of the legislature in the past to provide a proper water system for the college had been a penny-wise and pound-foolish proposition that had been the cause of loss to the state of these and other buildings.

English concluded that the first two mess hall fires were caused by carelessness. He suspected the Main building fire to have been incendiary, but no ultimate disposition was made.

After the mess hall fires, the *Galveston Daily News* declared, "These losses of the state have not been merely because it has not carried insurance upon its properties, for it is quite evident that some of these properties are uninsurable, or insurable only at high rates. The description of some of those dormitories at the agricultural and mechanical college so indicates. Moreover, it is patent that these dormitories fall within the ban of the state's hotel-regulations. If the state were to rent these dormitories for hotel purposes the hotel keeper would be indicted. If the state had-pursued the policy of insuring its buildings, a better building code would have been observed, and facilities and organizations for the prevention and fighting of fires would have been established."

Marshal English stated that the corps of cadets would make the finest body of firemen to be found anywhere. He pointed out that they were young, vigorous and unafraid, besides being under perfect discipline.

The SFMO has been working with the Texas Penal and Juvenile Justice System for almost as long. In June 1912, SFM English and prison authorities investigated a sugar mill fire at one of the state's prison farms in Brazoria County. In November 1912, English and Earl Stone investigated a fire in the main barns at the Gatesville State School. In February 1913, English and prison authorities investigated a fire in the mechanical shops at the Rusk State Penitentiary.

In March 1914, the main building at the West Texas Normal School in Canyon burned, and SFM English sent several staff experts, including A.W. Peninger and C.N. Harrison, to investigate. The fire, which destroyed the building, pointed out the need for the state to construct fireproof buildings.

The Gatesville School for Juveniles would continue to be a hot spot for fires. Convictions were obtained for two fires there in September 1914 and February 1915.

Fire struck the Prairieview Normal School dorm and club house in May 1916, and the mattress manufactory in June 1917. The cause of the latter fire was judged to be of careless origin.

In June 1913, prompted in part by the fires at the Agricultural and Mechanical College of Texas, state-wide investigation was conducted and the subsequent report on the fire hazards at the state institutions of Texas from English and the State Insurance Board stated that loss of life by fire was a daily menace to the faculty and students of the University of Texas. A carelessly flung cigarette or a partly extinguished match or a defective flue might easily cause the total destruction of the educational plant in Austin just as 19 other state buildings have been destroyed from such causes within the past two years. Ninety-five percent of the 565 state-owned buildings in Texas were fire traps, the report declared, including the wooden shacks now inhabiting the UT campus and even the university's main building, which the report declared were now more dangerous than the Iroquois Theater in Chicago.

"Fire occurring in the main building, chemistry building, or the boys' dormitory (B Hall)," reads the report, "would likely result in total destruction. A most serious menace to the protection of life exists in the auditorium of the main building.

"Located on the third floor, 35 feet above the ground and being part of the main building, which is extremely combustible, is an auditorium with seating capacity of 2000. The main entrance and only practicable exit is by stairways which lead to the rotunda of the main building. An enormous draught from fire would be created at this point and effectually cut off this means of escape. The iron stair on each side of the auditorium would be practically worthless as a means of exit, owing to the number of persons to be accommodated and the excitement.

"The method of exit by means of stairways causes serious liability in the event the audience should become panic stricken. This is not only a fire trap but a death trap."

Millions of dollars had been spent on the buildings and the state was still without permanent fireproof buildings. He urged the legislature to make adequate appropriation to provide fire protection to the state's helpless wards. During 1911 and 1912, about \$1.5 million of state property was burned.

He minced few words: "It is lamentable that all public buildings, penitentiaries, schools, colleges, asylums for orphans and the insane, and schools for the deaf, dumb, and blind, are not absolutely fireproof, and that the state has not set the example for safe and permanent construction. It is unwise and unbusinesslike to permit poorly built structures to be without adequate protection from fire, and to fill fire traps with defective children and the helpless insane is but little short of criminality."

The schools for the blind, deaf and dumb, negro deaf, dumb and blind, and for the helpless insane, were not only fire traps but death traps.

He urged that a standard for fire extinguishing devices and fire devices be adopted to prevent unreliable devices from being installed and specifically recommended fire appliances bearing the Underwriters' Laboratories label.

On October 3, 1916, the State Fire Marshal declared the UT Main Building's auditorium unsafe in case of fire.



Two weeks later, the Woman's Building conducted its annual fire escape drill. There was as yet no campus-wide fire drill system.

The Daily Texan announced on October 5, 1917, that campus fire drills would be practiced soon, and that the Main Building, which it admitted was not at all fire proof, was soon to be protected by a system of alarm gongs and switches, and a fire hose system. There had been no significant fire damage in the past to the building, but authorities felt that some precautionary measures should be taken. Fire placards were already in place at all the rooms in the Main Building where classes were held. Like the "Have an Exit Strategy" placards today, those fire placards directed each room's occupants to the quickest way out of the building.

The first fire drill on November 2, 1917, was successful and repeated weekly the rest of the month. But as time wore on, students took the weekly drills increasingly less seriously.

By November 1918, Main Building's auditorium was again being used, but with much smaller audiences; no more than 400 so that the danger of disaster during a fire was only slight.

On January 13, 1919, the UT student newspaper, *The Daily Texan*, complained: "In our opinion the attempted fire drill in the Main Building at fifteen minutes to eleven Saturday morning was a very bad failure. At least five instructors continued their class work. Students that did leave the class rooms casually sauntered through the halls out of the building, some of them in the directed paths, but many went directly opposite to the instructions. Many of the new students did not recognize the meaning of the gong and merely thought that their class was being dismissed. Since this was the first fire drill of the year we believe that it should have been previously announced so that there would be no pleas of ignorance. Let us have another one sometime soon, which will be carried out with dispatch by every student and faculty member in the Main Building at the same time.

On December 5, 1920, the Texas A&M Engineering Building was struck by fire. Investigator W.H. Williams ruled that the fire was caused by improper fusing at the main switch.

The SFMO was also called in to investigate fires at private colleges. Over a six-month period from December 15, 1918 to May 10, 1919, the SFMO investigated three suspicious fires at colleges in Marshall; two at Wiley College and another at Bishop College. Two men were indicted for the first fire; the second, dorm, fire was probably due to carelessness; and the third, a kitchen/dining room fire, had two suspects who were being watched but evidently never charged.

As 1922 drew to a close, George W. Tilley, state fire marshal and member of the state's fire insurance commission, was urging local school authorities throughout the state to equip school buildings with fire escapes to prevent endangering the lives of school children through fires.

"Since school attendance is not a matter of choice, but one of strict requirement," he said, "there would seem to be no educational problem more fundamentally or immediately pressing than that of insuring safety for the students."

"There are only two classes of building where attendance is involuntary: schools and jails. If the flat in which you live is a firetrap, you are at liberty to move out. If you believe that a certain hotel or theater is unsafe, you need not patronize it, but if your school is in daily danger of becoming a fiery furnace, the law compels your children to attend just the same."

"Too often the educational authorities do not realize the fire hazards that exist in schools under their supervision, although such dangers are glaringly apparent to the eye of the expert trained to detect such shortcomings that make for fire. Many times trustees and other city officials permit an otherwise commendable desire for economy to lead them into omitting safety protection that does not seem to them vitally needed. This plea of community poverty is perhaps the most common one. It should be realized that in its essence such a plea is one of dollars against lives of children and that all too frequently a catastrophe sooner or later follows. Economy, when it means endangering life, is not merely undesirable, it is reprehensible. Authorities responsible should act and act at once."

During the 1920s, school teachers and soon-to-be teachers from across the state attended UT's summer season to be trained and earn their teaching credentials. Every summer in the 1920s and '30s, the SFMO had a display of fire safety posters drawn by Texas school students and safety tips for the teachers to incorporate into their lesson plan.

In the summer of 1927, for example, a collection of more than 100 posters on fire prevention from many different Texas towns and cities were on display in the west corridor of the Main Building. In fact, student fire-safety poster exhibits like the one at UT were displayed at all Texas teacher colleges that summer.

Miss Olga Juniger, supervisor of educational work for the State Fire Insurance Commission, assembled the display. The posters had been made by students in grades 1 to 7 during the school year just ended. A number of "Fire Prevention" books were shown in another, similar display.

Teachers interested in teaching fire safety left their names on a mailing list and the Commission sent them fire prevention literature, free of charge. Many teachers found it of value in that they got innumerable ideas for their year's work, Juniger said, noting that 392 cities in Texas had been given a reduction of three percent in their fire insurance rates by the Commission because of the teaching of fire prevention in their schools.

Ironically, despite these early teacher education efforts, the 1920s were also the most fire-dangerous years in UT history, for a variety of reasons. It wasn't that UT regents and staff were unaware of the fire dangers on campus.

In January 1902, the UT Board of Regents committee on building and grounds recommended an appropriation of \$12,500 for 14 water hydrants for the protection of university buildings, and a further sum of \$2,500 for necessary distribution of water in both present and prospective buildings. It was proposed to throw entirely around the main university building a 12-inch main from which a 6-inch connection would be run for fire hydrants. The university was perhaps the only one of the state institutions which carried insurance on its buildings and equipment, and this had made each year heavy drafts on its available resources.



After World War I, the campus became an even greater fire trap, because of the dozens of overcrowded, hastily built wooden shacks erected as part of the war effort, increased student enrollment, increased and unsafe use of cigarettes by boys and girls, use of wood-burning stoves and heaters, and to a lesser degree, increased improper use of electrical appliances. Fire safety concerns and efforts were hampered by UT's meager budget; the oil revenues which would later benefit the school had not yet appeared in the University budget.

During a six year period in the mid-1920s, the president's house burned down, the chemistry building burned down, the men's gym burned down, the University Commons cafeteria burned nearly to the ground, and at least one student died in a boarding house fire.

On the night of October 14, 1922, the residence of Robert E. Vinson, president of the University of Texas, burned to the earth. The alarm was turned in at 10:15, but by the time the blaze was discovered, the fire had gained such headway that all efforts to save the residence, which was owned by the university, were futile. No one was in the home when the blaze was discovered. Dr. and Mrs. Vinson were attending a reception at the University Faculty Club.

Fully 1500 spectators were massed around the house during the fire. Cars were jammed up and down 27th Street from Guadalupe to Speedway, and adjacent streets were also packed with cars. The high blaze could be seen for miles. A short circuit was initially suspected, but investigators ultimately were unable to determine the cause of the fire, ruling out defective wiring.

A week later, Dr. E.C.H. Bantel, chairman of the faculty committee for fire protection of the University, characterized "as disgusting the attitude of Varsity students in disregarding the signals for fire drill." The previous week, the fire alarm drill was sounded, and the calm and nonchalant manner in which students and professors responded, or rather failed to respond, aroused the ire of the University chairman on fire prevention.

"The Main Building," continued Dr. Bantel, "is little better than a fire trap, and unless students and instructors pay more regard to the signal for fire drill, I fear a catastrophe may result, whenever a fire does come in the main building."

Many, if not most, UT students in the 1920s smoked some type of tobacco, and flipped their live cigarette butts wherever they pleased, indoors or out. There was constant fear one of those butts would catch Old Main on fire, which was all flammable wood finish interior, and in fact the Paleontology lab on the second floor was destroyed by a fire that started under a sink January 9, 1932. It was the third fire in the past two months in the UT vicinity. The Hillel House had also burned, as had the University Drug Store.

The Men's Gym burned down in March 1928, with the cause still unknown. It had had fire safety issues back to at least January 17, 1925, when W.E. Glaze, secretary to the college of athletics, complained that the gym had been overly crowded for the last several men's basketball games. Under ordinary conditions, counting every available seat, approximately 2100 people could be seated on the bleachers. The TCU game had drawn 2500 students, the maximum number that could be physically crammed into the place, Glaze said.

On February 6, 1925, Representative George C. Purl of Dallas sent a signed statement to State Fire Marshal J.J. Timmons that the Men's Gym was a fire trap.

"Lives of University students who assemble in the Men's Gym to witness games and concerts are continually endangered because the building is a fire trap.

"I had an occasion to attend a concert given last night in the gym. I found this building to be a highly flammable structure with only two doors and possibly two exits on the sides which are located under some improvised steps. Despite the fact that the building was jammed to the roof with students and citizens of Austin, smoking was permitted and there was no sign of a fire extinguisher anywhere in the building.

"The people of Texas have hardly had a breathing spell since they read with horror of the terrible tragedy at Hobart, Oklahoma, where the lives of a score or more of young children were sacrificed to carelessness. I think some steps should be taken to safeguard life."

Timmons stated that he would cooperate with city fire marshal Robert Rockwood in examining the building.

L. Theo. Belmont, dean of the College of Physical Activities, in speaking of the situation of possible danger during athletic contests in the gym on February 8, said, "We have supervision over the gymnasium during basketball games. So far as the large crowds are concerned that gather on these occasions, it has been our policy to give special attention to the protection of life. Special precautions are always taken to make sure that all exits may be easily opened with the slightest pressure from the inside. Under normal conditions the hall has been emptied in three minutes.

"University officials constantly keep in mind the best interests of the students and are continually striving to make better the existing conditions.

"We are anxious to aid the investigators and are certainly willing to co-operate with them in every possible manner. It is very unfortunate that we have to have such a building as the present gym in which to have University assemblies for games and concerts, and emphasizes the need of modern fire-proof structures."

Just five days earlier, 18-year-old Simon Wise of Waco, a business administration major, had burned to death in a pre-dawn fire at his boarding house at 1912 Nueces. Firemen found him in an upstairs bath tub. He was already severely burned and died on the way to the hospital.

The University standing committee on boarding houses, composed of UT senior staff and faculty met to investigate the fire. None were fire professionals, so City of Austin Fire Marshal Rockwood, Fire Chief Woodward, and SFM Timmons were invited to join the investigation.

"It is our intention," stated Dean L.H. Hubbard, "to go to the bottom of this dreadful affair and find out the cause of it. Whether it was purely unpreventable, or whether it was due to carelessness, will be determined, and the necessary precautions will be taken to prevent further happenings of this nature."

The investigators determined that the tragedy was unavoidable and that the "important and essential thing now remaining to be done was the taking of necessary precautions to prevent such further occurrences."

Fire marshals Rockwood and Timmons recommended that a thorough inspection be made of all University boarding houses with reference to all possible fire hazards, which the committee endorsed. Rockwood himself would perform the inspections along with an inspector from the

State Marshal's Office. The University Health Service cooperated with the inspectors with their work.

The fire was determined to be caused by a wood stove in another room of the house, probably when wood stacked behind the stove became ignited by the stove. Statements made by other boys who occupied the house at the time pointed to the fact that Wise's escape from the flames that swept across the upstairs hallway was prevented by his taking time to dress himself and throw other clothes from the window.

Wise was near sighted, but Leo Davis, who also lived in the house, testified that he doubted that Wise went into the bathroom looking for his glasses, because he had them on at the time he went to bed. "When we were awakened by one of the Berkman boys, who discovered the fire, Adrian Sanger, Wise's room mate, woke him once. Wise sprang up but was sleepy and dazed, while Sanger went downstairs at once, calling to Wise to follow him. The fire had started in the room across the hall from Wise, and by the time he had thrown his clothes from the window, the flames and smoke must have been so bad that Wise was almost suffocated from the fumes."

Davis and another boy also took time to throw clothes into two trunks and pitch them out of the window, and on finding the hallway a mass of flames, Davis started to jump out of the window. He was restrained from doing so by his companion, who was cutting away the screen of the back sleeping porch. A ladder had been placed there by A. Berkman, owner of the house, and the boys escaped from the upstairs by the ladder.

"All this time," Davis continued, "Wise must have been wandering about in the hallway. The bathroom door was near the head of the stairs, and he must have missed the stairway and stumbled into the bathroom."

Wise was found in the bath tub, evidently having fallen in there overcome by the smoke. Firemen stated that an imprint resembling that of a hand had been seen close to the base of the wall near the head of the stairs, indicating that Wise had been crawling over the floor and feeling his way along the wall."

"When we had all gotten out of the house," Davis said, "we heard Wise crying out. Joe Morrison ran back up the stairs to get Wise, but was unable to reach the upstairs hallway on account of the flames.

SFM Timmons' inspection report on the Men's Gym was released on February 17. He recommended using the gym for basketball games and athletic events only, and for nothing else that required construction of a stage and seating on the gym floor. When in use as a gym, everyone could be evacuated in three or four minutes, he noted, but when used for concerts, lives were in danger. He also recommended that the passages to the north and south exits be made straight, eliminating the right-angle turns; that two more doors be added to the building's east side with a constant incline for all exits at that end; and that a light be installed to show the way out. He also called for the bars and padlocks on the doors be replaced with self-releasing fasteners, and that "No Smoking" signs and fire extinguishers be installed.

The University building committee's immediate reaction to the report was to begin searching for an alternative concert venue. They decided that repairing the Main Building auditorium so that it could be used again was undesirable, in view of the large expense necessary and the fact that the room would still be inadequate for the needs of the University. Despite the proposed strengthening and repair work and adding of fire escapes, it was unlikely the improvements would be acceptable to the fire insurance company.

On March 14, 1926, a fire editorial in *The Daily Texan* called for the establishment of a campus fire station.

In late September, Arno Nowatny, former university yell leader and now a special assistant to the Dean of Men, began an inspection of every house on the list of approved boarding and rooming houses for men. He paid particular attention to overcrowding of students, but also investigated fire hazards, sanitation, and general attractiveness of each house.

The Chemistry Building, built in 1891, burned in the predawn hours of October 16, 1926. A milkman discovered the fire about 5 o'clock; he heard an explosion that had occurred when the blaze reached some volatile chemicals stored in the building. But the chemistry department faculty disputed that claim, swearing that no hazardous chemicals were stored there that would cause combustion and that the explosions were from several containers of acid bursting from the heat.

The building was insured for \$60,000 and the contents for about \$33,000, but was not nearly enough to cover the loss, according to Comptroller Calhoun.

A few days later, the fire marshal said that no cause for the fire had yet been found, and it never was found.

Regents Chairman Lutch Stark said that a valuable lesson on the importance of constructing fire-proof buildings at the University had been learned from the Chemistry Building fire. "It is not the monetary loss involved by the burning of the building and its contents that is of such moment," Stark said, "but it is the fact that there were lost by the flames the results of years of research work by men of science that is most to be



deplored. These records and valuable information cannot be replaced except through years of additional labor and close application.

"What was true as to the records and equipment of the Chemistry Building may any day be repeated by fire of other buildings on the campus which are not fire-proof. But for the fact that the fire department of Austin rendered such valiant service in the case of the recent fire, other buildings with their valuable contents may have suffered a similar fate.

"It is unfortunate that the University carried insurance amounting to \$93,000 upon the Chemistry Building and equipment, notwithstanding the fact that it is the policy of the State Board of Control and the Legislature for the State to carry its own insurance. Ignoring that practice, the Board of Regents has the buildings of the University insured, the Legislature making an appropriation to care for only a small part of the annual premiums, the remainder has to be paid out of University funds.

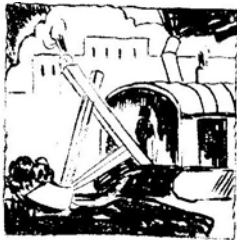
"The full amount of money necessary for meeting the annual insurance premiums should be appropriated by the Legislature, and the Board of Regents has recommended to the Board of Control that this be done. The people of Texas cannot be taxed for new buildings at the University, and it is necessary that ample insurance be carried for the replacement of any that may be destroyed by fire or other calamity."

On October 24, 1926, new UT regent H.A. Wroe was publicly calling for a new auditorium to replace the "darned old dairy barns" that then served as an auditorium and were a disgrace to show to Austin visitors. "What the University needs is a fire-proof building," he thundered.

That same month, more than 20 representatives of student organizations attended a meeting for the purpose of rehabilitating the Main Building's auditorium. The auditorium had been condemned several years earlier by the fire commission. The present plan, fostered by campus student organizations, called for the Building Committee to make a thorough survey of the building, with an eye to rehabilitating the auditorium if such a thing were feasible.

On November 27, 1926, Dick McMurray, writing in *The Daily Texan*, declared, "TU has one of the most disreputable excuses for a gym of any school in the entire country. It is a tumble-down fire hazard."

The SFMO and UT authorities preached on the dangers of unsafe smoking and in the fall of 1927 smoking indoors at the dances was banned for fire safety reasons.



The Men's Gym finally burned down early one morning in March 1928, with the cause still unknown. Initial suspicion focused on the electrical wiring, but the campus electrician proved to everyone's satisfaction that such was not the case.

As the buildings and shacks burned or were torn down they were replaced by fire-safer buildings, like Gregory Gym, Chemistry Building, Women's Gym, etc., and the inside smoking ban was continued.

Campus fires continue to occur, but without the devastation of the early days, and students still die in fires, though seldom on campus. They're mostly off-campus deaths now, but caused by the same irresponsible behavior of 80 years ago and the lack of essential fire-safety devices now standard in campus residences and buildings: smoke alarms, sprinkler systems and fire extinguishers.

In 1983, a series of four fraternity fires plagued the University of Texas, including one on December 11th that was caused by a discarded cigarette and resulted in one fatality and six injuries.

In March 1994, a high rise alarm at the University of Texas Welch Hall chemistry laboratory turned into a hazmat alarm and then escalated to a five-alarm fire when fire combined with hazardous materials to create explosions.

On Oct. 19, 1996, a six-alarm fire at the University of Texas Welch Hall was the last straw in a long series of fires, hazmat alarms, and chemical spills that had put AFD firefighters at risk due to lack of safety precautions (the University is not required to conform to the City of Austin Fire Code). The fire resulted in Fire Chief Robin Paulsgrove publicly criticizing the University for lack of safety at the hall, which prompted a meeting with AFD and UT officials to address the problems.

“You can never eradicate stupid behavior, but you can minimize the ramifications when it does happen, and I think the fire safety for students and staff on the UT campus now, and on other university campuses in Texas, is a concrete example of our shared success in making at least some people's lives fire safer.”

Overseeing and ensuring fire safety on the campuses of Texas' publicly funded institutes of higher education has been one of the SFMO's most important tasks since the beginning of the new millennia, as the result of a high-rise dorm fire at Texas Tech University in Lubbock. This has required a close working relationship between SFMO inspections and campus officials and personnel. But less than 40 years ago, things were quite different, as the following story illustrates:

In April 1977, as a result of a campus fire safety review, regents at North Texas State University adopted an overall building safety code and declared their intent to make existing buildings conform to its most important provisions. Total cost of making the needed changes was estimated to be \$1.076 million, which would be sought from the legislature.

Regents took the action after unanimous endorsement by the facilities committee of recommendations made by President C.C. Nolen. Recommendations were included in a report on the fire safety review. The regents' resolution adopted the safety code adopted by the City of Denton, the 1976 edition of the *Life Safety Code* of the National Fire Protection Association.

Included in the report was an opinion from NTSU Attorney Jack Barton stating the university was legally bound to follow a city's building code or any building code because it was a state agency. Each agency was entitled to adopt or not adopt a code, according to the state fire marshal, though the fire marshal had adopted the Life Safety Code, Barton noted.

The most serious deficiency in many campus buildings of all ages was the lack of a manually operated fire alarm system, according to the report. Several buildings lacked sprinkler systems in basement areas. Deficiencies in some buildings would be corrected during planned renovations, the report noted.

Several safety codes had been in effect at NTSU in the school's history, the report added. During the late 1960s and early 1970s, university officials instructed omission in new construction of sprinkler systems and fire hoses for standpipe systems because of campus unrest. In some cases, deficiencies such as fire extinguishers had already been remedied, Dr. Marvin Berkeley, vice president for business affairs, said. Berkeley headed the safety review.

Other recommendations in the report included issuing temporary waivers for deficiencies pending correction; permanent waivers where reasonable life safety exists; adding safety requirements for the handicapped as required by law when installing manual fire alarms; include in new employee orientation information about fire and general campus safety; and identify by standardized signs and color schemes the location of fire extinguishers.

Nolen ordered the fire safety review in November after news reports described fire safety problems and lack of a safety code.

A fire safety inspector for the City of Denton had criticized fire safety in the NTSU Union, a multi-million dollar facility opened in early 1976. Denton Fire Marshal Bob Hagemann later sought an opinion from the Texas attorney-general about application of the city's safety code to the universities. In the report, deficiencies in the union included lack of a manually operated fire alarm system, lack of sprinklers in rooms without windows or outside doors, lack of automatic smoke and heat venting, an insufficient number of exit signs and an inadequate emergency lighting system.

On June 19, 1930, "Immediate steps should be taken to rectify existing fire hazards in State owned buildings," J.W. DeWeese, State Fire Marshal (1928-32), said in a report on his inspection of eight institutions with the Board of Control. The eight buildings inspected were: State Orphan's Home, Corsicana; Rusk State Hospital; North Texas State Hospital, Terrell; Texas Training School for Boys, Gatesville; Abilene State Hospital; Wichita Falls State Hospital; Girls' Training School, Gainesville; State Home for Dependent and Neglected Children, Waco.

Badly overcrowded conditions were existing at the North Texas State Hospital, the institution designed for a capacity of 1,500 and now having 1,948 inmates. The report also stated there were insufficient fire escapes and that several of the buildings were badly in need of rehabilitation and repair. The report also showed that X-ray films were inadequately protected.

At the Texas Training School for Boys, DeWeese reported he had found open buckets of gasoline in the garage; loose hay and shavings; no inside protection in any of the buildings; open wiring and one building in need of additional fire escapes. A deficiency of hose, nozzles and fire extinguishers was noted at the Abilene State Hospital. Other items condemned at this institution were: Unapproved projection booth; unsafe storage of X-ray films; open wiring, bad drops and extensions; antiquated fuse and switch boards; and unprotected motors.

Bad storage conditions for X-ray film and unapproved projection booths were scored at the Wichita Falls State hospital. Other hazardous conditions cited were: Open oil containers; bad wiring through X-ray building and generally bad wiring, drops and extensions. Lack of sufficient exits, a deficiency of hose, open wiring in the halls and lack of fire hose and extinguishers was noted at the girls' training school.

Among the items condemned at the State Home For Dependent and Neglected Children were: insufficient fire extinguishers; non-standard projection booth; bad drops and extensions and the lack of adequate outside protection.

In April 1969, Senator Chris Cole of Houston asked Dr. James Turman, Texas Youth Council director, to take steps at once to correct fire and health hazards at the Corsicana State Home. Cole, chairman of the Senate Youth Affairs Committee, and seven inspectors from Houston visited the home for dependent neglected children April 10. Cole said he had called the matter to the attention of Gov. Preston Smith, Lt. Gov. Ben Barnes, House Speaker Gus Mutscher and to his committee. He said he would try to secure appropriations that session to construct new buildings at the home.

"Granting that new buildings would be the ideal solution to many of these problems but realizing that about 200 children must continue to be housed in them for some time, even if new ones were authorized immediately, I urge you to take every possible action to eliminate existing danger," Cole wrote Turman.

The senator said he had suggested that Turman request the state fire marshal to inspect all other Texas Youth Council facilities.

Problems found included:

- Water leaking through roof of the girls' dormitories.
- Carbon tetrachloride extinguishers found in classrooms and laundry room. When used on fires, these created a health hazard.

Fire Alarm Inaccessible

- Five alarm siren located on top of main building. Pull lever was in a locked up box with no key.
- No emergency lighting system in corridors in case of public light failure from fire or storm.
- Outside metal fire escapes deteriorating and in need of repairs.
- Doors leading to outside stairways padlocked.

The home had been under the direction of the Texas Youth Council since 1957.



The aftermath of the New London School explosion, 1937

The SFMO is also committed to the protection of public primary and secondary schools. On March 18, 1937, a natural gas leak caused an explosion that destroyed the London School of New London, Texas, killing at least 300 students and teachers. Chief Engineer Gordon C. Hawley and Engineer L. B. Newsum of the state's fire insurance department participated in the explosion investigation. As a result, fire marshals across the state inspected their local schools to prevent another tragedy of this magnitude.

On March 22, Chief Engineer Hawley told a court of inquiry that "A test a few hours ago, at the Carlisle school near here showed gas was escaping underneath the place at the rate of 720 cubic feet a day, all of which makes this occasion all the more omnipotent."

His statement electrified the courtroom.

One of the SFMO's most extensive projects for the last 13 years has been the *Graduate Alive!* Initiative, which has comprised three phases. Since its inception, about \$500 million has been spent by state supported institutions of higher education to protect the millions of students on their campuses.

A 1997 lobby fire in a high-rise dormitory on the Lubbock campus of Texas Tech University that injured five students prompted its creation. State Fire Marshal G. Mike Davis directed the Fire Safety Inspection Services Division to inspect all state university high-rise dormitories (Phase I). In late 1997 and early 1998, these buildings received initial inspections. All of the high-rise residential buildings were built in the late 1960s and early 1970s without sprinkler systems; codes did not require them at the time of construction. The inspections identified many problems, including unprotected stairs, absence of self-closing room and hallway doors, inadequate detection and alarm systems, student use of candles in dorm rooms, dead-end corridors, bicycles and vending machines blocking halls and exits, and excessive use of extension cords and overloading of electrical outlets.

Phase I's objective was to identify and remedy fire-safety problems in structures at greatest risk for disaster due to limited escape potential; it targeted *high-rise residential facilities* with special emphasis on campuses with existing unresolved complaints, which stemmed from students and parents.

Phase II included inspections of all other on-campus residential facilities. Many of these non high-rise buildings were built between 1930 and 1960.

Since the project began, the Deputy State Fire Marshals participating in the *Graduate Alive!* projects have inspected more than 1,500 residential buildings housing more than 70,000 students. At least 1,400 non-residential campus buildings have been inspected.

The State Fire Marshal's Office began Phase III in the summer of 2001. This phase consists of two parts: (1) continued monitoring of fire safety project progress in residential buildings and (2) inspection of all other university buildings as resources permit. The SFMO completed this phase in August 2004, inspecting every building owned by the State on university campuses and at auxiliary locations. More than 5,000 buildings required inspections: every building owned by the State on university campuses and at auxiliary locations. These inspections took from several hours to the better part of a day, depending on the size of the building. Inspectors literally looked a place over from top to bottom. As a result of these inspections, each university and four-year public college developed a plan to correct existing fire-safety deficiencies and maintain fire-safe conditions and practices, once enacted.

Re-inspections have been conducted and continue to be conducted until corrections have been made.

How Phase III, the Campus-Wide Inspection Project, Came About: As a part of the housing inspections conducted in 1998, Texas Woman's University requested that the State Fire Marshal conduct inspections of all TWU facilities in Denton and Houston while we were conducting residential inspections. In 1999, the University of Texas System requested that the component institutions of UT contract for third-party, fire-safety inspections of all UT properties. As a result of this requirement, UT-Tyler and UT-Brownsville asked the State Fire Marshal to conduct the third-party inspections. As a result of these, and other, partial-campus inspections, coupled with numerous questions being posed by the universities on their overall fire safety responsibilities, the State Fire Marshal directed that all state university campus buildings be inspected.

The SFMO's latest and most far-reaching fire-safety education initiative for Texas college students is the Have an EXIT Strategy campaign.

State and federal laws require colleges and universities to have fire safety systems and processes in place across campus, and to instruct students, teachers, and staff on what to do should a fire break out.

Specifically, Texas State Senate Bill (SB) 1138 mandates that Fraternity/Sorority representatives participate in an approved Fire Safety class and, after doing so, teach the course contents to members of their organization while being monitored by University Staff.

Federal House Bill (HR) 4137 - also known as "the Higher Education Opportunity Act" or the "Campus Right-to-Know Act" - mandates that Universities and Colleges conduct Fire Safety training and submit an Annual Fire Safety report detailing that training. As well, university officials are required to report specific campus events related to fire, including number of fires, causes, injuries and deaths, value of property damage, and so on.

Of course, that's on campus. When students venture off campus, the emphasis on safety drops dramatically. Which is why students need to think in terms of having an exit strategy wherever they go. When they enter a restaurant, apartment complex, sorority or fraternity house, retail store, concert venue - any building or public area – they should look around and form an exit strategy, and remember that fire and life safety are also their responsibility. "In a fire, the best way out may not be the way in. Have an Exit Strategy ... it could save your life."

One of the most important duties of the State Fire Marshal's Office is to monitor the fire safety of state buildings, with the goals of saving lives and valuable business assets. This is accomplished through a regular inspection and re-inspection cycle of state buildings.

In 1983, we almost lost the seemingly indestructible Texas Capitol to a fire that unfortunately killed one young man. The Capitol's fire safety had been severely compromised by decades of ill-conceived remodelings.



The SFMO conducted a thorough investigation of the fire and subsequently made recommendations regarding the capitol building's fire safety equipment and practices. The capitol now has a full time, on site Deputy State Fire Marshal to help ensure its fire safety.

On June 8, 2008, the Governor's Mansion was severely damaged by arson. The Mansion was empty and all its prized contents in storage, but significant structural and architectural damage occurred. It cost millions of dollars to restore this historic landmark.



The SFMO had recommended the installation of a fire sprinkler system during the early stages of the governor's mansion restoration, well before the devastating fire occurred. If that system had been installed at the recommended time, the fire's damage probably would have been much less severe.

In light of the loss of two state worker lives in a 2007 Houston office building fire, and the extensive damage done to the governor's mansion from the 2008 fire, we are more concerned than ever about the thoroughness of our inspections and impressing upon the buildings' occupants and owners (1) the importance of personal fire safety practices, and (2) the need to implement the physical plant fire safety modifications and/or additions that were identified and recommended through the SFMO inspection process.

The SFMO is inspecting and re-inspecting state-owned governmental facilities across the state. The Sunset Commission has also recommended that the SFMO inspect the state's many leased facilities; the Houston office space that was the site of the fatal 2007 blaze was leased space.

While we have good working relationships and regular meetings with pertinent state agencies such as SORM, TABC, the Facilities Commission, and the dozens of Texas public institutions of higher learning, it is one thing for us to identify fire hazards and another to have them corrected in a safe and timely manner.

Unfortunately, the SFMO has neither the authority nor the money to make the fire safety renovations/additions that we recommend as a result of our inspections.

For these reasons, fire safety education is an important component of our mission. We have been educating state workers -- and students, staff and faculty of Texas' public institutions of higher education -- on how to stay alive in case of fire, through campaigns such as Have an EXIT Strategy and Graduate Alive!

While the saving of human lives is most important to us, we are also concerned about protecting state business assets. Even taking into account data backup procedures and policies, just imagine the disruption to TDI's business mission if a major fire were to strike the Hobby building.

The fire safety of state workers; college and university students, faculty and staff; state assets -- and for that matter, all Texans -- is our reason for being. But it is not a job we can do alone. We need the help and cooperation of the whole of TDI, as well as all the agencies and other state entities that we strive to protect.

Chapter Five: Fire Safety Education And Outreach

We have been examining the work history of the State Fire Marshal's Office since its founding in 1910 and have learned that fire safety education and outreach has been an SFMO function since the early days.

Texas first observed National Fire Prevention Day on October 9, 1912, with a proclamation from Governor Colquitt asking all Texans to spend the day cleaning up their properties with regard to fire hazards and to properly prepare their home heating equipment for the coming winter. In the second half of the proclamation, he stressed the importance of fire drills and fire safety education, especially for the school children of Texas. He urged boards of education, teachers and state officials to make sure fire drills were practiced on a regular basis and that students learned about fire prevention and safety.

The proclamation read as follows:

Whereas I have been urged and my attention in various and sundry ways has been called to the fact that the governors of the various states of the union are delegating Oct. 5 of the present year as 'Fire Prevention Day;' and

"Whereas, One of the greatest economic wastes of the country is the result of not exercising proper care and precaution in preventing destruction of property by fire and allowing various and sundry kinds of waste material to accumulate on the premises of all persons owning property that is subject to destruction by fire; and

"Whereas, It is necessary that some united action be taken on the part of the citizenship of this state to prevent the accumulation-of waste material, which subjects property of nearly all kinds to destruction by fire.

"Now, therefore, I, O. B. Colquitt, governor of Texas, do hereby proclaim Oct. 9, A. D. 1912, as a 'general cleanup day,' and I specially request that owners of property give personal attention to the .removal of all rubbish and debris from their premises; to set their heating appliances in safe and proper condition for winter use; that all chimneys and flues be carefully examined, and that the carelessness in permitting the burning of rubbish and combustible refuse near adjoining buildings be discontinued; that the various boards of education throughout the state, and those who are charged with the responsibility of the safety of school children and students, and wards in hospitals, shall use special effort to protect such property and lives from injury and destruction by fire; and it is especially recommended that city and village councils throughout the state shall observe the above mentioned date as 'clean up day', for the purpose of awakening the proper sense of responsibility of our people and minimize as much as possible the damage from fire within our state, and that the boards of education, public officials and teachers having the responsibility and care of the children, especially in public schools, shall set apart this day for the inauguration of fire drills and such instruction as it is-possible to give in regard to fire hazards and the simple methods of fire prevention and rescue work, and that these fire-drills be made a permanent feature and practiced- at frequent intervals throughout the school year."

Waco wasted no time in taking the Governor's advice, announcing on the same day:

This city will be one of the first in the state to get a reduction in its fire insurance key rates through the institution of a systematic study of fire prevention in the public schools. At a recent meeting of the city commission, a request was sent to the school board asking; for the institution of work along lines recommended by the state insurance board. At a special meeting of the commission Friday night Superintendent J. C. Lattimore of the public schools informed the commission that the board had granted its request and that the work would be instituted as soon as the details could be arranged.

The city attorney was investigating the legal phase of the question as to whether the city could make the permanent outstanding offer for the apprehension of Incendiaries, as recommended by the state fire insurance board and if such was possible under the charter, that provision would be made, thus securing a still further reduction in the key rate for the city.

There was a general perception amongst the public that the fire insurance companies set municipal fire insurance rates in a capricious, inconsistent, unfair manner, which often resulted in special rates to favored customers and/or big insurers, and the law that created the state Insurance Board also created the basis for scientific rate making, wherein the condition of each risk determined its own rate. It rested with each town and property owner what kind of insurance rates they wished to pay.

Fire above all else was considered waste, and one of the best results of the scientific making of rates was that it encouraged and taught conservation of property by teaching methods of fire prevention. The Board of Insurance had taken an important step in that direction by offering a reduction of one per cent in the key rate of every town "for teaching, in all public schools, the principles of fire insurance methods of fire prevention from some standard and reliable text book or work on the subject." We teach our boys and girls how to preserve plant life, how to conserve moisture in the soil and the value of eliminating waste industry. Why not also teach them fire prevention as a matter of economy? Statistics show that a great majority of fires are preventable.

Inglish was re-appointed to the Insurance Board in 1913 and thus continued his work as State Fire Marshal. He was again re-appointed in 1914, for a two-year term.

Inglish's duties extended beyond those of the modern State Fire Marshal. In December 1913, after a great flood of the Colorado River that destroyed hundreds of bales of cotton, Inglish stated that the insurance on the lost cotton was a loss to the owners and not the companies. The insurance policies did not apply until the cotton had been delivered to the ship for loading.

As early as August 1914, State Fire Marshal S.W. Inglish was issuing fire prevention messages such as this one:

"A lot of useless papers thrown into a pile in the corner, to be removed when it is convenient, has cost the wealth creators more money during the last 25 years than has been spent in wars.

"Trash invites the fire devil to have an inning. A lot of rubbish, papers, odds and ends of stuff that ought to be disposed of or properly stored for the time being in the far corner of a store, or a room, or in the cellar, has been a most active handmaiden in the matter of starting fires.

"A small match, a half-consumed cigar, a cigarette carelessly dropped into this pile makes a story for the newspapers. It does more than this; it makes it harder for you to get insurance cheaper. It makes waste of the products of labor and it has no redeeming feature.

"Quit dumping your trash. Quit inviting disaster by carelessness. If your neighbor is indifferent about his trash, admonish him that should he be visited by a fire you will have to assist in paying him what he loses, and that he may burn you out besides."

In March 1915, the state legislature and governor enacted a fire escape law requiring that all buildings more than two stories high, except for private residences, be equipped with adequate fire escape facilities. Special attention was paid to school safety. School boards were required to equip school houses two stories or more in height to equip the buildings with fire escapes. Penalties were provided for violations of the act. The law required fire marshals and chiefs to enforce the law, and Fire Marshal Inglish mailed 5000 copies of the new law to fire marshals and fire chiefs around the state so that they might familiarize themselves with its requirements.

A statewide fire prevention campaign began later that year, and in January 1916, a house-to-house implementation of the campaign began in Houston.

In November 1915, based on a survey of fire losses suffered in 53,000 fires reported since December 1910, SFM English declared that 85.9 percent of fires of known cause in Texas homes, apartment houses, boarding houses, and private outhouses were preventable, and 73.6 percent on all classes of mercantile risks.

The same day that the Denton newspaper reported on the English report, it also reported that although the state fire escape law had been in effect since July, and that notice had been given to the owners of buildings affected by the law two months ago, nothing tangible toward the building of the escapes had been done yet. The Denton fire chief was in the process of having legal notices created to give the property owners official notice in writing that the escapes must be built in order to comply with the law. After a sufficient time had elapsed following the notices' delivery, the matter was to be placed in the hands of the County Attorney for his action in those cases where the law was not complied with.

BLAZES KINDLED BETWEEN DEC. 10, 1912, AND SEPT. 1, 1913.

Fires in dwellings, apartment houses, boarding houses and private outhouses.

Preventable fires		
Cause	No.	Per cent
Flues	2,282	16.7
Exposures	2,120	15.6
Conflagrations	185	1.4
Stoves and heating	1,308	9.6
Kerosene lamps	561	4.1
Curtains — gas	477	3.5
Electric wiring	466	3.4
Ashes, candles, carelessness	551	4.0
Parlor matches	528	3.9
Gasoline and volatiles	471	3.4
Kerosene stoves	245	1.8
Fireworks	55	.4
Burning garbage & rubbish	155	1.1
Spontaneous combustion	100	.7
Cigars and cigarettes	157	1.1
Electrical appliances	115	0.8
Incubators and brooders	4	0.0
Totals	9,780	71.5

Unpreventable Fires		
Cause	No.	Per cent
Sparks on roof	679	5.0
Incendiary	329	2.4
Lightning	494	3.6
Totals	1,502	11.0
* Unknown causes	3,385	17.5
Totals	13,667	100.00

Taking the proportion of preventable from unknown causes to be the same as known causes, the ratio of preventable fires in the above class is 86.4 per cent.

The practice of establishing emergency services offices at disaster scenes dates back to at least March 1916, when a great conflagration in Paris, Texas, destroyed 1140 buildings over a 264-acre area, 1051 of which had combustible roofs. The loss was estimated at between \$10 million and \$14 million. The fire had originated in a frame warehouse and was believed to have been the result of carelessness. SFM English and R.B. Godley, Jr., chief engineer of the state fire insurance commission inspected the fire scene. Later that day, the commission announced that it would be

opening a temporary office, for a week or so, to assist citizens in getting new data for new insurance, and give other aid.

City fire marshals and the SFMO had been advocating the safe use or outright ban of Christmas holiday fireworks for years, but in June 1916, SFM English called for a sane Fourth of July, declaring that patriotism could be shown without endangering the lives of citizens.

“Preparedness and patriotism are two issues of paramount interest in our national life at this time. We believe in preparedness; we believe in patriotism more, for genuine patriotism begets proper preparedness. Preparedness promotes efficiency, and efficiency promotes conservation. True patriotism will not only result in preparedness to defend our country against a foreign foe, but will produce preparedness against and character of enemy either to life or to property.

“Our patriotism should follow lines of construction rather than channels of destruction. It is a queer kind of patriotism that needs to be demonstrated in such a way as to result in maimed bodies and burned homes and places of business.”

On September 13, 1916, Governor Ferguson issued a proclamation designating Oct. 9 as State Fire Prevention Day in Texas. The governor appealed to the people of Texas to fittingly observe the day in some activity that will promote preparedness, increase efficiency and make progress toward the solution of the fire loss problem. The text of the governor's proclamation is as follows:

Reports to the state fire marshal show that more than thirteen thousand fires, entailing a loss of over \$16,000,000, occurred in Texas during the past year. Reports show that 78 out of each 100 of this number of fires were due to preventable fires. The per capita fire loss in this state is \$4. This means that our resources to the extent of \$4 for every man, woman and child in the state, or \$20 for the average family, have been irretrievably lost within this short period.

No state, however rich, no people, however prosperous, can continue to dissipate their resources at such a ratio without seriously disturbing their economic welfare. Many leading European nations, with whose civilizations we are inclined to contrast our own for the purpose of boasting our superiority, have a per capita fire loss of less than 50 cents, while ours is from \$3 to \$4. Some sage has said that comparisons are odious. This one certainly should be so, because it is a scathing arraignment of our habits, a terrific indictment against our efficiency, and a withering rebuke to our civilisation.

Many Were Preventable.

These same reports show that 79 out of each 100 of the 13,000 fires were due to preventable causes. In almost every city, town and village throughout this great state may be seen ash heaps, and the blackened and charred ruins of once happy homes and prosperous places of business, sacrificed to the fire fiend upon the altar of carelessness. In view of these facts and figures, whose import is so astounding and so alarming, we may well pause and seriously ask ourselves the question: Are we unconsciously becoming a state of incendiaries? Incendiaries not in the sense that we apply the torch to our own property or that of our neighbor, but incendiaries in the sense that we are so indifferent, so neglectful, so unconcerned about the numerous fire-promoting agencies all around and about us which are responsible for so much of this fearful waste and destruction.

When American history now in the making shall have been written, 1916 will be designated as the year in which the nation's conscience was awakened to the dangers of unpreparedness. It will be shown how events growing out of the great world war and out of the internecine strife of our sister republic across the Rio Grande followed each other with startling rapidity, each event emphasizing our lack of preparedness to meet dangerous situations that seemed imminent. To the president of the nation will be accorded the praise of safely steering the ship of state while sending a clarion call to the patriots of the country to prepare themselves and stand by, ready for any emergency. To this call there was such a generous response that "efficiency" and "preparedness" became a household expression throughout the length and breadth of the land. The fire waste problem in

Texas has reached such a magnitude that a conscientious awakening of all our people to the need of better preparedness and more efficiency with which to combat its evil consequences and curb its enormous drain on our energies and resources is imperative. Why not let the year 1916 be the time of this awakening. In view of the facts set forth and as one of the means of accomplishing the purpose mentioned, I, James K. Ferguson, governor of the state of Texas, do hereby proclaim that Monday, the 9th day of October, A. D. 1916, be known as state fire prevention day, and I earnestly call upon all our people to fittingly observe the day in some activity that will promote preparedness, increase efficiency and make progress toward the solution of the fire loss problem. Let us on that day remove from our premises the trash pile, the rubbish heap and the bundle of worthless rags which are standing invitations to a fire.

Let us cut and rake the dead weeds and grass on our vacant lots and in the alleys and carry them to a safe distance to be destroyed. Our flues and stovepipes and electric wiring should be examined and we should be sure that every device used in connection with either heating or lighting is placed in safe condition for winter use. In handling gasoline and other volatiles, let us resolve to do so with the greatest care, and whenever possible see to it that these substances are not kept inside of buildings or in unapproved receptacles. Let the various boards of education throughout the state and the teachers of all public and private schools impress upon the school children under their care the necessity of using every precaution to prevent fire. Those having the responsibility and care of children, especially in the public schools, should on that day inaugurate fire drills or practice those heretofore inaugurated, and give such instruction as may impress upon the children in their charge the dangers from fire and the method of fire prevention.

Ask Support of Officers.

Let us work with our brain while we work with our muscle, and resolve that we will cooperate with the state and city fire marshal and civil authorities in keeping down fire-breeding agencies, and that we will lend our moral support to our public officers in running down incendiaries and stamping- out the crime of arson. Let this be the day when we shall all catch a new vision of our individual duty with regard to the fire waste problem and agree to help in every effort to minimize its evil results.

In 1917 the Texas Legislature gave the SFMO Fire/Arson Investigation Authority (presently Chapter 417.007 of the Government Code) and Fire Safety Authority (presently Chapter 417.008 of the Government Code). This amendment to the fire insurance law enlarged the power and authority of the State Fire Marshal and permitted him to assist actively the district attorneys in the prosecution of persons charged with arson.

In March 1917, SFM English issued a statewide fire prevention warning regarding the burning trash during the traditionally high winds of March. In the days before regular municipal garbage pickup, most household's burned their winter's accumulation of trash and rubbish. High winds and wood-shingle roofs, for the moment, could not be done away with, but everyone could take steps to prevent conflagrations caused by careless burning of trash.

While acknowledging that good cleanups and good housekeeping were a good thing when it came preventing fire waste, he warned that people should not be careless "in the use of the removing agency – fire – else with our trash and rubbish we may also destroy our home and our businesses.

"Wait for a still day to burn your dead grass and the winter's accumulation of rubbish, and in no event, start open fires near buildings. Even a fire under the wash kettle in the yard on a windy day may destroy your town. When you about to start an open fire on a windy day, think of the danger of a conflagration and beware."

World War I and the resultant shortages of food and clothing on the home front, as these resources were diverted to supply and support our fighting men, brought renewed attention to the importance of fire prevention. Everyone was complaining about the high cost of living. Every grain elevator that burned, every grocery store, warehouse and barn, and the thousands of cotton bales

destroyed by fire, subtracted from the supply of commodities necessary for the sustenance of both man and beast.

Perhaps, speculated the state fire insurance commissioner, the failure to associate the high cost of living and fire waste was due in part to the sentence frequently found in fire reports, "Loss fully covered by insurance."

The carelessness and ignorance of the American people with respect to fire was contributing very materially to the high cost of living, he said, but intelligent fire prevention efforts could reduce the high cost of living.

The Fifth Annual convention of the City Fire Marshals' Association took place during the first week of June 1917 in Dallas, and the agenda very much resembled that of the annual conferences of today. Keynote speakers were W.E. MacAllen, general manager of the National Board of Fire Underwriters, New York, who spoke on "Cooperation with the Federal Government for National Defense," and SFM English on "Needed Legislation."

English said that the fire loss of Texas was greater than any other place in the world. The loss each year averaged \$3 per capita, while England, Europe's largest loser, had a record of only 33 cents per capita, and Holland a loss of only 11 cents per capita per year. He said that this evil could be corrected in a large measure by good laws.

"The value represented by our ash heaps every year is a scathing arraignment of our habits and a rebuke to our boasted civilization,' he said. "This is made even a more severe indictment when we know more than 75 percent of all fires in Texas are caused by carelessness and indifference on the part of our people.

"The enactment by our Legislature of the Fire Rating Board law in 1909 and the substitution of the act known as the State Insurance Board law, and later the State Insurance Commission Act, all in the interest of rate making and fire prevention, were nothing more or less than protests against frightful impoverishment of the state by fire, and was intended to form a groundwork for a general scheme which when consummated and strengthened from time to time by legislation, was expected to solve to a great degree the question of our fire waste, equalize insurance rates, and make possible cheaper indemnity."

Under the head of "Needed Legislation," he said Texas needed a building law that would make all buildings as near fireproof as possible; stricter laws for elimination of fire risks; uniform Fire Marshal law requiring close inspection at stated intervals, etc., were among those suggested as being desirable and necessary if Texas' fire loss were to be reduced.

An important feature of the convention was the report of standing committees on the new fire escape law, and the amendment to the anti-pass law, which had been vetoed by the Governor.

Round-table discussions included fire and panic hazard of theaters and movies, how to conduct a fire investigation, and how fire marshals can reduce insurance costs. Speeches included cooperation between city fire marshals and special inspectors of the State Insurance Commission, fighting fires before they start, and how firemen can prevent fires.

In March 1918, A.W. Peninger, chief investigator of fires for the State Fire Insurance Commission for the previous five years, was appointed chief of the fire protection department in Texas of the Emergency Fleet Ship Building Corporation, headquartered in Houston. Before joining the State Fire Insurance Commission, Peninger had been city fire marshal of Fort Worth. As part of the unified national war effort, the commission gave its full cooperation to Peninger.

For the Fourth of July in 1918, Fire Marshal English urged a certain patriotic restraint:

“In celebrating our natal day in the past, we have indulged in some practices and customs which should be forever put behind us. While our brave boys are cheerfully giving their lives to insure our liberty and to make the world safe for humanity, it would be inexcusable if not criminal folly if we, through personal and official dereliction, permit the use of dangerous toy-arms and equally dangerous fireworks with their inevitable long train of avoidable deaths and accident, and the attendant sorrow and humiliation.

“Believing that the next Fourth of July should mark the passing of lightsome jollification over our achievements of the past and the present, which we have sought to illuminate by spectacular demonstrations with gunpowder and fireworks, in reckless disregard of both property and human life, this department earnestly urges all the people of this state to join in consecrating the Fourth of July in a safe and sane celebration, and one that will not bring reproach on our patriotism, our Americanism, and on our responsibilities of the hour, and in a manner that will drive home not only the great lessons of the war, but the lessons and problems of the day in an unforgettable manner. Let us, on this day, rededicate our lives and our all to those eternal principles bequeathed to us in the blood of our forefathers. Let us engage in activities which, by the help of God, will insure liberty, equality and justice throughout the world.”

The City Fire Marshals Association of Texas met annually, in a meeting pretty much like the annual Texas Fire Marshals' Conference of today. In 1917, for instance, the group met in Dallas in June. The agenda was a mix of success story and problem-solving seminars, and speeches on pertinent subjects of the time; SFM English spoke on the necessity of passing some current fire-safety legislation.

In October 1917, as preparation for America's entry into the world war ramped up, increased attention to fire safety was part of a larger focus on all types of safety in anticipation of possible sabotage attacks.

In January 1919, SFM English launched an aggressive campaign for the prevention of fire waste in the rural precincts of Texas. Of a total of \$16 million fire loss in Texas annually, it was estimated that \$4 million was sustained on farms, ranches, timber lands and prairies. The loss was practically total to the owners of this property since they seldom carried little, if any, insurance. Previous Texas fire prevention campaigns had been confined to cities and towns. He estimated that 75 percent of the losses on the country could be prevented by proper measures.

“Surely \$3 million a year is worth saving,” he said, “and I am sure we can save that much if all the State agencies coming in contact with the farmers of the state will co-operate with the State Fire Insurance Commission in this work.”

To that end, he had already been in contact with the director of extension of Texas A&M, the warehouse and marketing commissioner, and the State forester, stating that co-operation would accomplish much more than individual effort. The campaign would feature lectures to gatherings of farmers across the state; the distribution of booklets; lectures in public schools; the distribution of booklets among children; and in the more densely populated rural districts, the organization of volunteer fire departments, with the purchase of chemical fire extinguishers and firefighting apparatus, and the inauguration of signal services to call together the fire fighters. Governor Hobby was in full support of the campaign.

In February 1920, SFM English announced that steps would be taken to file complaints against violators of the state's fire-escape laws, of which there were quite a number. He said that a generous amount of time had been allowed for compliance with the law and that the dangers could no longer be ignored. The vigorous campaign of persecution was to be aided by the Attorney General.

The law required that all buildings two stories in height must have fire escapes if used as a hospital, school dorm, or for lodging purposes. Two escapes were required for lot area of less than 10,000 square feet, and one escape for each additional 5,000 feet. Wooden stairs accessibly located, were permitted for two-story buildings, but no ladders, wooden or steel.

Every new building from three to five stories must have a fire escape for each 5,000 lot area and for those of six stories or more the number of cases must be doubled. For buildings of three stories or over iron stairways outside were permitted as well as fireproof stairways inside properly enclosed. Each building could use spiral or the straight chute type of escape, but ladders were prohibited.

SFM English announced his resignation on March 18, 1920, to go to Dallas on May 20 to serve as manager of the Texas Inspection Bureau. That same day, English and chief engineer A.M. Vaughan went to Grandview at the request of local authorities to make a general survey of the situation following the conflagration that destroyed most of the town. After ascertaining the exact loss and insurance involved, specific plans were supplied to be followed in providing fire protection when Grandview was rebuilt.

The SFMO had female inspectors as early as 1920. At the October 1920 seventh annual convention of the City Fire Marshals' Association of Texas in Fort Worth, inspector Miss Eula Cage gave a presentation entitled "How the Fire Department and Fire Marshal Can Co-operate Effectively with Women's Clubs in Fire Prevention Work." A.P. Wooldridge, former mayor of Austin, was the new SFM, and was elected to the board of directors. Among the resolutions adopted was one calling upon fire marshals to use their influence in inaugurating the teaching of fire prevention in all schools.

During the 1920s, as commercial and home Christmas decorations and displays grew in popularity and elaborateness, it fell to the state fire marshal to explain the potential dangers and ramifications of such displays. Most Texans were unaware of the potential of holiday decoration fire disaster.

As Christmas 1921 drew nigh, fire losses in Texas that year had been appalling, despite a constant and intensive fire prevention campaign and the most modern and efficient fire fighting facilities, stated George W. Tilley, state fire marshal and member of the state's fire insurance commission.

"The holiday season is upon us and with the spirit of mirth, good cheer, and merrymaking comes also the universal tendency of carelessness," Tilley said.

"I think it appropriate to call the attention of our people generally to the fact that the introduction about premises and places of business of Christmas trees, harvest specimens and other supplemental decorative materials such as cotton and paper scraps to represent snow, and the use of motion picture machines improperly installed constitute dangerous fire hazards not contemplated by underwriters in issuing policies of indemnity covering the usual risk."

In this connection, Marshal Tilley referred to one of the conditions of the standard form of fire insurance policies provided by agreement in writing added thereto, this company shall not be liable for loss or damage occurring if the hazard be increased by any means within the control or knowledge of the insured.

"So many disastrous fires have occurred," continued Tilley, "not only in mercantile establishments, but in churches, clubs, public buildings and the home, caused by the introduction of inflammable decorations and exhibits, and the danger to life and property is so great that the practical prohibition of this class of display is deemed advisable and necessary and the authorities and the people generally are urged to use every effort to suppress the use of these dangerous decorations. I desire to call attention that all additions, changes, or alterations made in electrical equipment be reported to and approved by the city electrician and that same should in all instances conform to

the rules and regulations of the National Electrical Code.”

He would repeat his warnings against the use of flimsy, inflammable decorations for Christmas 1922 and once again called for a ban on such holiday displays.

“The installation of electric lights for display or advertising purposes often introduces a serious fire hazard unless the work is carefully done by men who are thoroughly competent and familiar with the necessary safeguards for this class of hazard.

“We desire to call your attention to the fact that fire insurance contracts require that all additions, changes, or alterations made in electrical equipment be reported to and approved by this board and wherever changes or additions, for temporary or permanent use, are to be installed, applications for approval should be filed on blanks provided for that purpose. All electric work should be approved by certificate from this board before being placed in service. It is also essential that decorations, even of approved material, should not be so installed as to interfere with the proper operation of automatic sprinklers.

“The indiscriminate use of fireworks is dangerous and should not be permitted. Watch the careless smoker, and further protect Christmas shoppers and stocks of merchandise by keeping fire dangers out of electrical and other displays. It is probably too much to expect that the week will pass without casualties or fire. But the work of fire and accident prevention officers and organizations in the cities and towns of Texas in recent years has been most effective in turning public attention to safe and sane holiday celebrations and the like activity should carry us through this year with a further improved record.”

As 1922 began, the State Fire Insurance Commission began work on formulation of a new general basis schedule of fire insurance rates, to replace the schedule that had been in effect since May 1915. T.M. Scott, the commission’s secretary, stated that the revision of the old schedule was to make it meet present day conditions: “It is not our intention, in the compilation of the new schedule, to either increase or decrease rates, except to cure discriminatory defects, but rather to smooth out the rough places and embody in it such changes as have been made from time to time, since the date of publication of the old schedule.

“The formulation of a schedule of fire insurance rates applicable to the various classes of risks in Texas involves a tremendous amount of time and labor and those charged with the final consummation of the task must naturally be men skilled in the science of fire insurance underwriting, and possess experience in a practical every day application of its requirements to the class of risk upon which protection is desired.

“Each and every citizen in this state insuring his property against loss by fire, ought to be interested in the publication of a new schedule and we urge upon each citizen, whether he be an insurance company manager, state agent, local agent, or just a plain business man, to write the commission offering any suggestion or change in the old schedule that, in their opinion, will simplify its interpretation or remove some feature of it that has worked a hardship or injustice, either upon the companies or the public who buy their protection.

“The working out of a new general basis schedule is no one man’s job, and the commission cordially invites, both the public and the insurance interests, to co-operate with them to the end that we may, as far as possible, give each class of assureds a schedule of rates, commensurate with the hazard of the individual risk.”

In 1923, the Legislature passed the Texas Fire Escape Law (presently in Chapter 791 of the Health and Safety Code). It also divided the combined Department of Insurance and Banking into separate governmental entities. The new State Insurance Commission absorbed the State Fire

Insurance Commission.

State Fire Marshal G.N. Holton attended the annual state PTA convention in November 1926 to urge the organization to endorse a movement to have a law passed to make the teaching of fire prevention compulsory in Texas schools. He said that out of 12,000 schools in Texas, only 375 were teaching fire prevention. Fifteen states had already passed such laws, the latest being New York.

"This movement is particularly important to the rural schools, which have no protection against fire, and such a law would materially reduce fire losses and casualties in Texas," Holton said.

In November 1925, State Fire Marshal Timmons broadly intimated to the El Paso City Council that too many people were setting fire to their houses there. He said the number of suspicious fires there had increased to a point that "demands action."

By August 1926, Houston had created a fire prevention commission and SFM J.J. Timmons was requested to instruct the newly appointed commission in its duties. Houston Fire Marshal Will Smith headed the commission and the other members of the commission, all experienced fire fighters and fire hazard inspectors, were classed as deputy fire marshals with full authority in handling fire hazard inspections and corrections.

Houston businessmen were asked to cooperate with the city and the commission in order to reduce Houston's annual fire loss.

In 1928, the insured fire losses in Texas amounted to more than \$15 million and in 1931 jumped to \$17.56 million.

On December 1, 1930, the *Denton Record-Chronicle* reported:

"The State Fire Marshal has long traveled the state attending local and regional fire council meetings to promote fire safety in the name of reducing fire insurance premiums paid under the old key rate system.

"There is much food for thought—and action, in the report of the meeting last Wednesday of the Denton Fire Prevention Council. State Fire Marshal Burns told members of the council that the fire losses in Denton so far this year were dangerously near the figure which will mean an increase in the penalty already being paid by Denton property owners for a bad fire loss record in the past. Just a few months ago, at the first of this year, Denton succeeded in getting this penalty for high losses reduced slightly. At that time, the reduction in the penalty was hailed as a great forward step in wiping out completely the fifteen per cent extra which Denton property owners were paying for fire insurance. Now the ground gained by carefulness last year is liable to be lost and the penalty go back to fifteen per cent if a few more fires occur during the remainder of the year.

"The State Fire Marshal was kind enough to point out that Denton was no worse than many other Texas cities, but still the losses from added penalties are too great to let Denton stay in the list of those cities with excessive losses. So far this, year, Denton's fire record has not been 'bad,' but one serious loss at this time would result in a poor record for the year. It is up to the citizens of Denton to be extremely careful during the rest of 1930 to hold fire losses to a minimum."

In May 1931, SFM J.W. DeWeese reported that \$1.1 million "went up in smoke" the previous month, \$850 million worth being caused fires by unknown origin. Incendiarism caused a huge part of the loss. Faulty stoves, furnaces and pipes; carelessly thrown smoking materials; and faulty wiring were responsible for most of the rest of the losses. DeWeese estimated that 85 percent of known causes were preventable and called upon Texans to eliminate fire hazards from their homes and workplaces. Back in 1915, SFM English had quoted the same percentage of fires in Texas homes as being preventable.

He also urged every town to adopt an ordinance establishing a fire insurance board, and enact town laws with police powers as a means of enforcing rules and regulations pertaining to fire prevention.

By the end of 1932, as the full extent of the great depression began to sink in, State Fire Marshal Raymond S. Mauk (1932-36), issued a statement in the form of an appeal to all Texas people to practice care as a means of preventing fires. Mauk stated that a vigorous campaign was now being waged in every section of Texas against incendiary fires, commonly known as "profit" fires, and that it is highly important that every precaution be taken to prevent careless fires. The cost of fire-safety, Mauk said, is a necessary expense for our urban civilization and that it is much better business to prevent a fire than to put out a fire, pointing out the fact that fire fighting was expensive and dangerous.

"The time of the year is now here," Mauk said, "when every home and place of business would be using fire in some form for heating purposes and it is important that every precaution be taken to prevent disastrous fires from any of the many heating devices or appliances."

He suggested that every home and place of business have their heating apparatus, such as fire places, chimneys, wood stoves, gas heaters, oil heaters and their pipes, carefully cleaned, inspected and put into first class condition before they were used.

He especially warned against the use of kerosene and gasoline as a means of starting or quickening a fire, pointing out that many deaths and injuries had resulted by such carelessness. Also, he warned against the use of gasoline for cleaning floors and clothes, as such practice was likely to cause a threat to life and sudden death.

"In these days," Mauk further stated, "practically every householder is seeking ways and means to economize by reason of necessity," but warned that "it is false economy to trust an amateur electrician and cheap electrical devices and that it is good sense to consult with the city electrician or some competent electrician on all matters pertaining to electrical installations, corrections or removal of electrical devices and appliances, pointing out that recent fire records reveal that many fires have occurred as a result of faulty electrical appliances and devices and improper installation."

Mauk concluded by saying, "whenever in doubt about any matter pertaining to fire-safety, to consult with the Inspector, Electrical Inspector, and others as it was better to be safe than sorry."

He also issued a series of "**Fire Facts:**"

1. During 1931 fire destroyed approximately 10,000 lives. Nearly one-third of these were children under ten years of age.
2. Two-thirds of the total were burned to death in homes.
3. The total economic loss was \$404,633,265.00.
4. In order to visualize these facts, compare them with the following:
5. The annual fire bill is about equal to 75 per cent of the interest on our National debt.
6. Over 80 per cent of all fires are easily preventable.
7. Fire is the great destroyer— not only of lives and property, but of employment, business opportunities, community and industrial progress. Of every hundred industrial establishments burned in the last five years, forty-three were not rebuilt. The waste was complete and absolute.
8. The conquest of fire is simply the conquest of public ignorance, laxness and indifference. Each of us owes the community a duty—to eliminate the hazards on our property. We cannot afford the "luxury" of fire.

Mauk enjoyed a long and distinguished career and held many positions of leadership within his company and industry organizations. More than 70 years ago, Commissioner Mauk was convinced that fundamental change was needed to protect the insurance buying public and the integrity of the marketplace from the misapplication of rates and forms.

To accomplish his goal, Mauk envisioned the creation of a central checking office that would enforce good business practices and audit the insurance industry's paperwork for errors and competitive greed. Often facing great opposition and the traditional resistance to change, Mauk labored for two years to build support from both agents and companies.

By February 1935, Mauk's leadership had led to the successful establishment of the Texas Insurance Checking Office, an institution, which continues to serve the Texas industry today.

Mauk's contribution to fire safety in Texas was such that the Raymond Mauk Award honors former Texas Fire Commissioner Raymond Mauk and annually recognizes someone who has made a notable contribution to the Texas property and casualty insurance industry. The Insurance Council of Texas is the largest state insurance trade association in the country consisting of approximately 500 property and casualty insurers writing business in Texas.

Beginning in 1931, the SFMO began a policy of vigorous investigation of fires of incendiary (suspicious) origin, commonly known as "profit" fires, and in a visit to Mexia in July 1937, Assistant State Fire Marshal Eugene Sanders optimistically predicted that such a policy would eliminate that class of fires.

Since 1931 to 1936, he said that there had been 635 indictments with 210 convictions, and that these prosecutions had been perhaps the controlling features in the state's fire loss reduction from \$17.56 million annually to \$7.725 million.

The other major cause of fires was personal carelessness, and these fires could be prevented by each individual making fire prevention a personal responsibility and applying the simplest precautions in dealing with fires and the things that cause and promote fires. Approximately 450 lives had been lost each year from 1931 to 1936, and that improper use of kerosene and gasoline were the leading causes of such deaths.

In March 1933, a joint legislative committee, the Graves Committee, was considering a grand reorganization and consolidation of state agencies, which among other things, would establish a Department of Public Safety, with bureaus of administration, State Police, Texas Rangers and Fire Prevention, similar to the organization now used in a number of states. The Bureau of State Police would take over the work of the Highway Patrol, together with other police functions including apprehension of criminals and the rendering assistance to local peace officers. The Texas Rangers would perform functions similar to those of the bureau of State police, but their activities would be confined largely to the types of service to which their history and traditions best suit them. The Bureau of Fire Prevention would absorb the duties of the State Fire Marshal in the prevention of fires and in the investigation of fires.

In February 1934, SFM Mauk announced that San Antonio was the only large city in Texas to be given the maximum good fire record credit and would retain its maximum good fire record credit of 15 percent, along with Alamo Heights. He also noted that there had been a recent reduction in fire losses statewide: "We attribute the material reduction in fire losses to the general improvement in economic conditions, which is always reflected immediately in fire losses; a more careful selection and rigid inspection of risks by agents and companies, and the general tendency on the part of the law enforcement officers to combat and prosecute the arsonist more vigorously. During 1933 there were noticeably fewer incendiary fires than previously. Another factor in the reduction of dwelling losses was the inspection of vacant dwellings by the local fire marshal and company representatives. Until this vacant dwelling inspection movement was adopted the burning ratio of vacant dwellings was abnormally high."

Dallas was given a credit of 3 percent, moving up from 0. Fort Worth and Waco moved up from 3 percent penalty to 0. Wichita Falls and El Paso retained the same credit of 9 percent. Beaumont lost a part of its credit, moving from 12 percent to 9 percent. Galveston lost from 6 percent to 0. Houston retained its 3 percent credit.

Towns and smaller cities given the maximum 15 percent good fire record credit included Austin, Asherton, Brenham, Boerne, Brackettville, Brownsville, Burnet, Carrizo Springs, Catarina, Christine, Cotulla, Eagle Pass, Fort Stockton, Fredericksburg, Goliad, Gonzales, Hondo, Jourdanton, Karnes City, Kelly Field, Kingsville, Llano, Lockhart, McNeil, Marfa, Mason, New Braunfels, Pflugerville, Port Lavaca, Presidio, Raymondville, Rio Hondo, Robstown, Runge, San Benito, Sanderson, Schulenburg, and Seguin.

The maximum 15 percent bad fire record change was given Kenedy and Santa Anna.

By 1938, of the known fire causes reported by local fire marshals to the state fire insurance department, smoking headed the list: 364 of the approximately 3000 fires reported and \$231,000 in damage, out of about \$3 million total fire losses. Defective flues, chimneys and fireplaces ranked second on the list, followed by exposure and then defective wiring or misuse of electricity.

For Fire Prevention Week 1938, the SFMO offered tips for how to put out a fire, pointing out that while a fire was still small, it could be put out easily, by stamping it out with your foot, smothering it with a rug, or dousing it with a pail of water. For food or grease burning on the stove, the recommendation was to place a metal cover on the pan or vessel containing the food.

It was deemed desirable that every home have at least one dependable fire extinguisher, the water pail being the oldest type of "fire extinguisher." Water pails were handy for so many other uses and used so often for other things, even when set aside for fire use, that "extinguishers" were invented, which, not being useful for anything else, were much more likely to be available when needed for a fire emergency.

The SFMO recommended that citizens seek the advice of their fire chief before purchasing a fire extinguisher, because they were not uniform in effectiveness. Some extinguishers were designed for special situations and classes of fires. Extinguishers ignorantly selected might engender a false sense of security in persons unfamiliar with their limitations. Fire, the SFMO said, frequently taxed the capacity of even the best of extinguishers. Garden hose, if there was a faucet to which it could readily be attached, was useful, the SFMO said, although it warned that water should not be used to put out grease fires.

In November 1937, the efficiency of Port Arthur's fire department and the lack of fire hazards in the downtown area were commended in the report of Lee D. Olive of Austin, assistant state fire marshal, who had recently completed a three-day inspection there.

"The efficient manner in which a small number of men in the fire department handled the situation is unusual," Olive said. "That is due to the capability of Fire Chief Dave Rachal and Fire Marshal Jake Freeman and the co-operation of business men and Merchants in complying with the requests made of them to get rid of fire hazards."

The state official complimented the fire department for its speed in getting water on a fire 20 blocks from the station exactly four minutes after a call came Thursday night. He also commended the chief and men on methods taken to lessen losses from water and smoke in recent fires. Report to the state fire marshal in Austin mentions the "100 per cent" co-operation of business men, police, city officials and the fire department in making the inspection. Pointing out the fact that fire prevention means a lot to a city in preserving taxable values and securing good fire credit, Olive commended Port Arthur's present 20 per cent reduction in insurance rate for a good record.

It seems hard to believe now, but in 1938, few persons realized that Christmas trees, as well as holly and other similar holiday decorations, become highly inflammable when dried out. According to the *American Home* magazine that December, in a mid-western city with a population of more than two hundred thousand, three years had passed without a Christmas tree fire in a home being reported. In this city, the local safety council affiliated with the National Safety Council and the National Fire Protection Association, and with the cooperation of the Boy Scouts, saw that every Christmas tree sold on the streets, in stores, and elsewhere carried a fire-red tag on which were printed the following instructions to the new tree owner:

Avoid lighted candles in the decoration of the tree.

Use carefully wired electric lights.

Place tree a safe distance from stove or fireplace.

Use metal tinsel for trim, and mica or flake asbestos for imitation snow.

Cotton trimmings and cotton-whiskered Santa clauses are very dangerous. Consult your insurance man about this.

Never leave lighted Christmas trees unguarded.

Do not place the tree where it will obstruct any room exit.

Keep candles and open lights away from window curtains, paper wreaths, and Christmas bells. Remove the tree from the house before it becomes dry.

These instructions were attached to more than 20,000 Christmas trees the previous year. During that holiday season, 40,000 school children received a similar message which they carried into their homes.

In March 1940, no less a person than the assistant state fire marshal, Eugene Sanders, helped direct firemen's operations at a blaze Tuesday of undetermined origin which did \$800 damage at the home of J. A. May, 307 West Johnson Street, in San Antonio. Sanders was teaching a class at the central fire station when the call came in and he could not resist the lure of the chase. The blaze was discovered by Moy's daughter, Mrs. Tom T. Daggett after flames had filled the living room. The blaze spread to an adjoining hall before being extinguished.

In May 1940, Eugene Sanders of Austin, fire prevention chief and assistant state fire marshal of the Texas Fire Insurance Department, spoke before the afternoon session of the two-day quarterly meeting, Texas Chapter of the International Association of Electrical Inspectors in San Antonio, and told them that \$2,000,000 fire loss in Texas in 1939 was caused by defective wiring. improper installations by inexperienced persons made electricity second to matches and smokers as major cause of fires, because many people had been "penny wise and pound foolish" by buying cheap wire for electrical installations; 20 per cent of the \$10,018,000 insured fire loss in Texas in 1939 was due to defective electrical facilities. He was the first fire marshal to have attended a meeting of the chapter since its organization in San Antonio in 1932. By discouraging the use of inferior wiring and fixtures which are dangerous to life and property, these losses could be greatly lessened.

In November 1941, a fire escape ruling was sought by the San Antonio Fire Chief. Third-story apartments without proper fire escapes came under the official eye of the fire department when Chief C. A. Hart conferred with Fire and Police Commissioner P.L. Anderson over the means to force owners to provide proper escapes.

Overcrowding in the residential housing district had brought many attic apartments into being, and as a result of the conference a survey was to be made to see how dangerous the situation was. Commissioner Anderson stated that he believed that there was fire law governing fire escapes in buildings over two stories high, and that the two would visit Austin to confer with the state fire marshal. Commissioner Anderson stated that court action would be used to enforce any existing laws and that the co-operation of insurance companies would be sought in the matter of cancellation if house owners were violating the law in turning attics and third stories into apartments.

The SFMO wasted no time in supporting the war effort in the hours after the bombing of Pearl Harbor.

Three days after Pearl Harbor, Eugene Sanders, assistant state fire marshal and head of the fire prevention service, requested that "All Texans Aid in Fire Prevention. There is an opportunity for every person -- men, women, and children — to perform a patriotic service, in preventing fires." Sanders said that every fire that resulted in the destruction of food stuffs was a national disaster. "Food stuffs are *not* replaceable," he said, "and once destroyed will be sorely missed before this war is over." He said that a fire is an aid to the enemy and a blow to national defense. He called on the mayor at the city hall to discuss the need for more guards in San Antonio. He was accompanied to the mayor's office by Commissioner Anderson.

On February 17, 1942, 22 towns of Region 24 were represented at a meeting of fire chiefs and marshals called by Marvin Hall, Fire Insurance Commissioner (1937-49). Eugene Sanders, Fire Prevention Chief and Assistant State Fire Marshal, told the chiefs that training auxiliary firemen, fire watchers, rescue squads and helping give first aid training would be part of their duties in the national emergency. He said that special training on combating chemical warfare would be given by a course at Texas A&M within a month. "Fire defense is national defense," Sanders said. "We must protect all that we have from destruction. If we are careless with fire it will save the enemy trouble and expense and the danger of being caught in trying to destroy property."

In February 1942, Harry Mills of Dallas, former Assistant State Fire Marshal and one time candidate for state land commissioner, announced his candidacy for state treasurer, pledging to invest half of the \$6,000 annual salary in defense bonds if elected. He declared also he would support President Roosevelt for a fourth term if the war had not ended and the peace made before the President's third term expires.

In January 1943, the *Denton News-Herald* editorialized:

FIRE FATALITIES

While most persons are acutely aware of the large number of deaths caused each year in Texas by automobiles there are few who could guess within 100 of the number of deaths caused by fire, which is one of the leading causes of accidental death. The newspapers for several years have been drumming into the consciousness of people the need for safe driving to prevent highway accidents, but comparatively little attention has been given to the dangers from fire. The report of State Fire Marshal Marvin Hall that 328 Texans lost their lives by burning in 1942 should have made people realize more fully the heavy death toll from this cause. People get trapped in burning buildings, receive fatal burns when their clothing becomes ignited, are burned to death in wrecked cars and in other ways receive burns that cost them their lives.

People have been dealing with the hazards of automobiles for only a few decades, but the hazards of fire are as old as civilization. Presumably people should recognize and take precautions against fire hazards without much warning, but apparently each generation has new types of fire hazards that develop as civilization progresses, and constant education to recognize these hazards is needed.



On April 16, 1947, two ships loaded with fertilizer exploded in the Texas City harbor, killing more than 500 people. In response to the disaster, Governor Beauford Jester appointed State Fire Marshal Marvin Hall chairman of a committee to work out a statewide plan for cutting down on the number of fires and to work out a disaster relief program.

Jester said he wanted a fire prevention and protection plan, on both state and local levels, that would reach every adult and every child of school age, touching on all pertinent topics from fire prevention in rural areas to industrial safety.

He said activity in the field of fire prevention should extend beyond mere observance of an annual Fire Prevention Week and Spring Clean-Up Day.

As late as March 1950, the Brownsville City Council was still considering the adoption of a new electrical ordinance, recommended by the state fire marshal, to replace an out-dated 1931 document.

A September 1950 inspection of the 36-year-old main building of the Bexar County for the Aged revealed that it was in bad condition, with 23 fire safety violations.

In October 1953, for Fire Prevention Week, smokers were blamed by Acting State Fire Marshal Eugene Sanders (temporary replacement for Paul Brown, who had served since 1949; Mark Wentz took over in 1954) for fires that burned five Texas churches the previous year. Careless smoking habits ranked third in the causes of 80 major church fires in the state in 1952, Sanders' report said. Defective heating systems were blamed for 18 fires and defective wiring and other misuse of electricity caused another 12. Lightning started three church fires, the causes of seven were unknown, and the rest resulted from miscellaneous causes. Church fires resulted in

an insured fire loss of \$429,907, Sanders reported.

With the statewide drought of 2007-2008 fresh in the minds of Texans of today, it's hard for those under the age of 60 to comprehend the even more disastrous severity of the great drought of the mid-1950s. Then as now, wind-driven wildfires easily got out of control, destroying thousands of acres and endangering, and sometimes burning, entire town.

In August 1956, after a wind-whipped fire that destroyed a house in Mexia, residents of Mexia and other parts of the state were reminded that it was unlawful for any person to negligently set on fire, or cause to be set on fire, any brush or grassland belonging to himself and allowing such fire to spread to the property of another.

The reminder came from Mark Wentz, state fire marshal, and Eugene Sanders, director of fire prevention and assistant state fire marshal. It was pointed out that any person violating this law would be guilty of a misdemeanor and upon conviction would be fined not less than \$15 nor more than \$200. Any person who willfully violated this law committed a felony and upon conviction would be fined not less than \$300 nor more than \$1,000 or confined in the county jail not less than 30 days nor more than six months, or confined in the state penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

Mr. Wentz and Mr. Sanders stated that all Texas communities had the common problem of grass fires and particularly on vacant lots. Dry grass and weeds not only constitute a fire hazard but a health hazard as well, they pointed out. Any vacant lot, or other premises infested with dry grass and dead weeds, constitutes a serious fire hazard and such a condition is a violation of the local Fire Marshal Ordinance.

Mexia Fire Chief and Fire Marshal O. W. Mansell said that any citizen of Mexia who had dry grass on vacant lots or other premises should call the local fire department and the grass would be burned as soon as possible under strict supervision.

For Fire Prevention Week 1957, in the days before federal laws mandating fire-resistant children's clothing, State Fire Marshal William A. Harrison (1957-63) urged parents to use extreme caution to make sure their children were safe from fire during the approaching holiday season.

"During the period from Halloween through Christmas we receive frequent reports of children being burned to death when flammable costumes and party decorations are used," he said.

"Parents should insist that costumes and decorations be fire-resistant and should not use candles at children's parties. Remember your child's clothing can burn, so know what he's wearing," Harrison cautioned. "Don't dress your child in such fast burning materials as sheer, fuzzy, long-napped materials, or filmy nets and gauze. Safer materials are wools, and medium and heavy weight smooth fabrics. Remember that just about any clothing will burn if the wearer is careless. So train your children to be careful in the presence of open flames, heaters, stoves and other sources of ignition. Children's clothing is most frequently burned while playing with matches, playing around stoves and heaters and too close to outdoor fires. Parents should provide a metal box for matches and keep it in a spot out of the reach of children and away from the heat of the stove. With the approach of cold weather, parents should have the complete home heating unit checked, and should always carefully supervise outdoor fires.

"Youngsters are so curious about everything they see that they seem to expose themselves to every possible fire hazard," Harrison said.

"Last year over 4,000 children in the United States under 14 years of age burned to death, and each year in Texas over 300 children fall victim to fire. Of the 800,000 building fires which occur in the U. S. each year 29,000 are caused by children and matches."

Fire Marshal Harrison outlined six points for parents to remember in keeping their children safe from fire and in training them to be fire prevention conscious.

1. Keep very young children — two and under — in sight and in mind all the time; they need 100 per cent protection from fire.
2. Teach the older child to respect fire and how to use it safely; remember the child learns best by your example.
3. Keep the child's home free of fire hazards by cleaning out cellars, attics and closets frequently; by avoiding the use of flammable liquids for cleaning, by not overloading electrical outlets and by promptly replacing worn cords; and by being careful with matches and smoking. A "Home Fire Safety Check List" is available through your local fire department. Your fireman is an expert on fire prevention and he is always willing to advise you.
4. Know the right way to escape from any building in an emergency; and train the child to be as ready to do the same.
5. Think twice about the correct and quickest way to call the fire department so that you will be able to contact them before the fire has a chance to spread.
6. Be ready to understand and cooperate with your fire department in all its fire safety activities — make it easier for them to save you, and to save your children from fire.

In July 1975, State Insurance Board Chairman Joe Christie announced that the state had launched a new fire awareness and prevention program with the appointment of a full-time state fire marshal. Christie said Charles Meadows, 60, had been named State Fire Marshal. Christie said Meadows had been named State Fire Marshal under authority given the State Insurance Board in Senate Bill 925, enacted by the Legislature. Meadows, a former Fire Chief of the Odessa Fire Department, had served nearly 10 years as coordinator of fire prevention under a previous state law which designated the Insurance Commissioner certain State Fire Marshal responsibilities. Christie said the revitalized State Fire Marshal's office would give new emphasis to arson investigation and the licensing of fire prevention and detection alarm equipment.

After a stint in the military in World War II he returned home to work for the Odessa water department and serve as a volunteer fireman. In 1943 the fire chief quit and Meadows was made acting chief, with four paid employees and 28 volunteers. He doesn't remember exactly when the term "acting" was dropped from his title.

Meadows retired as chief in 1963 and operated a small store selling fire-fighting equipment for a couple of years. Then he heard about a job vacancy in Austin: state coordinator of fire prevention. He got the job in 1966 and moved up to fire marshal when the legislature created the position eight years later.

By August 1976, the SFMO was promoting a family home fire escape strategy that it continues to promote today through such campaigns as Have an EXIT Strategy.

"If your life depended on it, could you get out of your house, crawling, eyes stinging because of smoke, lungs burning as you breathe hot air, doors and passageways blocked off by heat and flame?"

"Many Texans find the answer to this question each year. For far too many, the answer is 'no.' For these people the end result can be serious injury or death. The office of the state fire marshal reports that last year approximately 400 persons were killed and about 900 injured in home fires in Texas. Although panic can overcome anyone, children who don't know how to get out of the house and older persons too weak to escape in time, are in particular peril if a fire breaks out in their home. Although good fire prevention measures provide the best protection against home fires, even the most cautious can suddenly become a fire victim. Killer fires are often those that

ignite in the evening. Undetected, these fires can rage out of control in minutes, overcoming occupants with smoke. Fires spread so rapidly that experts say there is only about a four-minute safety-margin between the outbreak of the fire and safe escape.

“This is where a family fire escape plan comes in. Every year there are needless deaths and injuries in Texas that could have been prevented by an effective escape plan. There isn't a better time for working out such a plan than right now. Draw a floor plan of your house and plan at least two means of escape from each bedroom, the normal exit and an emergency exit, in case the usual route is blocked by flames or toxic fumes.

“Agree ahead of time what warning device or signal will be used to alert the family. Establish a meeting place outside so that a head count of family members can be accomplished quickly. Rehearse your plan. This is especially important for children, who will often panic and, tragically, hide in closets or under beds rather than escape.

“In developing your plan keep in mind the abilities and disabilities of family members. An agile teenager might be able to go through a window or climb down a ladder, but a young child or grandparent may not. Your local fire marshal's office or fire department can give you valuable advice on planning a home escape route. Since early warning is vital, fire prevention experts suggest that home smoke detection equipment be installed. Such equipment is widely available in electric supply, hardware and large department stores, usually for under \$50. Purchase only those detectors that have been approved by an independent testing laboratory such as Underwriters Laboratory, Inc.

“Most homes require more than one such device to give adequate protection. Moderate income families sometimes prefer to buy one or two such devices and place them first where they offer protection to bedrooms, adding detectors as the budget permits.

“Whether or not you have such a device, it is advisable to sleep with your bedroom door closed. The door may block off enough smoke to give you those extra, precious seconds needed to escape. If you suspect there is a fire on the other side of a closed door, test it with the palm of your hand before opening. Never open a door if it feels hot to the touch. The heat necessary to warm a door is enough to kill you with the first breath. If the door feels okay, brace yourself against it and open cautiously. Be prepared to slam it shut if you discover fire.

“Get out quickly by an alternate route. Do not stop to gather up valuables or call the fire department. Once out, never return to the house. Call the fire department from a neighbor's house.

“Here are some other fire safety tips from the Texas Insurance Information Center:

“Get down on the floor where the air is better and take short breaths through your nose until you reach safety.

“In a high rise or multiple story building, do not use the elevators. If power is cut off you may be trapped between floors.

“Close doors behind you to block the path of the flames. Never lock them, as this may prevent escape of others.

“If trapped and escape is impossible, seal off cracks around doors and vents to keep smoke out and take refuge in a room with an outside window, closing as many doors as you can between you and the fire. Open a window for ventilation and hang out a sheet to signal for help.

“Never leave children unattended at home, even for a few minutes. Small children are pathetically helpless and unable to escape danger without adult aid.

“When leaving children with babysitters, make sure the sitter knows the family escape routes and understands that the most important job is to get the children to safety if a fire breaks out.

“Good fire prevention measures offer the best defense. Check your house for fire hazards. Safety checklists and instructions for developing fire escape plans are available from the local fire department.”

As previously mentioned, the “Have an EXIT Strategy” initiative is one of the SFMO’s highest profile fire safety education efforts.

But it is not our only program.

The Texas Fire And Life Safety Public Educators Resources initiative serves as the central resource or clearinghouse for information and materials for Texas fire and life safety public educators. Our objective is to enhance community education programs and initiatives by facilitating access to:

national, state, and local statistics;

new programs and materials;

a collaborative knowledge base for best practices;

educational opportunities;

reference links; and

a network of peers.

It encourages consistency in the delivery of educational messages statewide and helps us all reach our joint goal of reducing loss of life and property in Texas due to fire and related hazards.

Chapter Six: Olga Juniger, Fire Safety Education Pioneer

One of the pioneers of fire safety education in Texas, and indeed the United States, was Olga Juniger. Juniger was born in Commerce, Texas, on August 28, 1888. Coming from a locally prominent family she was quite the socialite during her younger days. Her comings and goings to visit family and friends were duly noted in the local newspaper, as was her presence at parties and receptions, her theatrical performances, even the stylish outfits she wore to these doings.

Juniger was a teacher during at least several of her early professional years; the *Commerce Journal* reported on October 2, 1914, that "Miss Olga Juniger" had been named an additional teacher for the city and would begin work as soon as the new school building was finished.

By 1920, she was the head librarian at the Commerce Normal College Library, a position she was listed as still holding in 1921, according to the 1922 edition of *Patterson's American Educational Directory*.

That year she also participated in the Texas Better Schools Campaign, collecting \$38 in donations at the East Texas State Normal.

Meanwhile, George W. Tilley, state fire marshal and member of the state's fire insurance commission, had been urging local school authorities throughout the state to equip school buildings with fire escapes to prevent endangering the lives of school children through fires.

"Since school attendance is not a matter of choice, but one of strict requirement," he said, "there would seem to be no educational problem more fundamentally or immediately pressing than that of insuring safety for the students."

"There are only two classes of building where attendance is involuntary: schools and jails. If the flat in which you live is a firetrap, you are at liberty to move out. If you believe that a certain hotel or theater is unsafe, you need not patronize it, but if your school is in daily danger of becoming a fiery furnace, the law compels your children to attend just the same."

"Too often the educational authorities do not realize the fire hazards that exist in schools under their supervision, although such dangers are glaringly apparent to the eye of the expert trained to detect such shortcomings that make for fire. Many times trustees and other city officials permit an otherwise commendable desire for economy to lead them into omitting safety protection that does not seem to them vitally needed. This plea of community poverty is perhaps the most common one. It should be realized that in its essence such a plea is one of dollars against lives of children and that all too frequently a catastrophe sooner or later follows. Economy, when it means endangering life, is not merely undesirable, it is reprehensible. Authorities responsible should act and act at once."

Sometime during 1920, before the beginning of the 1920-21 school year, State Fire Marshal Tilley established a public schools inspection and student fire-safety education program. The primary impetus for the establishment of a public school fire safety education and education program in Texas appears to have prompted by "Fire Protection for School," by H.W. Forster, a lengthy article in the *Quarterly of the National Fire Protection Association*, July 1919. Both the Texas Inspection Commission and Texas State Fire Insurance Commission were NFPA members at the time. The article was later reprinted in pamphlet form.

"Fire Protection for School" was, in essence, a primer that touched on all aspects of fire prevention and fire protection in schools, including the importance of education of students, teachers and the general public. At that time, the teaching of fire prevention was basically non-existent in the United States, according to Forster. Ignorance of even fundamental principles of fire prevention and fire protection by those vested with the management of schools was one of the chief factors that made for the existing dangerous conditions that were part of any student's daily life. He also stressed the importance of regular inspections of schools by state fire marshals and city inspectors, and regular fire drills.

Another influencing factor was probably the Bronx, New York, Public School Fire on April 30, 1919. Unlike so many school fires in the previous school years, this one was not a disaster, at least in terms of young lives lost. The *New York Times* reported on the day following the fire:

FIRE DRILL PROVES VALUE.

2,500 Pupils Leave Burning School In Minute and Half.

The efficiency of school fire drills brought 2,500 children safely out of Public School 2, 169th Street and Third Avenue, the Bronx, yesterday, when fire started shortly before 3 o'clock in the teacher's retiring room on the third floor of the building. The fire was discovered by Nicholas Lawlor, a teacher in carpentry, when smoke poured into his classroom. It was extinguished within ten minutes by the fire department. The cause is unknown, and the damage was slight. Lawlor, who had a class of forty pupils in session, pulled an automatic fire alarm box in the hall, and then notified Miss Helene Levine, the Acting Principal, who rang the school alarm. A minute and a half later, 2,500 children were in the street.

But Juniger was not the state's first fire safety educator and female employee of the State fire Insurance Commission. That distinction belonged to Eula Cage. Like Juniger, Cage had begun her professional career as a teacher, working in the Palestine school system as early as 1909, teaching language and grammar to sixth and seventh graders. By the summer of 1911 she had moved out to Midland in west Texas to teach there.

Cage was working for the State Fire Insurance Commission by May 1920, according to the *San Saba News*: "Miss Eula Cage of Austin is the only lady fire commissioner in the state. She holds a position under the State Fire Commission and is making good in the service."

That summer, she visited all the state summer normal schools, representing the fire prevention division of the state fire insurance commission for the purpose of propagating fire prevention knowledge among the teachers of the state.

On October 21, 1920, at the seventh annual convention of the City Fire Marshals' Association of Texas, Cage, "an inspector of the state fire marshal's department" gave an address on "How the Fire Department and the Fire Marshal Can Co-operate Effectively With Women's Clubs in Fire Prevention 'Work.'"

The report of A. P. Wooldridge, state fire marshal, showed between 15,000 and 20,000 lives were lost annually in the United States as a result of fires and that the annual property loss was estimated at \$365 million. Among the resolutions adopted was one favoring the amendment to the anti-pass law so as to allow free transportation to fire marshals at least to and from the conventions, and one calling upon fire marshals to use their influence to inaugurate the teaching of fire prevention in all schools.

Juniger was living in Austin by the beginning of March 1921, and presumably working for the Fire Insurance Commission by then, because the *Commerce Journal* of March 4, 1921, mentions that she was in town from Austin, visiting her mother.

According to the 1922 *Austin City Directory* (compiled in 1921), they were rooming in the same boarding house on Lavaca Street in Austin.

As "general fire inspectors" Juniger and Cage administered the new Texas fire-safety education program.

Hence, Juniger's and Cage's statewide inspection tours. In 1921 Juniger and Cage went on a statewide tour of Texas towns and schools, teaching fire safety education and doing safety inspections.

On June 8, 1921, the *Galveston Daily News* reported that fire prevention was being taught in 114 Texas schools. 3 percent credit is allowed by the state fire insurance commission on the key rate of

any city or town in Texas for the teaching of fire prevention in the public schools. State Fire Marshal Tilley said the State Fire Marshal's Office had been represented by Misses Olga Juniger and Eula Cage in this campaign and during the past scholastic year they had visited 150 cities and towns and in 155 schools addresses had been delivered to school children. They had succeeded in getting the public schools of 111 cities and towns to add the fire prevention course to their curriculum. In addition to this these young ladies visited 128 ladies clubs and succeeded in getting the active support and co-operation of every club visited in their fire prevention. They had spoken before commercial Rotary Kiwanis and various other clubs arousing public interest in the great fire prevention campaign.

In July 1921, Cage visited Port Arthur to make arrangements with the local fire department, the chamber of commerce and Boy Scouts organization for starting a fire safety education program. Port Arthur was one of several Texas cities chosen for this campaign. The campaign would begin about September 1. Boy Scouts were given books to read upon the subject of fire. The local fire department pledged its support. The boys were taught about fire insurance such as the key rates and fire taxes. The local Boy Scout executives were supplied with all kinds of literature upon the work. Cage announced it could be secured any time for the asking. Boys who made the highest grades in the study would be awarded fire certificates and the Chamber of Commerce was asked to provide a cash prize.

The advent of school days led State Fire Marshal Tilley, on September 1, 1921, to issue an appeal to school authorities and teachers of Texas in behalf of fire prevention. Much of what he said seems obvious to us today, but as Forster pointed out two years earlier, ignorance of even fundamental principles of fire prevention and fire protection was widespread. Tilley charged the schools with the double responsibility of putting their own houses in order and providing a powerful educational presence.

"In a few weeks the schools of Texas will be opened and every school room will be occupied by the children of our state. Those who are charged with the responsibility of the care of these children should be sure that everything has been done to insure their safety. Be sure that every fire hazard has been removed, that the heating plant in each building is properly installed and in correct repair, that approved fire extinguishers have been installed when and where needed, that the installation of the electrical wiring has been thoroughly inspected and that same is in good condition and that exits and fire escapes are in proper shape.

"If you are a member of a school board, a township trustee, county superintendent of schools, or a teacher in the schools you are charged with the responsibility of seeing that the children are properly protected. Parents should make it their business to see that their children are properly cared for. An average of five hours each day during 200 days in each year children are in the schools of the United States.

"Fire drills are important and should be held at least twice a month but perfection of drilling is of little use if fire exits are omitted or improperly designed, or if doors are locked or do not open outward. All doors to school buildings should open outward and should be equipped with panic release bar latches. The janitor is an important factor in the prevention of fires and should be made thoroughly acquainted with the vital need for careful housekeeping. It would be productive or beneficial if school principals or boards of education would supply janitors with a short but comprehensive notice concerning fire hazards with a view to enhancing the safety of pupils. Schools Have Responsibility!

"What the country needs is national team work in fighting the fire waste. Our schools have a double responsibility and opportunity, first to put their own houses in order and second to yield a powerful educational influence. The education of the public in matters of fire prevention is the most important step that can be taken toward limiting the loss of life and property by fire. If within the next year teaching of fire prevention were included in the courses of all schools and colleges in the United States, it is safe to predict that the effect upon the occurrence of fire would be very great. It should be remembered that the degree of attention given to fire protection in the school buildings themselves will to a large extent determine the importance of fire protection in the estimation of the child. Let each and every citizen of the state use his best endeavors to reduce the awful fire waste

which visits our states and nation each year."

At the 1922 Oklahoma State Firefighters Association Convention held in Tulsa that summer, Juniger read a paper on "Teaching Fire Prevention in the City Schools."

In November 1922, state fire marshal Tilley mailed a letter to all school superintendents of 240 Texas towns asking if the prescribed course of fire prevention required by the state fire insurance commission was included in the curriculum.

The course prescribed by the state commission provided that fire protection be taught in the third fourth and fifth grades from the textbook on fire prevention. In the sixth, seventh, and eighth grades and the high schools, essays were written on the subject and fire drills were executed two to three times monthly.

In his letter, Tilley explained that the insurance commission, with a view to impressing the importance of fire prevention on the children of the state, had offered a three per cent credit on the key rate of all insurance where fire prevention was taught in the public schools. In offering this reduction he said roles were laid down for the observance and carrying out of the same by the school superintendents and other officers. In some cases where credits were allowed he said teachers were not keeping up fire prevention instruction and the credits might at any time be discontinued.

By this time it appears that Cage was no longer affiliated with the Fire Insurance Commission, and in September 1923, now living in Georgetown, she married Howard Hefley and she disappears from the fire prevention education scene.

By the summer of 1924, the schools in 287 Texas towns were teaching the commission's fire safety curriculum.

During the 1920s, school teachers and soon-to-be teachers from across the state attended UT's summer season to be trained and earn their teaching credentials. Every summer in the 1920s and '30s, the SFMO had a display of fire safety posters drawn by Texas school students and safety tips for the teachers to incorporate into their lesson plan.

In the summer of 1927, for example, a collection of more than 100 posters on fire prevention from many different Texas towns and cities were on display in the west corridor of the Main Building. In fact, student fire-safety poster exhibits like the one at UT were displayed at all Texas teacher colleges that summer.

Juniger, now supervisor of educational work for the State Fire Insurance Commission, assembled the display. The posters had been made by students in grades 1 to 7 during the school year just ended. A number of "Fire Prevention" books were shown in another, similar display.

Teachers interested in teaching fire safety left their names on a mailing list and the Commission sent them fire prevention literature, free of charge. Many teachers found it of value, in that they got innumerable ideas for their year's work, Juniger said, noting that 392 cities in Texas had been given a reduction of three percent in their fire insurance rates by the Commission because of the teaching of fire prevention in their schools.

Juniger spent March 4, 1926, in Big Spring looking over the work that being taught in city schools in the way of fire drills, lessons in ways of safe guarding against fires and other means of instilling in the children the great need of fire prevention in our state. Big Spring, together with 352 other Texas towns, had accepted to teach this work in the public schools which entitled the town to receive a reduction in the key rate of 3 per cent. The work was separate and apart from the other subjects taught in the schools.

The students in the secondary departments were required to write two themes a term while the students of the primary in grades got their instructions through lectures, fire drills and posters which they design and make themselves.

Juniger found the work being taught in Big Spring schools very satisfactory and after witnessing the fire drills given by the children of Central Ward Junior High commented positively on the order kept by the children and the excellent manner in which the fire drills were conducted.

"Work in schools of today is expected to do more for the child than to give him the fundamentals of reading, writing, and arithmetic and one of the greater duties that is assigned him today is to instruct the child in fire prevention," Juniger told the *Big Spring Herald*.

She stated that the pupils used the fire escapes and very aptly emptied the building. Juniger selected a theme, "The Advantages of Fire Resisting Constructions." written by Tom Jordan Jr. to be sent in to the monthly magazine *Safeguarding Texas Against Fires* for publication. Many of the posters made by the students were commended by Juniger and several of them were selected to be sent in to the poster contest.

According to Juniger, the teachers in Big Spring schools were teaching fire prevention the right way and making good. She was also very favorably impressed with the well kept school buildings of the city and clean and neat campuses. This was the only educational work that the State Board of Fire Insurance undertook. Juniger left Friday morning for an examination of the San Angelo schools."

You never knew when Juniger might show up in your town. She appeared at the Lockhart high school building unannounced during the first week in May 1933 and began immediately to inspect the methods of instruction in Fire Prevention as given in the Public Schools of Lockhart. Those who taught the subject in the primary grades and in high school were asked to give their plans of instruction and to submit fire posters and themes on the subject of fire. A fire drill was requested and the entire building was emptied of pupils and the doors closed in one and one half minutes.

Juniger gave this same kind of inspection at the schools for white and black children; these were the days of segregated schools. Those schools performed splendidly in their fire drill. The conferences with the teachers and the materials submitted were very pleasing to Juniger, according to the *Lockhart Post Register*.

Supt. Bates asked Miss Juniger how the schools compared with others in the area of fire prevention. She replied that the Lockhart schools were doing most excellent work, all and in all. These words of praise and commendation were highly pleasing to the superintendant and teachers.

The annual convention of the Texas Congress of Parents and Teachers in Corpus Christi in November 1934 included a safety education conference with Juniger, who was by now state chairman of safety.

In February 1935, Juniger conducted an inspection of several El Paso schools and found fire prevention taught efficiently. Juniger, now superintendent of education of the State Fire Insurance Department, said that teaching children to prevent fires was one of the best plans to bring about a permanent reduction in fire damage. She said pupils carried the information home to parents. There were now 620 Texas cities using this method.

The *Port Arthur News* reported on April 2, 1936:

The teaching of fire in Port Arthur schools was deemed as splendid work by Miss Olga Juniger, supervisor of the educational division of Texas Fire Insurance Commission who was here from Austin to inspect local schools along this line. "Of course there are some phases of the work here that might be improved," she said, "but in general the work here is excellent especially the fire drills."

Today Miss Juniger is to talk teachers and read themes submitted by students in Junior and Senior high schools. She agreed with Fire Chief Dave Rachal that much of the credit for the city's reduction in insurance rates because of the unusual small number of fires must be given to the teaching of fire education. The purpose of this work is to teach children to meet emergencies properly and to recognize and correct fire hazards and to make them therefore better citizens.

Insurance key rates of Texas cities are based partially on fire prevention, Miss Juniger explained and this work is checked by an inspector.

Juniger's interest in youth safety extended beyond fire prevention. In Big Spring in November 1936, she discussed the fight for a stringent drivers license law. She placed most of the blame on parents who failed to give their children proper instruction in traffic safety. "The American home must shoulder most of the blame for reckless fatal driving by children," she said. Greater penalties were proposed or violating traffic laws against driving while intoxicated, driving under the age of 18, speeding, having improper headlights and brakes.

That year she was a member of the executive committee of the Texas Congress of Parents and Teachers.

In 1937, her *Fire Prevention Handbook for Texas Public Schools* was published (Marvin Hall, Fire Insurance Commissioner. Olga Juniger, Public School Fire Prevention Supervisor. Texas Fire Insurance Department, Austin, Texas).

The *Denton Record Chronicle* reported on August 16, 1937:

Fire Posters were shown at an exhibit of fire prevention posters sponsored by the Texas Fire Insurance Department in the corridors of the administration building at Teachers College at Denton August 17 through August 21. Included in the collection were prize winning posters from the annual fire contest together with a number of other posters carrying such modern themes as "The Sitdown Strike," "The New London School Disaster," and "Gone With the Wind." Juniger was in charge of the exhibit.

As safety chairman of the Texas Congress of Parents and Teachers in 1938, one of Juniger's goals was instruction in traffic safety in every school in Texas. She reported that many schools had courses and others were planning instruction in their curriculum. But a number of school executives were in doubt as to the proper training for instructors for the course. Juniger said that the driver education and training courses to be offered in the summer of 1938 at Texas A&M College and Texas Technological College would aid them in setting up courses.

E. L. Williams, head of the department of industrial education at A&M, said that the teaching of safety could not be left to untrained persons. He said a recent survey showed that 16-year-old drivers had records nine times worse than persons 45 to 50 years of age. Thirteen to 17 was the age of most high school students, he said, an age at which they form habits, good or bad. Traffic safety including road courtesy and correct automobile operation taught to students of high school age should help reduce traffic accidents, he believed.

On December 17, 1938, Juniger, who was then public schools fire prevention supervisor of the state department of education, viewed motion pictures on fire prevention in the visual education library at Texas Technological College in Lubbock, for purpose of giving information about them to public schools. Juniger complimented the films she viewed.

At the State Firemen's and Fire Marshals' Association annual conference at Houston in 1941, Galveston schoolchildren won 8 out of the 200 posters of the state. About 475 fire marshals in Texas towns and cities were assisting their local schools with fire prevention posters and essays during Fire Prevention Week.

Juniger was also active in politics, serving as an alternate delegate from Texas to the Democratic National Convention in 1944.

On April 16, 1947, two ships loaded with fertilizer exploded in the Texas City harbor, killing more than 500 people. In response to the disaster, Governor Beauford Jester appointed State Fire Marshal Marvin Hall chairman of a committee to work out a statewide plan for cutting down on the number of fires and to work out a disaster relief program.

Jester said he wanted a fire prevention and protection plan, on both state and local levels, that

would reach every adult and every child of school age, touching on all pertinent topics from fire prevention in rural areas to industrial safety.

He said activity in the field of fire prevention should extend beyond mere observance of an annual Fire Prevention Week and Spring Clean-Up Day. Juniger was appointed to the committee, as well as future governor Price Daniel and Department of Public Safety chief, Col. Homer Garrison.

Also that year, she served on the Committee On Fire Prevention Education for the President's Conference on Fire Prevention, May 6-8.

By 1949, Juniger was assistant fire prevention chief of the Board of Insurance.

Upon her retirement, she moved back to Commerce, where she took an active role in community affairs, such as her church, local Democratic party, and serving on the Commerce Planning and Zoning Commission.

Olga Juniger died on August 4, 1981.

Chapter Seven: Regulatory Functions and Controversy

Licensing and regulation of the fire alarm, extinguisher, sprinkler, and fireworks industries, and fire standard compliant cigarettes oversight is the newest task assigned to the SFMO.

In 1957 the Legislature passed the Fireworks Law (Article 5.43-4 of the Texas Insurance Code).

In 1969, the Legislature passed the Flammable Liquids Law (presently Chapter 753 of the Health and Safety Code).

In 1971 State Rep. Joe Hawn of Dallas introduced a bill that would become the Fire Extinguisher Law (Article 5.43-1 of the Texas Insurance Code), giving the state fire marshal authority to regulate firms which serviced and sold fire extinguishers, and would require that fire extinguishers carry the label of some nationally recognized testing laboratory. Such firms would have to be licensed (for \$225 the first year and \$150 per year thereafter) as would the individuals who serve the equipment.

Hawn also introduced a bill that would prohibit the retail sale of fireworks (even "sparklers"), exempting manufacturers and wholesalers who make or sell fireworks for out-of-state sale. The bill also allowed "supervised displays of fireworks" if the state fire marshal permitted them. To get such a permit, the group planning the fireworks display would have to post \$1,000 bond and have a lawyer ready, in case the fireworks cause some unexpected damage. The bill obviously did not pass.

In the spring of 1975, the Legislature passed the Fire Alarm Law (Article 5.43-2 of the Texas Insurance Code), that provided for the regulation of the sales, servicing, installation and maintenance of fire detection and fire alarm devices and systems by the State Fire Marshal, a newly created position, who was to be appointed by the State Insurance Board, who would also serve as the chief investigator in charge of the investigation of arson and suspected arson within the state, and who could commission arson investigators to act under his supervision.

The law was the direct result of a complaint by Joe Christie, chairman of the State Board of Insurance. A fake fire alarm system was sold to a Liberty County nursing home by a Houston firm in 1972. Christie said Galaxy-Manor Nursing Home in Cleveland, which had 153 residents, paid nearly \$3,000 to A-1 Fire Equipment Co. for the system.

Christie called for legislation to regulate those who make and install such equipment. He also said the board's fire marshal had been instructed to alert all city fire marshals to inspect nursing homes. His information was turned over to the attorney general's office handling deceptive trade practices, he said, and the State Health Department and State Welfare Department, which regulate nursing homes, were notified.

"Not since drummers in wagons selling snake oil to pioneer Texans has there been such mercurial merchants dealing in useless and dangerous products," Christie told a news conference.

He said the equipment sold to Galaxy-Manor consisted of 12 common electrical junction boxes that were supposed to, but could not, detect smoke; a door-closing device supposedly activated by smoke; and a pull alarm. None of these worked. Christie said this could have been an isolated case, and he did not know if other nursing homes have purchased equipment from A-1. He took part of the blame for the legislature's failure to pass regulatory legislation in this field. He had previously served six years as a state senator.

In March 1977, the Board of Insurance ordered that persons seeking to sell, service, install or maintain fire alarm or detection systems would have to be examined and licensed by the State Fire Marshal. The board would issue temporary licenses until the first examination was held June

1 (the site to be picked by the fire marshal). Board Chairman Joe Christie noted the decision when he spoke to an arson investigators' seminar — where he also announced the board was keeping an eye on the workload of the State's five arson investigators.

Those investigators handled 112 cases since September, compared with 108 for the same period the year before, Christie said, so it didn't appear there was any need to add investigators now. But, he said, that could change. Meanwhile, the five were being placed in regional offices to provide better assistance to local arson officials.

On Nov. 8, 1942, fire swept the Coconut Grove nightclub in Boston and 461 died. On May 28, 1977, fire struck the Beverly Hills Supper Club in Southgate Ky., and 181 died. Following the Coconut Grove disaster various fire safety measures were adapted throughout the country. In Texas, as in other parts of the country, the Kentucky tragedy increased awareness of the problems of fire safety. Then as now, Texas had no statewide fire code. Rather, State Fire Marshal Charles Meadows pointed out, it was up to each home-rule city to make and enforce standards by ordinance. The State Board of Insurance reported that while some cities had adopted stringent standards, some sizable towns had none.

The insurance board also reported that of the 535,814 buildings — principally commercial and educational — shown by its computer as individually rated insurance risks, only 19,000 had sprinkler systems. Before the start of the 1977 legislative session, the insurance board and the State Firemen's and Fire Marshals' Association looked at the possibility of seeking a state fire code — but it was decided there was not enough information to take such a step, an insurance board spokesman said.

Fire Chief Robert O'Burke, head of the firemen's group, said his organization had been working on the idea of a fire code since 1959 and had "done some good" in some areas. But as Meadows commented, there had been "a heck of a lot of meetings" and no solution to the problem — if the lack of a statewide code was indeed a problem.

No one seemed sure whose responsibility it was to propose such a code — even though there was a feeling stricter standards of some kind were needed. Clint Dare, head of the Insurance Information Institute in Austin, noted the insurance industry had supported the idea of sprinkler systems and other fire prevention devices, but added the industry was unsure what its role should be regarding a fire code.

O'Burke said his group might bring proposals to the 1979 legislature, but he was not certain whether firemen or the insurance board should be the prime movers in such an enterprise. And the insurance board, while indicating interest, wasn't sure whether such a proposal would be within its jurisdiction.

Opposition to the proposal likely would be considerable because of the increased expense in construction of new buildings or alteration of old ones. "We feel the opposition (to a statewide code) would be economic," O'Burke reported.

He agreed the cost of construction could be increased, depending on what was required by the code. But he still felt stricter standards were needed. Meadows believed there were "a number" of buildings in Texas where disasters such as that at Southgate could happen, although he declined to name specific sites.

"In this day — with the type of furniture we have, so much plastic — it could happen," Meadows said. O'Burke believed such a tragedy was possible in Texas, but unlikely, at least in cities with strict local standards which were strictly enforced. But as O'Burke and others noted, there was no uniformity in standards or enforcement. Whether there should be uniformity would be an issue for the future legislative sessions, and continues to be so today.

By December 1977, the State Fire Marshal's Office was embroiled in public controversy, at least partly politically motivated, regarding fire extinguisher industry regulation.

Some of his employees didn't think Meadows was an effective administrator. They convinced then board chairman Joe Christie that something had to be done. In 1976 the board reorganized the office and in November stripped Meadows of most of his powers. Meadows was given a rather powerless position as liaison with the legislature.

When Christie resigned to run for U.S. Senate, Yantis was appointed as his replacement by Gov. Dolph Briscoe and started work as board chairman in September 1977. The first major board action under Yantis' chairmanship was reinstatement of Meadows to full power. The joy of reinstatement was brief, however. An attempt by Meadows to fire five employees who had prospered during his down period brought the whole messy office fight into the open.

Two employees of the state fire marshal's office claimed in October 1977 that the office was so inefficiently run that state fire prevention efforts had been hampered. As an example, Jim Cummins and Wayne S. Smith cited delay in processing an inspector's report on an old hotel in Paris. The hotel was at the time being used as a halfway house for mentally ill persons, and several fire hazards were cited in the report. Cummins, manager of the fire safety inspection section, and Smith, an inspector, said Meadows caused the processing delays by giving other work to a secretary who types the reports.

"I don't think it's right for us to go in there and throw our weight around in a town that has its own fire code," Meadows retorted. "It's not our job to do the city fire marshal's job for him."

Cummins and Smith agreed to make public accusations after Meadows recommended they be fired or transferred to other jobs in the insurance department.

Cummins and Smith claimed the office made great strides after Meadows was pushed aside almost a year earlier but now inefficiency had returned. "We have documented evidence that we've done more in the last 10 months with that office than was done the last 10 years," Cummins said. He said an outside consultant's study also showed inefficient operation of the office under Meadows.

Smith said the office under Meadows had been issuing fire alarm installation licenses without giving examinations required by law. The two employees also claimed the office had been lax in regulating fire extinguisher manufacturers. "Prior to reorganization last November, there had been only one fire extinguisher company brought before the board on complaints of license violations," Smith said. "That one case was presented by Cummins and me in August of 1976," he said. "Since reorganization last November, we have held hearings on eight or 10 cases," Cummins and Smith said.

On December 8, 1977, the Senate Subcommittee on Consumer Affairs decided to launch an investigation of the State Fire Marshal's office in the wake of a preliminary staff report alleging maladministration of the fire extinguisher installation and service business in Texas, that State Fire Marshal Charles Meadows issued licenses to operators in the profitable fire extinguisher business without checking their qualifications. The report said Christie had taken away Meadows' administrative and managerial responsibilities after an internal evaluation had disclosed the fire marshal's office "was having serious difficulties with work backlogs and processing problems."

The report was also critical of recently appointed Insurance Board Chairman Hugh Yantis for lack of cooperation with the committee staff. Yantis denied that there was lack of cooperation on his part, but admitted that his staff had not acted as quickly as he would have liked in providing the requested information.

A week later, Meadows was accused of warning a suspect he was going to be arrested for deceptive trade practices involving false claims of recharging fire extinguishers.

"I'd like to get to the bottom of it," said Sen. Bill Patman, D-Ganado, a member of the Senate Subcommittee on Consumer Affairs.

"We're going to give everybody a chance to clear this record — get it all out on the record," said subcommittee chairman Ron Clower, D-Garland. Clower instructed the staff to notify Meadows; chairman Hugh Yantis of the State Insurance Board, which oversaw the marshal; and former insurance chairman Joe Christie, who had resigned to run for the U.S. Senate; and others of the hearing.

Subcommittee researcher Darryll Grubbs said fire marshals in the Dallas-Fort Worth area complained to Clower after Yantis restored Meadows' authority. He said approximately 1,000 persons and 400 to 500 companies are involved in the "highly competitive ... lucrative" fire extinguisher industry.

Among the complaints of marshals and "reputable" persons installing and servicing fire extinguishers, Grubbs said, was that Meadows "is simply selling licenses without adequate investigation of the applicant's background and abilities."

"What do you mean by 'selling'?" asked Clower.

"They (operators) claim you can walk into that (fire marshal) office over there, pay \$75 (the registration fee) and be handed a license," Grubbs said. He said marshals and operators claim that the required periodic inspection of equipment "amounts to little more than a phone call from the (state) fire marshal's office to see if the operator is still in business."

One marshal complained, Grubbs said, that "his five-year-old daughter could pass" the examination given to those who apply for licenses. Grubbs said marshals praised a newsletter that was started under the Christie reorganization as being "very effective in reducing the number of dishonest operators." The newsletter told of hearings on suspected violators and "served to warn disreputable operators of the determination of the state fire marshal's office to more effectively police the industry," Grubbs said.

Meadows, he said, discontinued the newsletter, stating he did not feel it justified the \$300-a-month publication cost. Also, Grubbs said, "there are criminal and civil charges pending against several operators in the state who are still holding licenses."

"We feel that a serious problem exists within the extinguisher industry and the state fire marshal's control of this area." he said.

Meadows ended 1977 in controversy and began 1978 thusly. Two legislative committees commenced looking into the operation of the office. Compromises were reached with four of the employees Meadows wanted out, but one was fired: Jim Cummins, former manager of the fire safety inspection section. Cummins appealed his firing to the board and, much to the dismay of all on Meadows' side, requested a hearing open to the public and the press scheduled for January 5, 1978.

The Austin rumor mill put powerful State Rep. Bill Heatly of Paducah into the fire marshal controversy. Word was that Heatly got Hugh Yantis his job as Insurance Board chairman and got Yantis to reinstate Charles Meadows to full powers as fire marshal.

Yantis said this was silly. But Heatly did have a finger — if not a whole hand — in the Meadows reinstatement. Yantis said Heatly was an old friend and called up to congratulate him on his appointment as board chairman. The chairman said Heatly did suggest there were some problems in the fire marshal's office that he might want to look into. That was all.

Meadows said at a legislative committee hearing in December that Heatly was an old friend from his days as a fire chief in West Texas.

Meadows said his office often was treated like a stepchild by the State Board of Insurance staff. "I just didn't find anyone interested in fire prevention," he says. "It was all insurance."

In January 1978, Bill Heaton, the fire marshal's director of operations, told the insurance board they had fired a man who was fighting hard against sleazy operators in the fire extinguisher business. He told them they had made a mistake.

"I still don't think he (Cummins) did anything to be disciplined for. I can understand how a man could be overzealous in going out and finding some of these (fire extinguisher company) practices that would turn your hair gray," Heaton said. "In case you don't know, there are some very unsavory practices," he said.

Heaton later told a reporter he was talking about improper installation of sprinklers and similar fire extinguisher systems in places like restaurants and night clubs. "Some are put in by jack leg installers so they won't work," Heaton said.

On January 6, the Senate Subcommittee on Consumer Affairs said it had found instances of misconduct and wrongful exercise of authority in the fire marshal's office. The subcommittee adopted a resolution saying "serious defects" in the office included "misfeasance and malfeasance." It called upon the board to correct the shortcomings at once. The resolution was adopted after several hours of testimony that was critical of how Meadows handled his job. Arson investigator Don Hicks, for example, told the subcommittee a capital murder case in West Columbia could not be prosecuted because Meadows refused to have the case checked out immediately.

Also cited in the testimony was the information that Meadows closed the file in the State Fire Marshal's Office on the Paris boarding house, the Gibraltar, despite its containing a rough draft report from a state fire inspector recommending that the Gibraltar be vacated immediately until repairs were made.

Meadows and his boss and supporter, State Insurance Board Chairman Hugh C. Yantis, maintained that they closed the file in deference to Paris fire officials, who said they did not want the Gibraltar closed. Since then, Paris Fire Marshal Steve Burgin had reported that the Gibraltar's owner had made good progress toward correcting the fire hazards he and the state inspector found at the former hotel.

Yantis, during hearings in Austin on Meadows' operations, promised that Meadows himself would come to Paris to take a look at the Gibraltar. Meadows never came, however, sending instead Assistant State Fire Marshal Wayne Dye, who talked with local officials about the situation and toured the Gibraltar.

In early February 1978, Meadows announced his decision to retire, effective May 1.

It was generally conceded that Meadows didn't handle himself well under the pressure. He fumbled for answers under tough questioning and allowed himself to be led into seemingly contradictory statements. The subcommittee said it found defects in the office, including misfeasance and malfeasance. Yantis continued to express confidence in Meadows, but the future was clear. Meadows' announced retirement brought a collective sigh of relief from the insurance board.

He said he once had a vague dream about a statewide fire prevention program. He tried unsuccessfully to sell the idea to the person serving then as insurance commissioner. He even tried for support from fellow West Texan and then-governor Preston Smith, who "felt he didn't want to get involved." The plan involved things such as "little skits on TV and radio, stories in the news media ... fire slogans on loafs of bread."

In 1983, in a special session, the Legislature passed the Automatic Fire Sprinkler Law (Article 5.43-3 of the Texas Insurance Code) and the Smoke Detectors in Hotels Law (presently Chapter 792 of the Health and Safety Code).

The new law was precipitated by the deaths of five people in a Fort Worth motel and took effect January 1, 1984.

Paris Fire Marshal Ronnie Porterfield said that as soon as he received a copy of the statute he would begin contacting the owners of Paris area motels and hotels later in the month to officially inform them of a new state law which required smoke alarms in all guest rooms.

In April 1984, The State Board of Insurance (SBI) amended and adopted (effective Sept. 1, 1984) rules on certification of installers of automatic sprinkler systems for fire protection. The amendment allowed installers who had successfully completed examinations for one level additional time to qualify for higher levels of certification.

Small business operators told SBI they needed more time to get employees certified. The State Fire Marshal was authorized to conduct examinations for certification, under recently effective legislation.

That year, the Legislature also passed a law regulating certain fireworks, specifying that any person engaged in the business of manufacturing, distributing, jobbing or importing fireworks to be sold or used in this state, or of supervising or conducting fireworks displays, must obtain the proper license or permit for that activity through the State Fire Marshal.

As a result of various laws passed over the years, SFMO Fire Industry Licensing Services and Investigations currently regulates the planning, selling, installing, certifying, and servicing of fire extinguisher, fire alarm and fire sprinkler devices and systems through the statewide registration and licensing of firms and individuals who provide these services. In order to be qualified for registration, firms must employ state licensed individuals to the extent required by law and demonstrate a responsible business organization, which includes maintaining the required insurance coverage. To obtain a license, individuals must demonstrate a certain level of technical ability by passing tests and be employed by a registered firm. The license does not certify the competency of the individual; it only permits them to work in the specified occupation. Licenses and permits are issued to firms in the business of selling and storing fireworks. Permits are also issued to those holding a public fireworks display and licenses are issued to individuals responsible for conducting the display.

Fire extinguisher, fire alarm and fire sprinkler devices and systems must be installed where and when required by local codes and installed, as a minimum, according to state adopted national standards. This is required by state rules. These national codes and standards (e.g., International Fire Code and the National Fire Protection Association) are copyrighted documents that must be purchased through the publisher. Upon complaint, licensing personnel conduct investigations of existing fire alarm, extinguisher and sprinkler systems to ensure that they are installed by licensed entities and comply with the adopted technical standards and manufacturers' requirements. This initiative ensures these systems extinguish fires and reduce the loss of life and property of the citizens of Texas. Investigators also inspect fireworks stands to ensure compliance with adopted safety standards. Four investigators are strategically dispersed across the state to better serve Texans.

Chapter Eight: Recent, New Responsibilities

The SFMO was authorized in 1980 to implement a Texas Fire Incident Report System (TEXFIRS), which went on line in 1981. It was a revolutionary move for the good of Texans, as Paris Fire Department Chief Steve Burgin described in the fall of 1981.

"One of the biggest changes in the Paris Fire Department in the past year came about at no cost to the city, and though it may seem a small change, its benefits will be of great assistance to the department," he said. The department is now reporting all its activity to the Texas Incident Reporting System. "Instead of each city across the state using their own report forms," Burgin said, "the information we record is given to the state and they compile the information." The eventual goal, he said, is for all fire departments in the nation to use the form. "It's an information gathering system and it's pretty involved," he said "When you have a fire, you list everything that happened — the equipment that was used, the men that were used.

"It has to be exact and it has to be entered into a computer. They can break it down by cities on the printout on any (category) we want," he added. The system, which began in March and is under the control of the State Fire Marshal's Office in Austin, will take about two years to compile enough data to be of use to the various departments, he said.

"We'll have information on anything we want — how long it takes to respond to a certain area of the city, how many fires we have in a certain area of the city, what caused these fires." Burgin also said the figures can be used to compare Paris with other cities to see if a different procedure could be helpful in fire fighting. "It will help as far as budget planning ... and as far as departmental planning ... Where do we need stations, where do we need more men.

"It didn't cost us a red cent," he said. He added that members of his department underwent training at Texas A&M University in order to be able to record information on the complicated report forms. "Those guys out in the field have to understand what's going on, so everybody went through the training program. It took us about three months to get it down where we were comfortable with it."

By August 1984, the TEXFIRS program was providing valuable information, according to SFM Ernest Emerson:

"Fire departments are doing a brilliant job of supplying fire data to this system. For the first time in history, we are able to identify and analyze fire problems in Texas. Our understanding of these fire problems improves as more fire departments contribute to the system. More than 260 fire departments in the state, including Galveston, La Marque, and Texas City, report fires to the TEXFIRS.

"Statewide, there were 17,274 structure fires reported last year, nearly 75 percent of them in residences. More than 74 percent of all fire-related deaths occurred in residences. Some 19 percent of residential fires were caused when cooking was left unattended," Emerson said, adding that "21 per cent of the fire deaths were in fires caused by heating equipment." The greatest number of heating-related fires resulted when gas-fueled space heaters were placed too close to combustible wall coverings. "But we also learned that a number of fatal fires were caused when heating equipment malfunctioned."

By 1987, 321 fire departments, protecting approximately 70 percent of the state population, were reporting to TEXFIRS. In 1996, 607 departments were reporting, protecting about 73 percent of the state's population. By 2010, more than 1,000 departments were reporting.

Actually, there was a precursor to TEXFIRS dating back to last weeks of 1921, when State Fire Marshal Tilley announced that the State Fire Insurance commission would be installing a system of files for keeping records of the fires in Texas every month, their cause, and losses, and then prepare a recapitulation at the end of each month.

Therefore, the commission had received reports of fires occurring in Texas, but they had not been kept in tabulated form, the commission depending on the report of the National Fire Protection Bureau. However in that report, fires were not recorded frequently until several months later.

Since September 1, 2001, the State Fire Marshal's Office has been responsible for investigating firefighter fatalities in Texas. Texas was the first state that, by law, mandated its State Fire Marshal's Office to investigate firefighter fatalities.

The State Fire Marshal's Office (SFMO) is statutorily required to conduct an investigation if a firefighter dies in the line of duty in connection with a firefighting incident in the State of Texas, as prescribed by Texas Government Code Section 417.0075.

The statute requires the SFMO to investigate the circumstances surrounding each firefighter death to determine factors that may have contributed to the death. These factors include: the cause and origin of the fire, the condition of the structure, and the suppression operation.

The State Fire Marshal is required to coordinate the investigative efforts of local government officials and may enlist established fire service organizations and private entities to assist in the investigation. Additionally, the State Fire Marshal may appoint an Advisory Committee to provide Firefighter Fatality Investigation Program policy guidance. The following entities serve on the Firefighter Fatality Advisory Committee:

State Firemen's & Fire Marshals' Association of Texas;

Texas State Association of Fire Fighters;

Texas Fire Marshal's Association;

Texas Fire Chiefs Association;

Texas Commission on Fire Protection;

Texas Forest Service;

Texas Engineering Extension Service, Emergency Services Training Institute, Texas A&M University System; and

Texas metropolitan fire departments (including Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio).

Ongoing efforts to reduce firefighter fatalities include the following:

Communicating findings and recommendations from firefighter fatality investigations through the publication of investigation reports, dissemination of information to the Firefighter Fatality Advisory Committee, and presentations at fire service conferences.

Upon release, firefighter fatality investigation reports are sent to the affected fire departments and placed on the agency's website for access by the fire service, media, and the public.

Since the inception of firefighter fatality investigation reporting in September 2001, there have been more than 250,000 individual report downloads.

Participating in the Firefighter Safety Stand Down, sponsored by the International Association of Fire Chiefs and the International Association of Fire Fighters.

Participating in the "Courage to be Safe" (CTBS) program, which emphasizes the message "Everyone Goes Home." Information on the CTBS program is available online at <http://www.everyonegoeshome.com>.

Implementing or expanding existing fire prevention programs to assist in reducing fires.

Participating in the National Fire Service Seat Belt Pledge, which encourages firefighters to wear seat belts when riding in a fire department vehicle. Information on the Seat Belt Pledge can be located online at <http://www.trainingdivision.com/seatbeltpledge.asp>.

Exploring safer strategies and tactics for fighting fires in enclosed structures.

The SFMO investigated 40 firefighter fatalities since the program's inception through the end of fiscal year 2011 (August 2011). All the deaths fit into one of three categories: Medical Condition, Motor Vehicle Incident, and Fireground Operations. These firefighter fatality investigations have shown that a significant number of these deaths might have been prevented.

Nearly half of these investigated fatalities were due to a Medical Condition, the most common of which was heart attack.

The SFMO's latest and most far-reaching fire-safety education initiative is the Have an EXIT Strategy campaign.

In the summer of 2004, the State Fire Marshal's Office (SFMO) conducted fire safety inspections of bars, nightclubs, lounges and dancehalls in eight Texas counties after studying the fire safety violations contributing to the tragic, 100-death February 2003 Station nightclub fire in Rhode Island and observing similar, recurring hazards during a county-wide inspection of bars and clubs in a Gulf Coast county in fall 2003. Of the 189 establishments inspected, 182 had means of egress violations.

The Station nightclub fire and 2004 random fire safety inspections of bars, nightclubs, lounges and dancehalls resulted in the current "Have an Exit Strategy Where You Live, Work, and Play" initiative, which urges Texans to take responsibility for their own safety, and learn two ways out of any room they're in, whether that room happens to be their own kitchen, a board room at work, a movie theater, or any other locale.

One of the SFMO's newest responsibilities is administration of the Fire Standard Compliant Cigarette Program. Cigarettes ignited at least 6799 fires and caused more than \$37 million in property losses in Texas between 2003 and 2006; 37 civilians lost their lives, 163 civilians and 36 firefighters were injured due to fires that could be directly attributed to cigarettes. In response to this problem, HB 2935 was passed and signed into law on June 15, 2007. The law, now Chapter 796 of the Texas Health and Safety Code, required that by January 1, 2010, all cigarettes sold in the state of Texas must be certified fire standard compliant (FSC). The State Fire Marshal's Office, Texas Department of Insurance, was placed in charge of all rulemaking, certifications, and investigations relating to fire standard compliant cigarettes.

On December 11, 2008, the Texas Department of Insurance adopted rules to implement the Fire Standard Compliant Cigarette Program. The State Fire Marshal's Office began officially accepting manufacturer's certifications on that date.

Chapter Nine: The Next 100 Years

How much progress have we made during our first 100 years?

Reports by the state fire marshal covering the years 1911-1915 showed that between 11,000 and 13,000 structural and outdoor fires each year (31,000 from December 10, 1912 to September 1, 1913 alone), entailing annual losses between \$12,000,000 and \$16,000,000, had occurred in Texas. The per capita fire loss in this state was about \$4, or \$20 for the average family, within this short period. Many leading European nations had a per capita fire loss of less than 50 cents (Holland had a loss of only 11 cents per capita per year), during the same period.

In 2010, property losses from a reported nearly 77,000 structural and outdoor fires amounted to losses of \$510,000,000, or about \$20 per capita, a significantly lower dollar loss than the period 1911-1915, taking into account inflation (\$1 in 1910 is worth \$24 today) and the state's population increase, from approximately 4,000,000 in 1915 to approximately 25,000,000 in 2010.

Even more important than property losses is the loss of human life. Approximately 450 lives in Texas were lost each year from 1931 to 1936 (the earliest known statistics), and improper use of kerosene and gasoline were the leading causes of such deaths. In 2008 (latest available statistics), 181 Texas civilians lost their lives (82 attributable to unknown causes and only 5 to open flame).

While significant progress has been made in the last 100 years, much remains to be done.

What does the future hold? Much the same as it has. Fire will continue to occur, despite our best efforts. Hopefully, the numbers and severity of those fires will decrease, as well as injuries and fatalities. Suspicious fires will still need investigating, and buildings will need fire safety inspections. And fire safety education will never end, as long as babies continue to be born. Fire safety is not instinctive. Humans are not born with an innate sense of fire safety; they must be taught it, generation after generation. The fine details may change, but not the big picture.