

of the Gambell tract, to intersect the present north line of said borough, and that the Gambell tract be returned back into South Shenango, Crawford county.

HENRY C. JOHNSON,
Speaker of the House of Representatives.

JOHN P. PENNEY,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.

No. 403.

An Act

To provide for the appointment of a fire marshal for Allegheny county.

WHEREAS, Many fires, which are believed to have been caused by incendiaries, have lately occurred in Allegheny county, by which, property of great value has been destroyed : Preamble.

And whereas, It is believed that many persons, guilty of the crime of arson, in said county, have escaped detection, and conviction, on account of there being no person, in said county, whose duty it is to make the investigations necessary to ascertain the origin, and causes, of fires, occurring therein ; now, therefore, in order to facilitate the detection, and conviction, of such criminals, and for the better preventing the crime of arson, and to render the property, in said county, more secure from destruction, by fires caused by incendiaries :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of common pleas, of Allegheny county, shall, as soon as practicable, after the passage of this act, and on the fourth Monday of March, in every year, thereafter, appoint a citizen, of said county, to serve as fire marshal of said county, for the term of one year from that date, and until his successor shall be appointed, and qualified, if he shall so long faithfully perform the duties of his office, whose salary shall be ten dollars per annum, to be paid quarterly out of the treasury of the said county ; and the said court may, if the public interest demand it, at any time, upon the application of any freeholder of the county, remove the incumbent of the office ; and if, at any time, during any term, the said office shall, from any cause, become vacant, the said court shall, as soon thereafter as practicable, appoint a citizen, of said county, to fill such vacancy, during the remainder of such unexpired term. Fire marshal to be appointed by court of common pleas.
Term, and salary, of.
Vacancy.

To give bond.

SECTION 2. Before entering on the duties of his office, the fire marshal shall give bond, in the sum of ten thousand dollars, with sufficient sureties, to be approved by the court of common pleas of said county, conditioned for the faithful performance of his duties; and he shall also take, and subscribe, an oath, or affirmation, before said court, well and faithfully to perform his duties as fire marshal; and said bond, and oath, or affirmation, shall be entered on record, in the recorder's office, of said county, and shall be filed in the office of the prothonotary of said court; and the record copy thereof shall be admitted, and used, in evidence, in all judicial proceedings, with the same effect as the originals.

Oath to be taken.

Powers and duties of.

SECTION 3. The fire marshal shall attend, if practicable, all fires occurring in said county, and shall endeavor to save, and protect, from the fire, all property in danger therefrom, and to protect such property from loss by pillage, and theft, and from injury, and destruction, in any manner; and he shall have power to take any measures he may deem proper, and expedient, for that purpose; and he shall also have power to call upon any constable, policeman, or citizen, of any city, ward, borough, or township, in said county, to aid and assist him, in protecting and saving property, as aforesaid, and to aid and assist, in carrying into execution any measures he may deem proper, and expedient, as aforesaid; and he shall investigate, and, if possible, ascertain, the origin, and cause, of every fire occurring in said county, the nature, and value, of the property injured, or destroyed thereby, whether said property was insured, or not, and, if insured, the amount of such insurance, by whom effected, for whose benefit, and by whom the risk was taken, the names, and places of residence, of the owner, or owners, and of all parties interested in the property injured, or destroyed, and the nature, and amount, of such interest.

Investigations, proceedings therein, relative to.

SECTION 4. If, in any investigation, it shall appear to the fire marshal, from the evidence before him, that any building, or other property, in said county, has been wilfully set on fire, by any person, or persons, he shall, in such case, have the same power to issue a warrant, directed to any constable, of any ward, borough, or township, of said county, for the arrest of such person, or persons, and their accessories, and to commit them for trial, or take bail for their appearance, as a justice of the peace, of the county, would have, upon information made before him, setting forth the same facts as appear in evidence before the marshal; and, in such case, the said fire marshal shall proceed in the same manner as a justice of the peace is required, by law, to do, and with the same powers as he would have, after an information duly made before him.

Authorized to administer oaths, compel the attendance of witnesses, &c.

SECTION 5. The fire marshal, in order to enable him to discharge the duties required of him, in the foregoing section, shall have power to administer oaths, and affirmations, in the discharge of the duties of his office; and a wilful violation of any oath, or affirmation, so administered by him, or wilfully, and knowingly, giving false testimony before him, shall be perjury; and he shall have power to compel the attendance of any person whom he may desire to examine, in relation to any fire, by subpoena, and attachment; and if any person shall

refuse to be sworn, or affirmed, or to testify, in relation to any of the matters, in regard to which, it is the duty of the fire marshal to make investigation, or shall refuse to produce, before the fire marshal, any books, papers, or documents, in their possession, which the said marshal may deem necessary to enable him to ascertain the truth, in any investigation, then being made by him, the said marshal shall have power to commit such person to the common jail of Allegheny county, until such person shall be willing to, and shall, be sworn, or affirmed, or testify, or produce the books, papers, and documents, as the case may be, and no longer : *Provided*, That no testimony, Proviso. taken under oath, or affirmation, before the fire marshal, as aforesaid, shall be used in evidence against the party giving it, in any civil, or criminal, proceedings whatsoever, except in prosecutions against such party for perjury.

SECTION 6. Any constable, policeman, watchman, or citizen, who shall refuse, or neglect, to obey the orders, or directions, of the fire marshal, when called upon by him to aid, or assist, in saving, or protecting, any property, at any fire, or any constable, who shall refuse, or neglect, to execute any warrant of the fire marshal, directed to him for the arrest of any person, for the crime of arson, or any person, or persons, who shall wilfully hinder, or obstruct, or attempt to hinder, or obstruct, the fire marshal, in the performance of his duties, shall be guilty of a misdemeanor, and, upon conviction thereof, in the court of quarter sessions, of said county, shall be punished by a fine, not exceeding fifty dollars, and imprisonment in the county jail, for a term not exceeding one year. Penalty for refusal of constables, policemen, &c., to obey orders of marshal.

SECTION 7. The fire marshal shall keep an office, in the city of Pittsburg, which shall be kept open during business hours, each day, and he shall keep a record of all fires occurring in the said county, which record shall show the result of his investigations, in relation to each fire, and which shall be open to the public for examination ; and he shall also keep on file, in his office, all depositions, and notes of testimony, taken by him, in the discharge of his duties, which any person, desirous of so doing, shall be permitted to examine, and take copies of, upon payment, by them, to the said marshal, of the fee of fifty cents for such examination ; and he shall also, on the fourth Monday of March, in each year, make report, in writing, to the court of common pleas of Allegheny county, of his proceedings as fire marshal, during the year preceding his report, which report shall be published at the expense of the county, and shall be filed among the records of said court. Office.
Record of fires to be kept, &c.
Annual report.

HENRY C. JOHNSON,

Speaker of the House of Representatives.

JOHN P. PENNEY,

Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.