

CHAPTER 10.

[H. B. 6.]

SHERIFFS—COMPLAINT OF CRIMINAL VIOLATIONS.

AN ACT relating to sheriffs and adding a new section to chapter 36.28, RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 36.28, RCW, a new section to read as follows:

Complaint of all criminal violations.

In addition to the duties contained in RCW 36.28-.010, it shall be the duty of all sheriffs to make complaint of all violations of the criminal law, which shall come to their knowledge, within their respective jurisdictions.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

CHAPTER 11.

[H. B. 7.]

JUSTICES OF THE PEACE AND CONSTABLES.

AN ACT relating to justices of the peace and constables; amending section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060; amending section 1, chapter 156, Laws of 1951, and RCW 3.12.021; amending section 9, chapter 7, Laws of 1891, and RCW 3.16.060; amending section 1, chapter 73, Laws of 1891, section 1, page 199, Laws of 1887, section 1, page 44, Laws of 1883, section 1710, Code of 1881, section 17, page 333, Laws of 1873, section 23, page 226, Laws of 1854, and RCW 3.20.020; amending section 2800, Code of 1881, section 17, page 225, Laws of 1854, and RCW 3.08.040; repealing and reenacting section 1, chapter 68, Laws of 1888, section 1689, Code of 1881, section 1, page 222, Laws of 1854, and RCW 3.04.010; amend-

ing section 4, chapter 68, Laws of 1888, and RCW 3.04.030; amending section 1691, Code of 1881, section 3, page 223, Laws of 1854, and RCW 3.04.040; amending section 1692, Code of 1881, section 4, page 223, Laws of 1854, and RCW 3.04.050; amending section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060; amending section 1694, Code of 1881, section 6, page 223, Laws of 1854, and RCW 3.04.070; amending section 1695, Code of 1881, section 7, page 224, Laws of 1854, and RCW 3.04.080; repealing and reenacting section 1724, Code of 1881, section 31, page 339, Laws of 1873, section 25, page 227, Laws of 1854, and RCW 3.04.110; amending section 2801, Code of 1881, section 311, page 264, Laws of 1869, section 18, page 225, Laws of 1854, and RCW 3.08.060; amending section 3, page 120, Laws of 1888, and RCW 3.12.010; repealing and reenacting section 2, chapter 66, Laws of 1897, section 1, chapter 7, Laws of 1891, and RCW 3.16.010; repealing and reenacting section 3, chapter 105, Laws of 1905, and RCW 3.16.020; enacting RCW 3.16.008, 3.16.030 and 3.16.050; and repealing section 5, chapter 156, Laws of 1951, section 7, chapter 7, Laws of 1891; section 4, chapter 145, Laws of 1909, and RCW 3.12.100; sections 3 and 4, chapter 41, Laws of 1913; and section 3, chapter 145, Laws of 1909 and section 2, chapter 110, Laws of 1915; and declaring an emergency.

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

SECTION 1. Section 1, chapter 68, Laws of 1888, section 1689, Code of 1881, section 1, page 222, Laws of 1854, and RCW 3.04.010 are each repealed and reenacted to read as follows:

Repeal;
reenactment.

At each general election for the election of county and precinct officers, there shall be elected by the qualified electors of each election precinct one or more justices of the peace.

Justices of the
peace; election.

SEC. 2. Section 4, chapter 68, Laws of 1888, and RCW 3.04.030 are each amended to read as follows:

Amendment.

The qualifications, terms of office, duties, powers, and jurisdiction of justices of the peace shall be as provided by law, except that no justice of the peace shall have jurisdiction of any action brought to enforce or collect any claim or demand which said justice had, in any manner, attempted to collect as agent or otherwise.

Justices of the
peace; qualifi-
cations, term,
powers and
duties.

Amendment.

SEC. 3. Section 1691, Code of 1881, section 3, page 223, Laws of 1854, and RCW 3.04.040 are each amended to read as follows:

Justices of the peace; qualifications.

No person shall be eligible to the office of justice of the peace who is not a citizen of the United States and the state, and an elector of the precinct in which he is elected; nor shall any sheriff, coroner, or clerk of the superior court be eligible to or hold the office.

Amendment.

SEC. 4. Section 1692, Code of 1881, section 4, page 223, Laws of 1854, and RCW 3.04.050 are each amended to read as follows:

Justices of the peace; certificate of election and oath of office.

Every person elected justice of the peace shall be entitled to a certificate of election, and shall take an oath of office; which oath shall be indorsed on the back of the certificate of election, and together with the certificate, filed in the office of the county auditor.

Amendment.

SEC. 5. Section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060, are each amended to read as follows:

Justices of the peace; bond.

Every person elected a justice of the peace shall, at the time of filing his oath of office in the office of the county auditor, enter into a bond to the state, with two or more sureties, residents of the county, or a corporate surety to be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and to be filed and recorded in the office of the county clerk, in the sum of five hundred dollars, conditioned that he will faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace. The bond may be in the following form:

Form.

Know all men by these presents, that we J P, A B, and C D, are held and firmly bound unto the state of Washington, in the sum of five hundred dollars, for

the payment of which we jointly and severally bind ourselves, our heirs, executors, and administrators.

Sealed with our seals; dated this.....day of....., A. D. 19.....

Whereas, the said J P has been duly elected a justice of the peace in and for the precinct of..... in the county of....., A. D. 19..... Now the condition of the above obligation is such that if the said J P shall faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace, then this obligation shall be void, otherwise in full force.

SEC. 6. Section 1694, Code of 1881, section 6, page 223, Laws of 1854, and RCW 3.04.070 are each amended to read as follows: Amendment.

The bond shall be filed in the office of the county clerk, and every person aggrieved by a breach of the condition thereof may, by an action upon the bond, have a judgment against the justice and his sureties for such sum as he may show himself entitled to, with costs, and interest at the rate of twenty-five percent per annum. Upon any such judgment stay of execution shall not be allowed. Justices of the peace; filing of bond.
Action on bond.

SEC. 7. Section 1695, Code of 1881, section 7, page 224, Laws of 1854, and RCW 3.04.080 are each amended to read as follows: Amendment.

Every justice of the peace shall hold office for a term of four years and until his successor is elected and qualified. Justices of the peace; term of office.

SEC. 8. Section 1724, Code of 1881, section 31, page 339, Laws of 1873, section 25, page 227, Laws of 1854, and RCW 3.04.110 are each amended to read as follows: Amendment.

Every justice of the peace shall keep a docket in a well bound book, in which he shall enter: Justices of the peace; docket.

Contents.

- (1) The titles of all actions commenced before him;
- (2) The object of the action or proceeding, and if a sum of money is claimed, the amount of the demand;
- (3) The date of the notice, and the time of its return; and if an order to arrest the defendant is made, the statement of the facts on which the order is issued;
- (4) The time when the parties, or either of them, appear, or their nonappearance, if default is made;
- (5) A brief statement of the nature of the plaintiff's demand, and the amount claimed; and if any set-off is pleaded, a similar statement of the setoff and the amount estimated, and every motion, rule, order, and exception, with the decision of the court thereon;
- (6) Every continuance, stating at whose request, and for what time;
- (7) The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the trial and return of the jury;
- (8) The names of the jurors who appear and are sworn; the names of witnesses sworn, and at whose request;
- (9) The verdict of the jury, and when received; and if the jury disagrees and is discharged, the fact of such disagreement and discharge;
- (10) The judgment of the court, and the time when rendered;
- (11) The time of issuing execution, and the name of the officer to whom delivered, and an account of the debt and costs, and the fees due to each person separately;
- (12) The fact of an appeal having been made and allowed, and the time when;

(13) Satisfaction of the judgment, or any money paid thereon, and the time when;

(14) And such other entries as may be material.

SEC. 9. Section 2800, Code of 1881, section 17, page 225, Laws of 1854, and RCW 3.08.040 are each amended to read as follows: Amendment.

Every person elected or appointed to the office of constable shall, within the time prescribed for filing his oath of office, enter into a bond to the state with two or more sureties, residents of the county, or a corporate surety, in the sum of one thousand dollars, conditioned that he will execute all process to him directed and delivered, and pay over all moneys received by him by virtue of his office, and in every respect discharge all the duties of constable according to law. The bond shall be approved, by the board of county commissioners, if in session, and if not in session, by the chairman of such board and filed and recorded in the office of the county clerk. Constables;
bond.

SEC. 10. Section 2801, Code of 1881, section 311, page 264, Laws of 1869, section 18, page 225, Laws of 1854; and RCW 3.08.060 are each amended to read as follows: Amendment.

Any constable may, within his county, serve any writ, process or order, lawfully directed to him by any justice of the peace, judge of the superior court, or coroner, and generally do and perform all acts, by law required of constables. It shall be the duty of all constables to make complaint of all violations of the criminal law, which come to their knowledge, within their respective jurisdictions. Constables;
powers and
duties.

SEC. 11. Section 3, page 120, Laws of 1888 and RCW 3.12.010 are each amended to read as follows: Amendment.

Each incorporated city in the state having a population of not more than five thousand inhabitants, together with the adjoining precincts, if any lying partly within and partly without such city shall, for Justices of the
peace; cities
not exceeding
5,000 popula-
tion.

the purposes of this title, and for fixing and limiting the number of justices of the peace to be elected in such city, be deemed and considered one precinct, and the qualified electors within the limits thereof shall vote for and elect two justices of the peace, and no more.

Amendment.

SEC. 12. Section 1, chapter 156, Laws of 1951, and RCW 3.12.021 are each amended to read as follows:

Justices of the peace; cities of 5,000 or more population.

The number of justices of the peace to be elected in cities having a population of five thousand or more, according to the last census, shall be as follows: five thousand to twenty thousand, one; twenty thousand to seventy-five thousand, two; seventy-five thousand to one hundred twenty-five thousand, three; one hundred twenty-five thousand to one hundred seventy-five thousand, four; and one additional for each one hundred fifty thousand or major fraction thereof above one hundred seventy-five thousand.

Repeal; enactment.

SEC. 13. Section 5, chapter 156, Laws of 1951, and section 7, chapter 7, Laws of 1891, are each repealed; and RCW 3.16.008 is enacted to read as follows:

Justices of the peace; salary.

The salaries of the justices of the peace shall be paid monthly out of the county treasury, and from the same funds out of which other salaried county officers are paid. The county auditor, on the first Monday of each month, shall draw his warrant upon the county treasurer in favor of each of the justices for the amount of the salary due him for the preceding month: *Provided*, That the auditor shall not draw his warrant for the salary of any justice of the peace for any month until the justice first shall have filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month.

Repeal; reenactment.

SEC. 14. Section 2, chapter 66, Laws of 1897, section 1, chapter 7, Laws of 1891, and RCW 3.16.010 are each repealed and reenacted to read as follows:

In cities with a population of more than five thousand and not more than thirty-five thousand inhabitants, the constable shall receive an annual salary of seven hundred and twenty dollars.

Constables; salary in cities of 5,001 to 35,000 population.

SEC. 15. Section 3, chapter 105, Laws of 1905 and RCW 3.16.020 are each repealed and reenacted to read as follows:

Repeal; reenactment.

In cities with more than thirty-five thousand and not more than one hundred thousand inhabitants, each constable shall receive an annual salary of nine hundred and sixty dollars.

Constables; salary in cities of 35,001 to 100,000 population.

SEC. 16. RCW 3.16.030 is enacted to read as follows:

Enactment.

In cities with in excess of one hundred thousand inhabitants, according to the last federal census, each constable shall receive an annual salary of twelve hundred dollars.

Constables; salary in cities exceeding 100,000 population.

SEC. 17. Section 5, chapter 156, Laws of 1951 and section 7, chapter 7, Laws of 1891 are each repealed; and RCW 3.16.050 is enacted to read as follows:

Repeal; enactment.

The salaries of constables, as prescribed in this chapter, shall be paid monthly out of the county treasury, and from the same funds out of which other salaried county officers are paid, and the county auditor, on the first Monday of each month, shall draw his warrant upon the county treasurer in favor of each of said constables for the amount of salary due him for the preceding month: *Provided*, That the auditor shall not draw his warrant for the salary of any such officer for any month until the latter first shall have filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month.

Constables; salary payment.

SEC. 18. Section 9, chapter 7, Laws of 1891 and RCW 3.16.060 are each amended to read as follows:

Amendment.

Constables;
travel
expenses.

In addition to their salaries, the county commissioners shall pay the actual traveling expenses of salaried constables, in cities of five thousand or over, while on official duties, to be audited by such commissioners.

Amendment.

SEC. 19. Section 1, chapter 73, Laws of 1891, section 1, page 199, Laws of 1887, section 1, page 44, Laws of 1883, section 1710, Code of 1881, section 17; page 333, Laws of 1873, section 23, page 226, Laws of 1854, and RCW 3.20.020 are each amended to read as follows:

Justices of the
peace; juris-
diction in civil
actions.

Every justice of the peace shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed is less than three hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than three hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than three hundred dollars;

(3) Of an action for a penalty less than three hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than three hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when

the amount claimed is less than three hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than three hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than three hundred dollars;

(8) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than three hundred dollars;

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than three hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

SEC. 20. Section 4, chapter 145, Laws of 1909 and RCW 3.12.100, sections 3 and 4, chapter 41, Laws of 1913, and section 3, chapter 145, Laws of 1909, and section 2, chapter 110, Laws of 1915 are each repealed. Repeal.

SEC. 21. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.