

CHAPTER 152.

[S. B. 75.]

CORPORATIONS AS SURETIES UPON BONDS, ETC.

AN ACT relating to the giving of recognizances, stipulations, bonds and undertakings by surety companies as surety, and repealing Chapter 87 of the Laws of 1903.

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

SECTION 1. That chapter 87 of the Laws of 1903, pages 128-134, is hereby repealed: *Provided*, That such repeal shall not be construed as reviving any acts or parts of acts repealed thereby.

Statute repealed.

No revivor.

Passed the Senate January 19, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.

CHAPTER 153.

[S. B. 76.]

APPEAL BONDS.

AN ACT relating to bonds on appeals to the Supreme Court and amending Sections 10 and 11 of Chapter LXI of the Laws of 1893.

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

SECTION 1. That section 10 of chapter LXI (61) of the Laws of 1893, page 124, (section 1725 of Remington's Compiled Statutes; section 7301 of Pierce's 1919 Code) be amended to read as follows:

§ 10, Ch. 61,
L. 1893;
§ 1725, Rem.
Stats.;
§ 7301,
Pierce's
1919 Code.

SECTION 10. An appeal bond, whether conditioned to effect a stay of proceedings or not, signed as surety by any person, persons or corporation other than a surety company authorized to transact such business in this state as provided by law, shall be of no force unless accompanied by the affidavit of

Justification
of sureties.

the surety or sureties therein attached thereto, in which each surety shall state that he is a resident of this state and is worth a certain sum mentioned in such affidavit, over and above all debts and liabilities, in property within this state, exclusive of property exempt from execution, and which sums so sworn to by the surety or sureties, shall be at least equal to the penalty named in the bond if there be but one surety, or shall amount in all to at least twice such penalty if there be more than one surety.

§ 11, Ch. 61,
L. 1893;
§ 1726, Rem.
Stats.;
§ 7302,
Pierce's
1919 Code.

SEC. 2. That section 11 of chapter LXI (61) of the Laws of 1893, pages 125-126, (section 1726 of Remington's Compiled Statutes; section 7302 of Pierce's 1919 Code) be amended to read as follows:

Excepting
to surety.

Section 11. Any respondent may except to the sufficiency of the surety or sureties in an appeal bond, other than a surety company authorized to transact business in this state as provided by law, within ten days after the service on him of the notice of appeal, or within five days after the service on him of the bond or written notice of the filing thereof, by serving on the appellant a notice stating that he so excepts, and specifying a place at the county seat, and a time, not less than three nor more than ten days distant, at which the surety or sureties are required to attend before the superior court in which the judgment or order appealed from was rendered or made, or before a judge thereof, and to justify their sufficiency as sureties. At the time and place named in such notice, or to which the proceeding may be thence adjourned by the court or judge, the surety or sureties must attend before the court or judge, and may be then and there examined in detail, under oath, as to their property and other qualifications as sureties, by any respondent or by the judge, or by both. If the judge upon such examination is satisfied that the surety or sureties are

Notice of
exception.

Hearing for
justification
of surety.

qualified as such, to the extent to which they are required by section eight of this act to make affidavit, then he shall make a certificate to that effect indorsed upon or attached to the bond, which shall thereupon stand as a sufficient appeal bond to the effect expressed in the condition thereof; but if he is not so satisfied, or if the sureties fail to attend and justify, then the judge shall in like manner certify to that effect, and thereupon the bond shall become void: *Provided*, That in such case the appellant may, within five days after the making of such certificate, file a new appeal bond, in conformity with the requirements of this act, and subject to the requirement of justification of the sureties therein, as hereinabove provided; but in case such new appeal bond be found insufficient, no new bond can thereafter be filed in lieu thereof. In case the original or new appeal bond be not conditioned to effect a stay of proceedings, however, an additional appeal bond may be filed at any time thereafter when the appellant desires to effect a stay as provided in this act, during the pendency of the appeal. The examination of the sureties taken upon their justification shall be reduced to writing and subscribed by the sureties, if either party so requires, and attached to the certificate made thereon.

Certificate of judge as to sufficiency of appeal bond.

New bond.

When may file additional appeal bond.

Passed the Senate January 20, 1927.

Passed the House February 2, 1927.

Approved by the Governor February 16, 1927.