

CHAPTER 104.

[S. B. 72.]

APPEALS TO SUPREME COURT.

AN ACT relating to appeals to the supreme court, and amending an act entitled: "An act relating to appeals to the supreme court of the State of Washington and amending section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington," approved by the governor March 19, 1913, by adding new sections thereto.

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

SECTION 1. That that certain act entitled "An act relating to appeals to the supreme court of the State of Washington and amending section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington," approved March 19, 1913, be amended to read as follows:

Section 1. That the appellant shall, at or before the time when he is required by rule or statute to serve his opening brief, cause to be typewritten and served upon the opposite party an abstract of so much of the record and statement of facts as he may deem necessary to the proper hearing of his assignments of error: *Provided*, That in all cases in which no testimony is sent up with the record, or in which the statement of facts does not exceed one hundred (100) pages of double space, typewritten evidence, no abstract of record shall be required. Said abstract, in so far as it sets out testimony, shall be condensed into narrative form, without the questions and answers except when necessary for the discussion of evidence. It shall be prepared without notice or hearing thereon, and if the opposite party be not satisfied with it, he may cause to be typewritten and served, without notice, either before or at the time of serving his answering brief, so much of the record and statement of facts, condensed as above, as he for his part may deem proper for the correction or supplementing of his opponent's abstract. Each party shall pay the cost of typewriting his abstract, and the prevailing party shall be entitled to recover his disbursements therefor as other costs. For any abuse in

Amends
Laws 1913,
p. 349, § 1, by
proviso dis-
pensing with
abstract.

Abstract of
record by
appellant.

When unnec-
essary.

Supplemental
abstract by
respondent.

Costs.

typewriting excessive or unnecessary matter in the abstract, the supreme court, without regard to which party may prevail, may impose the costs thereof upon the party committing such abuse. The supreme court shall also provide by rule the form of abstracts, the number thereof to be typewritten, and for other particulars thereof, including the time and place of filing the same.

Supreme
court rules.

SEC. 2. Nothing in this act contained shall alter in any respect the present manner of settling and certifying statements of fact and bills of exceptions, and such statements and bills shall be transmitted to the supreme court to be referred to in any controversy concerning the accuracy of the abstracts, as well as for reference to exhibits, and for such other uses as the supreme court may find proper in consideration of all matters on appeal.

Statements
of fact and
bills of
exceptions.

SEC. 3. Section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Reenactment
of Rem.-Bal.
§ 1718.

Section 1718. In civil actions and proceedings, an appeal from any final judgment must be taken within ninety days after the date of the entry of such final judgment; and an appeal from any order, other than a final order, from which an appeal is allowed by this act, within fifteen days after the entry of the order, if made at the time of the hearing, and in all other cases within fifteen days after the service of a copy of such order, with written notice of the entry thereof, upon the party appealing, or his attorney. In criminal causes, an appeal must be taken within ninety days after the entry of final judgment.

Time of
taking appeal.

SEC. 4. In all cases in which the abstract of record which, by the terms of this act, is to be served upon the opposite party by the appellant is served within the time limited by existing law, or by any law hereafter passed, for the service of appellant's opening brief, the time for serving appellant's opening brief shall be, by such service of such abstract of record, extended for and until ten days after the service of such abstract of record, providing that the time for serving such opening brief would otherwise

Extension of
time for open-
ing brief.

have expired within said ten days, and this section shall not be construed to shorten the time for serving of appellant's opening brief.

Extension of
time for
respondent's
brief.

SEC. 5. In all cases in which the opposite party is not satisfied with the abstract of record as furnished by the appellant, and in which such opposite party shall serve so much of a record and statement of facts as he shall deem proper for correcting or supplementing of his opponent's abstract, the service thereof shall extend the time as limited by existing law, or by any law hereafter passed for the service of the opposite party's brief for a period of ten days from and after the service of said correcting and supplementing abstract by the opponent, but this section shall not be construed to shorten the time for the serving of the opponent's brief.

Insufficient
abstract.

SEC. 6. In case the appellant serves an abstract of record and statement of facts within the time limited by this act, and it is found that the same is insufficient and defective under the terms of this act or the rules of the supreme court, the appeal shall not be dismissed by reason thereof, but the appellant may be allowed to file an amended or supplementary abstract as may be required by the facts of the case within such time and upon such terms as may be fixed by the order of the supreme court, and if the appellant fails to comply with the order of the court in regard thereto, then the appeal may be dismissed by reason and because of such failure to comply with the order of the supreme court in regard thereto.

Amendment.

Dismissal
on failure to
amend.

SEC. 7. Whenever any statute heretofore or hereafter enacted requires a motion for a new trial, statement of facts, bill of exceptions, notice of appeal or other documents concerning appeals or constituting a part of the record of appeals to the supreme court, or to any other tribunal having appellate jurisdiction, to be filed and served or served and filed, the serving and filing shall be equally valid and effective whether the document shall be filed or served first and no appeal shall be dismissed because of the order of the filing and serving.

Order of
filing and
serving im-
material.

SEC. 8. In case of a failure of the appellant to serve an abstract of record and statement of facts, or the one served is insufficient, the supreme court shall, if such failure is found to be excusable, allow the appellant a reasonable time, upon such terms as the court may impose, in which to supply such abstract of record and statement of facts.

Grant of time to supply abstract or statement.

SEC. 9. When a notice of appeal to the supreme court shall have been served and filed in due time and an appeal bond shall have been given within the time required by law, no appeal shall be dismissed because of any defect in the appeal bond, nor because an appeal bond which is given both as a cost bond and as a bond on supersedeas shall be insufficient by reason of the amount, but the appellant shall in all cases be allowed to give a new bond within such time and upon such terms as the court may order.

Defects in appeal bond not ground for dismissal.

Passed the Senate February 11, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915:

CHAPTER 105.

[S. B. 95.]

PRELIMINARY COMMITMENT AND OBSERVATION OF PERSONS CHARGED WITH INSANITY.

AN ACT relating to the insane, their preliminary care and commitment, and providing for an observation detention ward in county hospitals.

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

SECTION 1. There shall be set aside in each county in the State of Washington having a county hospital, such portions of such hospital as may be necessary for observation detention wards for those charged with insanity, and in each such hospital there shall be separate detention wards for males and females, and any judge of the superior court of the State of Washington before whom a person is charged with insanity may order the sheriff ar-

Observation detention wards.

Temporary commitment.