

Emergency.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health, and safety and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 2, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 156.

[S. H. B. 284.]

JUSTICES OF THE PEACE—JUSTICE COURT DISTRICTS.

AN ACT relating to justices of the peace and constables in certain cities; authorizing the creation of justice court districts in rural precincts, abolishing the office of single precinct justice of peace in rural precincts, relating to venue, amending sections 3.04.090 and 3.04.130, R.C.W., and repealing section 3.04.020, and repealing sections 3.12.020, 3.12.030, 3.12.040, 3.12.050, 3.12.060 and 3.12.070, R.C.W.

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

In cities; number of justices of the peace.

SECTION 1. The number of justices of the peace to be elected in cities having a population of 5,000 or more, according to the last census, shall be as follows: 5,000 to 20,000, one; 20,000 to 75,000, two; 75,000 to 125,000, three; 125,000 to 175,000, four; and one additional for each 150,000 or major fraction thereof above 175,000. The board of county commissioners may reduce the number of justices of the peace by notifying the secretary of state ninety days prior to the general election at which such reduction is sought. The secretary of state shall order the ballots to be printed to comply with the action of the board of county commissioners.

Number may be reduced.

Justices shall be attorneys.

SEC. 2. Justices of the peace in such cities shall be attorneys at law duly admitted to practice in this state.

SEC. 3. The salaries of justices of the peace in cities having a population of 5,000 but less than 20,000 shall be two thousand four hundred dollars each *per annum* and such justices of the peace may engage in private practice of law.

Salaries; city of 5,000 but less than 20,000.

SEC. 4. In cities having a population of more than 20,000, the justices of the peace shall devote their full time to the duties of the office and receive a salary of five thousand four hundred dollars *per annum*: *Provided*, That in cities of the first class the county commissioners shall have the power to raise the salaries of justices of the peace to an amount not to exceed six thousand five hundred dollars *per annum*: *Provided further*, That where justices of the peace in cities over the population of 20,000 are also acting as police judges their salaries shall be fixed by the legislative body of the city, three thousand dollars of which shall be charged against the counties and the remainder shall be paid by the municipality.

Same; cities of more than 20,000.

Same; increase.

Same; where justice acts as police judge.

SEC. 5. The salaries of the justices of the peace shall be paid monthly out of the county treasury, and from the same funds out of which other salaried county officers are paid. The county auditor, on the first Monday of each month, shall draw his warrant upon the county treasurer in favor of each of the justices for the amount of the salary due him for the preceding month: *Provided*, That the auditor shall not draw his warrant for the salary of any justice of the peace for any month until the justice first shall have filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month.

Same; how paid.

Justice to first file duplicate receipt.

SEC. 6. All justices of the peace in cities of five thousand population or more shall be elected at the general election to be held in November, 1954, and quadrennially thereafter and their terms of office

Cities of 5,000 or more; election and term of office of justices.

shall be for four years from the second Monday in January following their election.

In cities:
vacancies
when and
how filled.

SEC. 7. Whenever there is a vacancy or it shall appear that any city is entitled to an increase in the number of justices of the peace or constables, the board of county commissioners of the county in which such city is located shall immediately fill such vacancy and/or appoint such additional officers and they shall hold office until their successors are elected at the next general election and duly qualified.

Justice court
district
committee.

SEC. 8. There is established in each county a committee which shall be known as the justice court district committee. The following persons shall be members: The presiding judge of the superior court, the members of the board of county commissioners, the prosecuting attorney, one justice of the peace to be selected by the county commissioners, and the county auditor. It shall be the duty of the committee to meet prior to January 1, 1954, and again within one year from the date of any official federal or county census, for the purpose of grouping the precincts of the county which are not presently included within city justice of the peace precincts, into one or more justice court districts: *Provided*, That each incorporated city having a population of not more than five thousand, together with the adjoining precincts, if any, lying partly within and partly without such city, may be combined by the district committee with county precincts to form a justice court district. Justice court districts may be established in each county by resolution of the board of county commissioners, in accordance with the findings and recommendations of the committee, before July 1, 1954, and again subsequent to the meetings held pursuant to a federal or county census.

Members.

Justice court
districts;
formation.

Board to
furnish
necessities
of office.

SEC. 9. The board of county commissioners shall furnish for the use of each district justice of the peace suitable office space, books, stationery, clerical

assistance and equipment necessary for conducting the public business, the cost thereof to be paid out of the current expense fund of the county.

SEC. 10. There shall be one justice of the peace elected for each justice court district at the general election to be held in November, 1954, and quadrennially thereafter, and their terms of office shall be for four years from the second Monday in January following their election and until their successors are elected and qualified.

Justice court districts; number and term of justices.

SEC. 11. Justices of the peace of justice court districts shall be attorneys at law duly admitted to practice in this or any other state, or may be any person who, upon filing his declaration of candidacy for the office shall file also with the county auditor a certificate of the justice court district committee approving his qualifications to exercise the duties of the office. In determining whether to approve a certificate the committee shall consider the age, education, business or legal experience, and general reputation for honesty of the candidate, and other factors which the committee deems pertinent.

Qualifications for district justice.

SEC. 12. The salary of the district justice of the peace shall be two thousand four hundred dollars per year. No justice of the peace of a justice court district shall receive to his own use fees arising from any legal action in his court, but may engage in another profession, business, or other means of livelihood.

Salary.

SEC. 13. Upon the second Monday of January, 1955, each justice of the peace of a precinct which is a component part of a justice court district shall deliver to the justice of the justice court district, the docket books, records, accounts, funds, and papers pertaining to his office, or relating to any suit, matter, or controversy committed to him in his official capacity, and the justice of the justice court district may

Precinct justices to deliver records to district justice.

Effect of delivery.

thereupon proceed to hear, try, and determine such matter, suit, or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such suit or matter was commenced to have done.

Amendment.

SEC. 14. Section 3.04.090, R.C.W., as derived from section 1707, Code of 1881, is amended to read as follows:

Process any place in county.

Every justice of the peace shall keep his office in the precinct, or in the case of a justice court district, in the district, and not elsewhere, but he may issue process in any place in his county.

[Am. R.R.S. § 48.]

Amendment.

SEC. 15. Section 3.04.130, R.C.W., as derived from section 1704, Code of 1881, is amended to read as follows:

Death, resignation or removal of justice.

If any justice of the peace dies, resigns, or removes out of the precinct or justice court district for which he was elected, or his term of office is in any other manner terminated, the docket books, records, and papers appertaining to his office, or relating to any suit, matter, or controversy committed to him in his official capacity, shall be delivered to the nearest justice in the precinct, or in the case of a justice of a justice court district, to the justice of the nearest justice court district, who may thereupon proceed to hear, try, and determine such matter, suit, or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such suit or matter was commenced to have done.

Records delivered to nearest justice.

Delivered to auditor, when.

If there is no other justice of the peace in the precinct, the docket books, records, and papers shall be delivered to the county auditor, who, on demand, shall deliver them to a justice of said precinct, when there is one qualified therein, who shall exercise the same powers as though they had been originally delivered to him.

[Am. R.R.S. § 7553.]

SEC. 16. Venue in criminal actions in all justice of the peace districts shall be in the justice of the peace district court where the criminal violation occurred, or upon request of the defendant, before any justice of the peace in the county seat.

Venue in
criminal
actions.

SEC. 17. Sections 3.12.020, 3.12.030, 3.12.040, 3.12.050, 3.12.060 and 3.12.070, R.C.W., as derived from sections 1 and 2, chapter LXVI (66), Laws of 1897, portions of chapter LXXXV (85), Laws of 1899, sections 1, 2 and 3, chapter 105, Laws of 1905, sections 1, 2, 3 and 4, chapter 41, Laws of 1913, and sections 1 and 2, chapter 110, Laws of 1913, are repealed. Section 3.04.020, R.C.W., as derived from section 1690, Code of 1881, is repealed.

Repealing
clause.

[R.C.W. 3.04.020 is R.R.S. § 7545, R.C.W. 3.12.020 is R.R.S. § 7563, R.C.W. 3.12.030 is R.R.S. § 7564 (part), R.C.W. 3.12.050 is R.R.S. § 7565, R.C.W. 3.12.060 is R.R.S. § 7566, R.C.W. 3.12.070 is R.R.S. § 7564 (part).]

Passed the House March 1, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 157.

[S. H. B. 575.]

STATUTE LAW COMMITTEE.

AN ACT providing for a permanent statute law committee and stating their powers and duties; amending sections 1.08.040, 1.08.050, and 44.20.050, R.C.W., making an appropriation, and declaring an emergency.

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

SECTION 1. There is created a permanent statute law committee consisting of seven members as follows: A justice of the supreme court, *ex officio*, designated by the chief justice; a member of the legislative council, *ex officio*, designated by the legislative council; the librarian of the state law library, *ex*

Permanent
statute law
committee.

Membership.