

of their office they shall take oath before some person authorized by law to administer oaths, for the faithful performance of their duties.

SEC. 2. Of the Wardens appointed in San Francisco two or more shall be master mariners. They shall act in concert in the discharge of their duties, and shall be known as the Board of Port Wardens for the Port of San Francisco.

SEC. 3. It shall be the duty of the Port Wardens, when required by any person or persons interested in either vessel or cargo, to survey any and all vessels arriving in distress, or that have sustained damage or injury at sea, whether of sails, rigging, spars or other damage caused by stress of weather at sea, or through stranding, or collision or other accident; to survey the cargo, in whole or in part, laden on board such vessel, and also to survey the hatches, stowage, and cargo of all vessels laden with general or assorted merchandise belonging to or consigned to various parties.

SEC. 4. They shall keep a record in a book provided for such purpose, of all surveys, which shall be signed by the Warden making the survey, which shall at all times be open for inspection by any person or persons interested in the vessel or cargo surveyed, and all persons requiring it shall be furnished with certified copies of the same under the hand of one of the Wardens and seal of the Board.

SEC. 5. In all surveys made by them they shall set forth clearly and fully the nature of the damage, if of merchandize, whether from actual contact with sea water or through the excess of water in the hold of the vessel, or from the humidity or sweat of the hold, bad stowage, or from such other cause or causes as in their judgment the damage has been occasioned by. If the survey be of a damaged vessel, they shall give a full account of all the loss and injury which she has sustained, and recommend the repairs. They shall state the value of the vessel in her damaged condition and also the value of the repairs recommended necessary to be made upon her, setting forth what parts are to be supplied with new and what part put in repair.

SEC. 6. Whenever the Port Wardens shall deem it necessary they shall call to their assistance on a survey a ship carpenter, rigger, sail maker, or other persons practically acquainted with the merchandize to be surveyed, or part of the vessel to be repaired, who shall be sworn to examine properly and to render, with the Wardens, a correct and faithful report of survey; provided, that no additional charge shall be made therefor, and provided, there be no additional charge to the vessel unless their serving be required by the owner or agent of the vessel.

SEC. 7. All wrecked or damaged vessels, or materials from the same, and all merchandise sold at public auction for account of underwriters residing abroad, when required by any party having an interest in the same, or for account of whom it may concern, or upon which claims are to be made against underwriters residing abroad, shall be sold under the inspection of the Wardens of the port, (or one of them) where such sale shall be made. And it shall be the duty of the Wardens to see that sound goods are separated from those damaged, and to certify especially the nature, and, as far as can be done, the extent of such damage. *Provided*, that nothing shall be construed in this act to give authority to Port Wardens to sell or dispose of any property that may have been surveyed by them without the consent of the owner or agent of the same. Nor when the settlement of losses has been agreed upon in writing by the parties interested and a copy thereof given to the Wardens.

SEC. 8. In case sales shall be made at auction under the direction of the Port Wardens, they shall give or cause to be given at least three days' notice of the same by publication in some newspaper published in the county where the survey is made, describing the articles to be sold, and if merchandise, the vessel by which imported, and if a wrecked or damaged vessel, or materials of the same, the name of the vessel and where from. If no newspaper is published in the place where the sale is made, then a written notice of such sale shall be posted up in the vicinity.

SEC. 9. Port Wardens shall neither directly or indirectly have any connection with insurers of this State, or of any other of the States, or of foreign countries, or with the agents or representatives of such insurers so far as their duties as Port Wardens are concerned, they shall not in any manner be interested directly or indirectly in any repairs they may recommend, nor in any vessel, cargo, or portion of cargo they may be required to survey. The violation of this provision shall be deemed and punished as a misdemeanor.

SEC. 10. For each and every survey the Port Wardens shall be entitled to fifteen dollars, which shall be paid by the owners, masters, or consignees, the amount not to exceed altogether for any one vessel the sum of seventy-five dollars. Foreign vessels not admitted by treaty on terms of equality with American bottoms, shall pay fifty per cent. advance on this rate. For all separate certificates of survey required by different consignees, they shall be entitled to a fee of two dollars and fifty cents, (\$2 50) and for each order of sale they shall be allowed ten dollars.