

emergency is declared to exist, and this act shall be in force from and after its passage.

Approved February 26, 1891.

CHAPTER LXIV.

[H. B. No. 30.]

MUNICIPAL COURTS.

AN ACT creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure and providing judges and clerks therefor, and declaring an emergency.

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

In cities of
more than 20,
000.

SECTION 1. There is hereby created in each incorporated city in this state having a population of more than twenty thousand (20,000) persons, as shown by the national or state census, a municipal court, which court shall be known and designated as "The Municipal Court of the city of _____," for which one judge shall be elected by the qualified electors of each of such cities, at the general state election in the year eighteen hundred and ninety-two (1892), and every four (4) years thereafter, and for which a clerk shall be elected or appointed in the manner hereinafter provided.

Jurisdiction.

SEC. 2. Said municipal court shall have original jurisdiction—1. Of any and all offenses under any ordinance of their respective cities. 2. Of all criminal offenses under the laws of the State of Washington, charged to have been committed within their respective cities, less than a felony. 3. The judges of said courts shall have all the powers of a committing magistrate as to all offenses committed within their respective cities. Wherever the jurisdiction hereby conferred may be exercised by other courts, under the constitution and laws of this state, the jurisdiction hereby conferred shall be deemed to be concurrent with such other courts.

SEC. 3. Said courts shall be courts of record, and shall ^{Record and seal.} have a seal with the name of the city and state, and the style of the court plainly engraved thereon; and all process from said court shall issue under the seal thereof, and shall run throughout the state. Said court shall have power to compel the attendance of witnesses, jurors and parties by the usual process of courts of record of this state, and within the jurisdiction hereby conferred, and for the purpose of exercising the same said courts and the judges thereof shall have all the powers of the superior courts and the superior judges.

SEC. 4. Except as otherwise provided by law, the practice and procedure of the municipal courts shall be, so far as applicable, the same as that of the superior courts of this state, and the fees of witnesses, as well as all other costs, shall be the same in amounts, save as herein provided, and taxed in the same manner as in superior courts. Change of venue may be taken from the municipal court to the proper justice court, within said state, for the same causes and in the same manner as change of venue may be taken from one superior court to another.

SEC. 5. Said courts shall always be open for the trans- ^{Terms.} action of business, except upon non-judicial days, but shall be considered as holding monthly terms commencing on the first Tuesday in each month.

SEC. 6. All criminal process issued from said court shall ^{Criminal process.} be directed to the chief of police, marshal or other principal police officer of the city, and shall be served by him or some police officer by him authorized.

SEC. 7. The judges of said courts shall have power to ^{Powers of.} prescribe such rules and regulations for the practice and procedure of said court as by them shall be deemed proper, not inconsistent with the laws of this state.

SEC. 8. The judge of said court, together with the city ^{Jurors.} clerk, shall, on the last Tuesday of each and every month, select and designate not more than twelve persons duly qualified as jurors of said court to serve therein during the next succeeding term, and until their successors are selected. They shall in writing certify and sign said list of jurors, and immediately file the same in the office of the

Venire.

clerk of said court. The clerk of the court shall thereupon immediately issue a venire directed to the chief of police, or other principal police officer of the city, requiring the attendance of said jurors in said court at 10 o'clock A. M. on the day of the commencement of the next succeeding term, which venire shall be served by the person to whom directed, or by some police officer by him authorized, not later than Saturday following. The clerk shall, before the commencement of the next term, write the names of the jurors so selected upon separate slips of paper and place the same in a box, and whenever a case is called for trial by a jury, he shall thereupon by lot draw from said box twelve names, and the names of the jurors so drawn shall be the jury for the trial of that particular case, unless some of them be excused upon challenge, peremptory or for cause, which shall be the same in number and for the same cause as in the superior court, and when any of them are so excused the clerk shall draw from the remaining names in the box a sufficient number to fill the place of those excused; and in the event that a jury cannot for any cause be filled and sworn from the whole number originally mentioned, then the panel may be filled from the by-standers or the judge may order the issuing of an open venire. If it appears to the court from any cause that a jury will not be needed at the beginning of any term, the court may, by order, dispense with the proceedings provided in this section.

Transfer of proceedings.

SEC. 9. Whenever, during the trial of any cause, it shall appear to the court that the matter in controversy is beyond the power of this court to try and determine, the court shall, by order, direct that the proceedings in the same, together with the original papers, be certified and transferred to the court having jurisdiction to try and determine the same.

SEC. 10. All process in criminal cases from said court shall be substantially the same in form as that of justice's courts. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person; and all prosecutions

for the violation of the criminal laws of the state may be instituted upon the complaint of any person.

SEC. 11. The judgments, orders or decisions of said courts may be reviewed and revised in the superior courts of the state to the same extent and in the same manner as judgments, orders or decisions of the justice courts, and the procedure governing appeals from the municipal courts to the superior courts shall be the same as that governing appeals from the justice courts to the superior court.

SEC. 12. The term of office of the municipal judges under Term of office. this act shall be four (4) years from and after the first Tuesday in January next succeeding their election, and until their respective successors shall have been duly elected and qualified. Judges of the municipal courts shall be duly qualified electors of the city in which elected, persons learned in the law and duly admitted to practice as an attorney in the courts of this state, and before entering upon the duties of their office shall take and subscribe an oath as prescribed for other judicial officers, which oath shall be filed in the office of the city clerk. They shall have the general powers of judges of courts of record, may administer oaths, take and certify acknowledgments, and as conservators of the peace shall have all the authority which is or may hereafter be vested in justices of the peace and other judicial officers. There shall be a clerk of the municipal court appointed by the mayor of the city, by and with the advice and consent of the council, or the council may by ordinance provide for the election of such clerk, who shall hold his office for such length of time as the council may by ordinance provide, and who shall be subject to removal in the same manner as other city officers. Before he enters upon the duties of his office he shall take and subscribe an oath the same as other city officers, and shall execute to his city a penal bond in such some [sum] and with such sureties as the council may direct, and subject to their approval, conditioned that he will faithfully account to and pay over to the treasurer of said city all moneys coming into his hands as such clerk; and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the judge of the municipal court the city council

may provide for the appointment of a deputy clerk of the municipal court, when they deem the same necessary, with such compensation as they may deem reasonable.

Clerk.

SEC. 13. The clerk shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to this office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor. The said clerk as well as the judge of said court is hereby made a conservator of the peace, and vested with the same authority and discretion to act on receiving complaints, and issuing warrants of said court in criminal cases.

Jurors; how paid.

SEC. 14. The jurors in the municipal court shall be paid by the city and county in proportion as follows: For the time occupied in trying cases in which the city is interested, they shall be paid by the city, and for the time occupied in the trial of criminal cases under the state law, they shall be paid by the county; and it shall be the duty of the judge of said court to apportion the same from time to time, and order the issuing of certificates of attendants [attendance] to the county auditor and the city clerk accordingly; and jurors shall be entitled to two dollars (\$2) per day, but no mileage.

Duty of mayor.

SEC. 15. It shall be the duty of the mayor of said city to see that a sufficient number of police officers are always in attendance upon the municipal court, and in readiness to obey its orders; and the mayor shall have the power, in his discretion, to appoint one [or] more persons, approved by the judge, to act as policemen for special attendance and duty in said court, irrespective of the general or special

rules or legal regulations or enactments relative to the qualifications of policemen, and pay said persons such compensation as the council may deem reasonable: *Provided, however,* That nothing herein contained shall affect the powers and duties of the general police of said city.

SEC. 16. No provision in this act shall be construed as repealing, or anywise limiting or affecting, the jurisdiction of justices of the peace under the general laws of this state.

SEC. 17. The municipal courts organized and created by this act shall take the place of and supersede the police courts now existing in any of the cities to which this act applies; and when this court shall have been organized, and be in operation, all actions and proceedings pending in any such police courts, and all records and papers of said police courts, shall be transferred to this court, and the same shall proceed to a final determination in this court, as if commenced therein; and said police courts shall then cease and determine.

SEC. 18. The salary of the judges of the municipal courts shall be twenty-four hundred dollars (\$2,400) per annum, payable out of the city treasury of their respective cities, in equal monthly installments, and the salary of the clerk of the municipal courts shall be twelve hundred dollars (\$1,200.00) per annum, payable out of the city treasury of their respective cities, in equal monthly installments, and all other officers of said courts shall receive such compensation as the city council may provide. The expense of maintaining said court shall be paid by the city, and the city shall provide a suitable place for holding the same, and no officer of said court shall receive any fees as compensation for any services as such officer, but all fees charged and collected, which would be payable into the county treasury in the superior court, shall be paid into the city treasury of their respective cities, save jury fees in state cases, which shall be paid into the county treasury, and all officers of the court shall be paid for their services as such by salary only.

SEC. 19. Vacancies in the office of judge of the municipal courts shall be filled by appointment by the governor

Sig. 8.

Salary of judge.

Salary of clerk.

Vacancies; how filled.

of the state, and any judge so appointed shall hold and remain in office until the election and qualification of a municipal judge, as in this act provided, which election shall be at the next succeeding general state election after said appointment, and the judge so elected shall qualify and enter upon the duties of his office upon the first Tuesday in January succeeding his election, as in this act provided. Immediately upon the taking effect of this act the governor of the State of Washington shall appoint and commission a judge of the municipal court in each city of this state having more than twenty thousand (20,000) inhabitants, who shall qualify and enter upon the discharge of their duties within ten days (10) after the date of such appointment, and the judges so appointed shall be the judges of the municipal courts in their respective cities until the qualification of the municipal judges to be elected at the general state election in the year eighteen hundred and ninety-two (1892), as herein provided: *Provided, however,* Where in any city to which this act applies a person has been elected, and by virtue of such election has been and is now acting, as police judge of such city, such person shall be and continue to be judge of the municipal court in and for such city, until his successor shall be elected and qualified as herein provided, and within ten days (10) after the taking effect of this act such person shall qualify as municipal judge and enter upon the duties of his office. It shall be the duty of the mayor, by and with the consent of the city council, to appoint a clerk of the municipal court in each of said cities, as in this act provided, immediately upon the going into effect of this act.

Duty of mayor.

Temporary absence or disability.

SEC. 20. In case of the temporary absence or disability to act of the municipal judge, the municipal court may be held by an acting municipal judge, who shall be designated in writing by the mayor from among the practicing attorneys, qualified electors of the city, who, before entering upon his duties as acting judge, shall take and subscribe an oath as other judicial officers; and while so acting he shall have all the powers of the municipal judge: *Provided, however,* Such appointment shall not continue for a longer period than the absence or disability of the municipal judge.

SEC. 21. Whereas, the police courts now in existence under the special charters of the cities of the first class in this state are inadequate to the present wants and necessities of such cities an emergency is hereby declared to exist. This act shall therefore take effect and be in force from and after its passage and approval.

Approved February 28, 1891.

CHAPTER LXV.

[S. B. No. 123.]

RELIEF OF L. P. BERRY.

AN ACT for the relief of L. P. Berry, agent.

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

SECTION 1. That there be and hereby is appropriated the sum of three hundred and twelve dollars (\$312.00) for the relief of L. P. Berry, to cover expenses incurred while serving requisition papers by the governor of the Territory of Washington on an escaped criminal in the State of Indiana.

SEC. 2. The state auditor is hereby directed to draw a warrant upon the state treasurer, in favor of L. P. Berry, for the sum of three hundred and twelve dollars, payable out of any money in the treasury not otherwise appropriated.

Approved February 27, 1891.