

Right of action against principal and surety upon bond for personal injuries.

Limit of recovery.

To whom right of action survives.

son, firm or corporation receiving a permit under the provisions of this act, or his, their, or its agents, or employes in conducting or carrying on said business or in operating any motor propelled vehicle used for the carrying and transporting of passengers over and along any public street, road or highway, and his heirs, executors and administrators shall have a cause of action against the principal and surety upon the bond provided for in the preceding section for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond, and a surviving husband or wife and child or children, or if no husband or wife, then the child or children, shall have a cause of action for the death of the wife or mother, or husband or father, caused by such negligence.

Passed the Senate January 21, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

CHAPTER 162.

[S. B. 61.]

PERSONAL SURETIES.

AN ACT relating to the qualifications and justification of personal sureties, and repealing Chapter IX of the Code of Washington Territory of 1881.

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

Bond or recognizance.

Surety shall be a resident.

SECTION 1. Whenever any bond or recognizance is required, or permitted, by law to be made, given or filed, conditioned upon the doing or not doing of anything specified therein and to be signed by one or more persons as sureties, each of such sureties shall be a resident of this state; but no attorney at

law, sheriff, clerk of any court of record, or other officer of such court, shall be permitted to become such surety.

Who may not become surety.

SEC. 2. Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless his wife join with him in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge, or justice of the peace, as the case may be, on justification, may allow more than two sureties to justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties.

Qualifying as surety.

SEC. 3. In case such bond or recognizance is given in any action or proceeding commenced or pending in any court, the judge or clerk of any court of record, or justice of the peace, as the case may be, or any party to the action or proceeding for the security or protection of which such bond or recognizance is made may, upon notice, require any of such sureties to attend before the judge, or justice of the peace at a time and place specified and to be examined under oath touching his qualifications both as to residence and property as such surety, in such manner as the judge, or justice of the peace, in his discretion, may think proper. If the party demanding the examination require it, the examination shall be reduced to writing and subscribed by the surety. If the judge, or justice of the peace, find the surety possesses the requisite qualifications and property, he shall endorse his allowance thereof on the bond or recognizance, and cause it to be filed as provided by law, otherwise it shall be of no effect.

Justification as surety.

Statutes
repealed.

SEC. 4. That chapter IX (9), sections 115 to 141, both inclusive, of the Code of Washington Territory of 1881, and chapter XIX (19) of the Laws of 1887-8, page 31 (sections 748-774 of Remington's Compiled Statutes; sections 7350 to 7368, 7370, 7371 and 7373 to 7378 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 21, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

CHAPTER 163.

[S. B. 67.]

VACANCIES IN COUNTY OFFICES.

AN ACT relating to filling of vacancies in county, township, precinct and road district offices, and repealing certain acts in relation thereto.

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

Commission-
ers to fill
vacancies.

SECTION 1. The board of county commissioners in each county shall, at their next regular or special meeting after being apprised of any vacancy in any county, township, precinct or road district office of such county, fill such vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

Tenure of
office of
appointees.

Statutes
repealed.

SEC. 2. That sections 2689 and 3065 of the Code of Washington Territory of 1881 (sections 4059 and 4060 of Remington's Compiled Statutes; sections 1678 and 2350 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 26, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.