

CHAPTER 49.

[S. B. 96.]

PERMITTING COUNTIES TO BE DIVIDED INTO JUDICIAL DISTRICTS.

AN ACT relating to the dividing of counties into districts for judicial purposes and for holding sessions of the Superior Court of the State of Washington at places other than the county seat, and providing means to make this act effective and defraying the expenses incident thereto, and declaring an emergency.

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

Court, when held.

SECTION 1. Sessions of the Superior Court shall be held at places other than the county seat, whenever such sessions shall be determined upon in the manner hereinafter provided.

Districts for judicial purposes.

SEC. 2. Whenever a majority of the board of County Commissioners of any county within this state shall determine it to be to the best interests of the people of such county to have sessions of the Superior Court held at one or more places other than the county seat, they shall divide such county into two or more districts for judicial purposes, define the boundaries, and designate at what point in each of such districts such sessions shall be held: *Provided*, That all sessions of the said court held in the district where the county seat is located shall be held at the county seat: *Provided further*, That when said board shall have so divided such county into districts for judicial purposes and designated the places for holding sessions of said court, the judge of said court, if there be but one judge, and if there be two judges, then one of said judges, and if there be more than two judges, then a majority of all of such judges, shall, if they approve of the action of said board, enter an order confirming the action of said board of County Commissioners, and order the County Auditor to forthwith transmit a certified copy of the proceedings of such board of County Commissioners pertaining to the districting and designating places for holding sessions of said

court, to the clerk of such county, who shall spread the same at large upon the journal of the Superior Court of such county, together with the order of such judge or judges.

SEC. 3. After districts have thus been formed and the places designated, and the same approved as herein provided, the judge or judges shall hold sessions of said court at such places, at such times as the business therein shall require.

Session of court in district.

SEC. 4. The board in any such county shall, in forming any such district or districts, and designating the place or places for holding sessions of said court, be governed by considerations of convenience and economy to the people of the district and of the county at large.

Considerations in forming district.

SEC. 5. After districts have thus been formed, places designated, and approved by the judge or judges as herein provided, it shall be the duty of the County Commissioners of any such county to provide a jail for the incarceration of prisoners, also a suitable place for holding court, at the place designated in such district, and they shall pay therefor, out of the general fund belonging to any such county.

Jail.

SEC. 6. The County Clerk shall appoint the necessary number of deputies for each of such districts; and said deputy or deputies shall reside at the place designated for holding such sessions of the said court, and shall receive such compensation as shall be determined upon by the board of County Commissioners, which compensation shall be paid in the same manner as other county officials are paid, from the fund of any such county; and such clerk shall provide such deputy or deputies with a seal, which seal shall be the same in form as the one used by said county clerk; and said clerk shall provide all necessary fixtures, supplies, books and records as are by law required to be kept in the office of the clerks of the Superior Court of this state, so far as the same shall be necessary to meet the demands of the court holding sessions at any such place; and the County Commissioners shall provide for the payment of such seal, fixtures, supplies, books and records necessary

Deputy clerks.

to the successful conduct of the office presided over by said deputy, out of the proper fund belonging to said county.

Deputy
sheriffs.

SEC. 7. The sheriff of any such county shall appoint a deputy, who shall reside at the place designated in any such district, for holding sessions of said court; and such deputy shall receive such compensation as the board of County Commissioners shall provide, and shall be paid from the fund of such county as the other county officials of any such county are paid; and said sheriff shall furnish said deputy with all fixtures, supplies and records, necessary to the successful operation of the office presided over by such deputy. The County Commissioners of such county shall pay for such fixtures, supplies and records, out of the proper fund belonging to such county.

Duplicate
records.

SEC. 8. It shall be the duty of any such deputy clerk, when recording judgments, decrees or orders, or filing other instruments which shall become a lien on, or in any way affect the title of any real estate situate in said county, to make a duplicate of any such judgment, decree, order or other instrument, and forthwith transmit a correct copy of the same to the county seat of such county, which copy shall be duly certified and shall bear the seal of said court holding sessions at the place designated in any such district, and shall also bear the same file mark and page number as the original; and when by law such instrument is required to be spread upon the records, it shall be arranged with other instruments of like kind into a book, which book shall correspond with the original in all matters as to title, index and page numbers. All such records and books made up of such copies and duplicates of the originals, and transmitted to the clerk at the county seat shall have the same force and effect, and be used in the same manner, and the same faith and credit shall be given them as due original entries of like kind in this state: *Provided*, That all judgments, decrees and orders, or other instruments affecting the title to real estate in such county, which are filed or entered in the first instance in said court, holding sessions at the county seat of any such county, shall be filed and en-

tered in the same manner after the passage of this act as they now are.

SEC. 9. It shall be the duty of the board of County Commissioners who shall divide any county in this state into judicial districts, to number said districts consecutively, commencing with district No. 1. Districts numbered.

SEC. 10. For the purpose of determining in what district any action or matter should be tried or adjudicated, each district, for the purpose of this act, shall be considered as a separate and distinct county, and the law of this state applicable to the venue of actions shall be made to apply to each district, the same as if such district constituted a separate and distinct county. Venue.

SEC. 11. Change of venue may be granted from one district to another in the same manner, and for the same reasons as are now provided by law, and for that purpose, such districts shall be considered as separate and distinct counties. Change of venue.

SEC. 12. The judgments, orders and decrees of said court, rendered in any district in any such county, and all writs, shall have the same effect throughout the whole county as if said court were held only in the county seat: *Provided*, That the sheriff of said county, or his deputy, in any district in any such county, may make sales of property at the court house in any district in the same manner as is now by law provided, and for the purposes of this act, the place which the County Commissioners of said county shall provide for holding sessions of said court shall be considered as the court house. Jurisdiction.

SEC. 13. The citizens of any such county, eligible to serve as petit jurors in said court, shall only be liable to serve as such in said court holding sessions in the district in which such citizens shall reside; and for the purposes of this act, each district shall be considered as though it were a separate and distinct county, so far as ascertaining the eligibility of petit jurors is concerned, and such citizens shall be drawn to serve as jurors in said court holding sessions in any such district in which such citizens reside, in Jurors.

the same manner as though such district composed a separate and distinct county.

Rules of
practice.

SEC. 14. The Superior Court holding sessions in any such district or districts in any county in this state, shall be controlled by the law and rules of practice now prevailing in this state, so far as the same may be made to apply to this act.

Application
for change of
venue.

SEC. 15. Whenever, pursuant to the provisions of this act, the board of County Commissioners of any county within this state shall divide any such county into districts for judicial purposes, any party or parties having actions or matters pending before the Superior Court in any such county, shall make application to have said actions or matters transferred from the county seat to the place designated in any such district or districts, for final determination. The court shall hear such application, and if in his judgment it shall be to the best interest of the parties concerned, that said action or matter be transferred to such designated place, in another district, he may make an order to that effect, and require the clerk of said court to transfer all the files in such matters or actions to the office of his deputy, in the district to which the parties applying desire the same to be transferred, and in making such order, the judge of such court shall be controlled by the laws now in force or hereinafter enacted, pertaining to changes of venue.

Process.

SEC. 16. All process issued out of said court holding sessions in any such district in any county in this state, shall be made returnable according to the existing laws, so far as the same shall apply, to the proper district, disclosing in such process the district, time, place and court the parties to be served with such process are required to attend; and in all cases for the purpose of this act, the clerk of the court shall style himself the clerk of the said court or county, as the case may be, and not the clerk of either district.

Style of
actions.

SEC. 17. The style of all actions in any such district shall be the same as now provided by law, except that the number of the district shall be added.

SEC. 18. Hereafter, when persons are arrested, charged with having committed offenses against the laws of this state, they shall be tried in the district wherein the offense is alleged to have been committed; and for the purpose of determining the venue, each district shall be considered as though it composed a separate and distinct constitutional county of this state.

Criminal actions.

SEC. 19. It shall be the duty of the board of County Commissioners in any such county, to provide suitable offices for the deputy clerk and deputy sheriff at the place or places designated in the district or districts, other than the district in which the county seat is situated, and to pay therefor out of the proper fund belonging to the said county.

Offices in district.

SEC. 20. The judge or judges of said court shall be entitled to receive such expenses for traveling and holding court in the different districts, as are now allowed by law to superior judges for traveling and holding court in different counties; and such expenses shall be allowed in the same manner as now provided by law.

Expenses of judge.

SEC. 21. The judge or judges shall appoint a court commissioner in every district not resided in by one or more of the judges of said court in any such county, which commissioner shall reside at the place designated in any such district for holding sessions of said court, and shall receive such compensation as the County Commissioners may allow, and be paid from the proper fund of such county and shall possess such qualifications and hold office as now provided by law.

Court commissioner.

SEC. 22. The prosecuting attorney for any county which shall have been divided into districts for judicial purposes as herein provided, shall be the prosecuting attorney for each district in said county, and his duties as such officer shall not be affected by the provisions of this act; and he shall be allowed necessary expenses for traveling, and such other actual expenses as are incident to attendance upon any session of said court held in any district away from the county seat, whenever his attendance thereupon

Prosecuting attorney.

shall become necessary; and said expenses shall be allowed in the same manner as such expenses are allowed to the Superior Judges of this state holding sessions of court in different counties.

Residence
of judge.

SEC. 23. Whenever, in this state, any county shall be districted as hereinbefore provided, the judge or judges may reside in any district in such county that will best subserve the interests of the people therein.

Emergency.

SEC. 24. An emergency exists, and this act shall take effect immediately.

Passed by the Senate February 1, 1909.

Passed by the House February 24, 1909.

Approved March 4, 1909.

CHAPTER 50.

[S. S. B. 110.]

FIREMAN'S RELIEF AND PENSION FUND.

AN ACT to create a Fireman's Relief and Pension Fund in the several incorporated cities and towns of the State of Washington and making provisions for the maintenance and distribution thereof.

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

Board of
trustees.

SECTION 1. The mayor and clerk and three members of the common council of every incorporated city and town, in the State of Washington, are, in addition to the duties now required of them, hereby created and constituted together with six members from the fire department of such city or town, a board of trustees of "The Firemen's Relief and Pension Fund" of the fire department of each such incorporated city or town, and shall provide for the disbursement of such relief and pension fund, and shall designate the beneficiary thereof, as hereinafter directed, which board shall be known as the Board of Trustees of the Firemen's Relief and Pension Fund and upon the taking effect of this bill the fire department of each such incorporated city or town shall elect, by ballot, six members of such