

which the action is commenced is not the proper county for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the time he appears and demurs or answers, files an affidavit of merits and demands that the trial be had in the proper county.

Rights of parties.

Duty of clerk.

SEC. 2. Section 53 of said code of 1881 is amended to read as follows: Any party in a civil action pending in the superior court in a county out of whose limits a new county, in whole or in part, has been created, may file with the clerk of such superior court an affidavit setting forth that he is a resident of such newly created county, and that the venue of such action is transitory, or that the venue of such action is local, and that it ought properly to be tried in such newly created county; and thereupon the clerk shall make out a transcript of the proceedings already had in such action in such superior court, and certify it under the seal of the court, and transmit such transcript, together with the papers on file in his office connected with such action, to the clerk of the superior court of such newly created county, wherein it shall be proceeded with as in other cases.

SEC. 3. 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 25, 1891.

CHAPTER XXXIV.

[S. B. No. 102.]

PROCEEDINGS TO OBTAIN POSSESSION OF PERSONAL PROPERTY.

AN ACT relating to proceedings to obtain possession of personal property during the pending of an action for the recovery thereof, and amending section 152 of the Code of Washington of 1881.

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

SECTION 1. Section one hundred and fifty-two of the code of Washington of 1881 is amended to read as fol-

lows: The sheriff shall file the affidavit, with the proceedings thereon, with the clerk of the court in which the action is pending, within twenty days after taking the property mentioned therein.

SEC. 2. The foregoing section shall be embodied in the code of procedure of this state, appropriately numbered, and shall be a part thereof.

Approved February 25, 1891.

CHAPTER XXXV.

[S. B. No. 164.]

RIGHTS OF PRIVATE CORPORATIONS TO HOLD PROPERTY.

AN ACT authorizing private corporations, other than religious, incorporated by the legislative assembly of the Territory of Washington, prior to the June 10th, 1872, to hold, acquire, own and possess real and personal property to any extent that the said private corporations may seem meet; anything in the acts incorporating such private corporations to the contrary notwithstanding.

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

SECTION 1. That all private corporations incorporated by the legislative assembly of the Territory of Washington, prior to the tenth day of June, 1872, other than for religious purposes, be and they are hereby authorized to hold, acquire, own and possess real and personal property to the extent and to such an amount as to said corporations may seem meet; anything in the acts incorporating said private corporations to the contrary notwithstanding.

Approved February 25, 1891.