

CHAPTER 75.

[H. B. 34.]

JUSTICE COURTS.

AN ACT relating to justice courts, fixing the venue of civil actions therein and the jurisdiction of justices of the peace in relation thereto, prescribing duties of justices of the peace, and repealing certain acts relating thereto.

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

SECTION 1. All civil actions commenced in a justice court against a defendant, or defendants, residing in a city or town of more than one thousand inhabitants shall be brought in a justice court in the city or town in which one or more of the defendants reside. In all other cases the action shall be commenced in the precinct in which one or more of the defendants reside, or in the nearest incorporated city or town, or before a justice of the peace of the county seat of the county.

In cities of 1,000 or more action to be brought in city of residence of defendants.

SEC. 2. Should any civil action be filed or commenced in any justice court other than as provided in the preceding section, no jurisdiction over the defendant shall be acquired thereby, and no judgment shall be entered therein against such defendant; and if, the action having been commenced before a justice court not having jurisdiction over the defendant, the defendant appears either specially or generally and objects to the jurisdiction of the court, the justice of the peace shall dismiss the action and enter judgment against the plaintiff in favor of the defendant for an attorney's fee of twenty-five dollars; and any such dismissal shall be a bar to any future action on the same cause of action until such attorney's fee shall have been paid.

Action commenced in wrong court, to be dismissed.

Attorney's fee allowed defendant.

SEC. 3. All fees paid to a justice of the peace not having jurisdiction of the defendant in accord-

Fees paid justice not having jurisdiction.

ance with section 1 of this act shall be paid, by the justice of the peace receiving the same, into the current expense fund of the county treasurer of the county in which such justice court is located, as soon as it shall be ascertained that such justice is without jurisdiction of the defendant.

Jurisdiction
except in
certain cases,
co-extensive
with limits
of county.

SEC. 4. The jurisdiction of justices of the peace in all civil actions, except as provided in the foregoing sections of this act, shall be co-extensive with the limits of the county in which they are elected or appointed, and no other or greater, but every justice of the peace shall continue to reside and perform all the duties of his office in the precinct for which he was elected or appointed, during his continuance in office.

Vetoed.

SEC. 5. That chapter XL (40) of the Laws of 1899, page 53; chapter LXV (65) of the Laws of 1901, page 105; chapter 53 of the Laws of the Extraordinary Session of 1925, pages 48 to 49, and chapter 264 of the Laws of 1927, pages 614 to 615 (sections 1755 and 1757 of Remington's Compiled Statutes; sections 9559 and 9560 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done or proceeding had or pending under said acts repealed, or either of them.

Passed the House February 19, 1929.

Passed the Senate February 18, 1929.

Approved by the Governor February 27, 1929, with the exception of section 5, which is vetoed.