

breach of the condition, without an affirmance of the judgment or order of the magistrate, and also shall stand as security for costs which shall be ordered by the court appealed to to be paid by the appellant.

SEC. 11. The foregoing sections of this act shall be embodied under appropriate numbers in the code of procedure of this state and shall be a part thereof.

Approved February 24, 1891.

CHAPTER XXX.

[S. B. No. 107.]

PARTIES TO CIVIL ACTIONS.

AN ACT with relation to parties to civil actions and proceedings, amending sections 12 and 15 of the Code of Washington of 1881.

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

SECTION 1. Section twelve of the code of Washington of 1881 is amended to read as follows: When an infant is a party he shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows: 1. When the infant is plaintiff, upon the application of the infant, if he be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant. 2. When the infant is defendant, upon the application of the infant, if he be of the age of fourteen years, and apply within thirty days after the service of the summons; if he be under the age of fourteen, or neglect to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

SEC. 2. Section 15 of the said code of 1881 is amended to read as follows: Any assignee or assignees of any judgment bond, specialty, book account, or other chose in action, for the payment of money, by assignment in writing,

signed by the person authorized to make the same, may, by virtue of such assignment, sue and maintain an action or actions in his or her name against the obligor or obligors, debtor or debtors, therein named, notwithstanding the assignor may have an interest in the thing assigned: *Provided*, That any debtor may plead in defense a counter claim or an offset, if held by him against the original owner, against the debt assigned, save that no counter claim or offset shall be pleaded against negotiable paper assigned before due, and where the holder thereof has purchased the same in good faith and for value, and is the owner of all interest therein.

Approved February 25, 1891.

CHAPTER XXXI.

[S. B. No. 86.]

JUDGMENTS OF OTHER STATES AND TERRITORIES.

AN ACT in relation to the effect of judgments of other states and territories, and amending section 739 of the Code of Washington.

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

SECTION 1. Section seven hundred and thirty-nine of the code of Washington of 1881 is amended to read as follows: Judgment for debt rendered in any other state or any territory against any person or persons residents of this state at the time of the rendition of such judgment, shall not be of any higher character as evidence of indebtedness than the original claim or demand upon which such judgment is rendered, unless such judgment shall be rendered upon personal service of summons, notice or other due process against the defendant therein.

Sec. 2. The foregoing section shall be embodied in the code of procedure of this state under appropriate number, and shall be a part thereof.

Approved February 25, 1891.