

CHAPTER LXII.

[S. B. No. 104.]

PLEADINGS IN CIVIL ACTIONS.

AN ACT relating to pleadings in civil actions, and amending sections 76, 77 and 109 of the Code of Washington of 1881.

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

Complaint; re-
quirements of.

SECTION 1. Section 76 of the code of Washington of 1881 is amended to read as follows: The complaint shall contain—1. The title of cause, specifying the name of the court, the name of the county in which the action is brought and the name of the parties to the action, plaintiff and defendant. 2. A plain and concise statement of facts, constituting the cause of action, without unnecessary repetition. 3. A demand for the relief which plaintiff claims; if the recovery of money or damages be demanded, the amount thereof shall be stated.

Demurrer.

SEC. 2. Section 77 of said code of 1881 is amended to read as follows: The defendant may demur to the complaint when it shall appear upon the face thereof either—1. That the court has no jurisdiction of the person of the defendant or of the subject matter of the action. 2. That the plaintiff has no legal capacity to sue; or—3. That there is another action pending between the same parties for the same cause; or—4. That there is a defect of parties, plaintiff or defendant; or—5. That several causes of action have been improperly united. 6. That the complaint does not state facts sufficient to constitute a cause of action. 7. That the action has not been commenced within the time limited by law.

Amendment of
pleadings.

SEC. 3. Section 109 of said code of 1881 is amended to read as follows: The court may, in furtherance of justice, and on such terms as may be proper, amend any pleadings or proceedings by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, and may upon like terms, enlarge the time for answer or demurrer. The court may likewise, upon affidavit showing good cause therefor, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceed-

ing in other particulars, and may, upon like terms, allow an answer to be made after the time limited by this code, and may, upon such terms as may be just, and upon payment of costs, relieve a party, or his legal representatives, from a judgment, order or other proceeding taken against him through his mistake, inadvertence, surprise or excusable neglect.

SEC. 4. The foregoing sections of this act shall be embodied in the code of procedure of this state, appropriately numbered, and shall be a part thereof.

Approved February 26, 1891.

CHAPTER LXIII.

[H. B. No. 51.]

COMPENSATION OF REPORTER OF SUPREME COURT.

AN ACT to amend section 6 of an act entitled "An act to prescribe the duties an[d] fix the compensation of the reporter of the supreme court," approved December 20, 1889, and declaring an emergency.

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

SECTION 1. Section 6 of an act entitled "An act to prescribe the duties an[d] fix the compensation of the reporter of the supreme court," approved December 20, 1889, be and the same is hereby amended to read as follows: Sec. 6. The annual salary of the reporter of the decisions of the supreme court shall be three thousand dollars (\$3,000): *Provided*, That out of said salary and compensation the reporter of the supreme court shall pay all expenses of his office, such as assistants, clerk hire, office rent, furniture, stationery and postage.

SEC. 2. Whereas, the reporter of the supreme court is in need of clerical help to assist in publishing the volume of reports now ready for the press, and further to assist in the work on the current decisions of the supreme court; an