

If not within corporate limits.

shall by resolution approve the same; and if such land is not in any incorporated city or town when a majority of the county commissioners of the county wherein such replatted land is situated shall approve the same.

Existing laws.

Nothing herein contained shall be construed to supersede existing laws relating to the vacation of streets, alleys and public places. This section is intended to afford an additional method of procedure: *Provided*, If any streets heretofore platted are vacated by the replat and any new street or waterway is so laid out as to leave unsold tide land between such new street or waterway and land heretofore sold, the owner of said tide land heretofore sold shall have the preference right, for sixty days after final approval of such replat, to buy the unsold tide land so intervening at the appraised value.

Proviso.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the Senate March 9, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLXII.

[H. B. No. 348.]

ESTABLISHING THE OFFICE OF STATE FIRE MARSHAL.

AN ACT to establish the office of fire marshal and to prescribe the duties and powers of the state fire marshal.

Be it enacted by the Legislature of the State of Washington :

Deputy insurance commissioner ex-officio fire marshal.

SECTION 1. The deputy insurance commissioner shall be *ex-officio* fire marshal of this state, and shall receive for his services the compensation hereinafter provided for. All necessary forms, circulars and blanks, together with such reports as may be required by the provisions of this act, shall be furnished at the expense of the state.

SEC. 2. The chief of the fire department of every city having a paid or organized volunteer fire department,

the city marshal or chief of police of every incorporated town or city having no paid or organized volunteer fire department, and the justices of the peace outside of incorporated towns or cities shall be ex-officio deputy state fire marshals within their respective jurisdictions. They shall investigate the cause, origin [origin] and circumstances of every fire occurring within their respective jurisdictions by which property has been destroyed, and especially making investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making such investigation of fires shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all the facts relating to the cause and origin of the fire, the value of the property destroyed and the amount of insurance, if any carried thereon, and such other information as may be called for by the blanks provided by the said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection.

Who are
ex-officio
deputies.

Investigations.

Investigating
officer to notify
marshal.

Records of
fires and facts.

SEC. 3. The said state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or the crime of incendiarism, he shall cause such person to be arrested and charged with such offense, and shall

Testimony.

Evidence as to
arson.

Prosecuting attorney to be furnished all data.

furnish to the prosecuting attorney of the county in which the offense was committed, all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Power of marshal and deputies.

SEC. 4. The state fire marshal and deputy fire marshals shall each have the power of a trial justice for the purpose of summoning and compelling the attendance of witnesses before them or either of them to testify in relation to any matter which is by provision of this act a subject of inquiry and investigation. Said state fire marshal and deputy fire marshals may also administer

May administer oaths, etc.

oaths and affirmations to any persons appearing before them or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation. State fire marshal and deputy fire marshals may also administer

False swearing.

oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said state fire

Perjury.

marshal and his subordinates shall have authority at all times of day and night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near the same. The state fire

Authority to enter premises and make investigations.

marshal and the deputy fire marshals, upon complaint of any person having an interest in any building or property adjacent to the complainants, shall have the right at all reasonable hours, for the purpose of examination to enter into and upon all buildings and premises within their jurisdiction. Whenever any of

Right to enter buildings—when.

said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of said building or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises: *Provided, however,* That if the said occupant or owner shall

Finding of inflammable material.

Proviso.

deem himself aggrieved by such order he may within three days appeal to the state fire marshal, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities above specified shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect.

Appeal of owner.

Failure of owners to comply — penalty.

SEC. 6. Any officer referred to in section 2 of this act who neglects to comply with any of the requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Negligence of officers — penalty.

SEC. 7. The deputy fire marshals shall receive a salary of two and one-half dollars per day for the time actually spent in investigating and reporting upon fires occurring within their jurisdictions. All claims for compensation to deputy fire marshals shall be examined by the state fire marshal, and if found correct, shall be certified by him to the state auditor who shall draw his warrants upon the state treasurer who is hereby directed to pay said warrants out of moneys herewith appropriated.

Salaries of deputies.

Claims.

SEC. 8. For the biennial term ending March 31, 1903, there is hereby appropriated for the per diem salary of deputy fire marshals a sum not exceeding two thousand dollars, payable as provided in section 7 of this act.

Appropriation.

SEC. 9. The state fire marshal shall submit annually on the first day of January, a full and accurate report to the Governor of this state, giving a detailed statement of his official acts, and proceedings in connection with the duties made incumbent upon him by the provisions of this act.

Annual report to Governor.

Passed the House March 12, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 18, 1901.

NOTE BY SECRETARY OF STATE.—Section 5 does not appear in enrolled bill.

SAM H. NICHOLS,

Secretary of State.