

SEC. 10. Sections six, seven, eight, and nine, of this act, shall apply and take effect in relation to the collection of all taxes on personal property due to said city and county, and unpaid at the time of the passage of this act.

SEC. 11. So much of sections three, seven, nine, twelve, thirteen, and forty-four, of the Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and so much of sections two, five, and nine, of the act amendatory thereof and supplementary thereto, approved April nineteenth, eighteen hundred and fifty-nine, and also so much of section one of an act entitled "An Act to amend An Act for the Support of the Government of this State," approved April twenty-ninth, eighteen hundred and fifty-seven, and of an act amendatory of and supplementary to said act, approved April nineteenth, eighteen hundred and fifty-nine, approved March eighteenth, eighteen hundred and sixty-two, as conflict with the provisions of this act, are declared to be inoperative so far as they apply to the City and County of San Francisco, and in so much are hereby appealed.

SUPPLEMENTAL XVIII.—*Act to provide for the prevention of Conflagrations and the protection of Property saved from Fire in the City and County of San Francisco.*—Approved April 1, 1864.

SECTION 1. It shall be lawful for the Board of Fire Underwriters in the City and County of San Francisco to nominate, and, with the approval of the Board of Police Commissioners, to appoint an officer, to be known as the Fire Marshal, who shall serve for one year, unless sooner removed, as provided in this act. He shall execute a bond to the State of California, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, with two sureties, to be approved by the County Judge, and his salary shall be fixed from time to time and paid by said Board of Underwriters. Any person aggrieved by any misconduct of said officer, may bring an action in his own name on such official bond, to recover any damages sustained by him.

SEC. 2. It shall be the duty of said officer to attend at all fires that may occur in said city and county, with a badge of office conspicuously displayed, upon which his official title shall be legibly printed, and he shall take possession of all property saved from fire for which no owner can be found; shall, as far as practicable, prevent property from being injured at fires, and regulate and direct, when necessary, the removal of goods, merchandise, and other property, to a place of safety. He shall also exercise the functions of a Peace Officer of said city and county. Any person who willfully hinders or obstructs said officer in the performance of any of the duties of his office shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by imprisonment in the County Jail, for not more than three months, or by fine not exceeding five hundred dollars.

SEC. 3. It shall be the duty of the Fire Marshal to institute investigations into the cause of such fires as occur in said city and county, and, for this purpose, he shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him by attachment and otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any Police Officer, or by any Peace Officer of said city and county. Any witness who refuses to attend, or testify, in obedience to such subpoena, shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases: *provided*, that said officer shall not have jurisdiction to try any person charged with commission of a crime for the purpose of inflicting punishment therefor, but shall make a written report of the testimony to the District Attorney or Assistant District Attorney, and institute criminal prosecutions in all cases in which there appears to be a reasonable and probable cause for believing that a fire has been caused by design.

SEC. 4. It shall be the duty of the Fire Marshal to aid in the enforcement of the fire ordinances of said city and county, and, for this purpose, to examine all buildings in process of erection, and institute prosecutions for all violations of the ordinances of the city and county which relate to the erection, alteration, and repairs of buildings, and the prevention of fires. He shall exercise such additional powers as may be conferred by the ordinances of said city and county.

SEC. 5. Any person who saves from fire, or from a building endangered by fire, any article of personal property, who willfully neglects, for two days, to give notice to the Fire Marshal, or to the owner, of his possession thereof, shall be deemed guilty of grand or petit larceny, as the case may be; and any person who shall be guilty of false swearing in an investigation referred to in section second, shall be deemed guilty of perjury, and liable to punishment as in other cases.

SEC. 6. No person shall be entitled to any property in the hands of the Fire Marshal, saved from fire, until the actual expenses paid by said officer for saving and keeping the same shall be paid to him, such expenses to be determined, in case of dispute, by the Police Judge of said city and county.

SEC. 7. It shall be lawful for said Board of Underwriters, at any time, to remove said Fire Marshal, and to fill any vacancy in said office caused by such removal, or by resignation, death, or absence from the city, in the same manner as provided in section first of this act.