

## CHAPTER LXXXV.

[H. B. No. 417.]

RELATING TO JUSTICES OF THE PEACE IN CITIES OF  
THE FIRST CLASS.

AN ACT relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers.

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

SECTION 1. Each incorporated city of the first class in this state, together with any adjoining precincts, if any there are, lying partly within and partly without said city, shall for the purposes of this act, 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, at each general election vote for and elect two justices of the peace, who shall be attorneys at law, duly admitted to practice in the supreme court of the state, and one constable.

Justices of  
peace in  
cities.

SEC. 2. Within ten days after such election the mayor of the city shall appoint one of the justices so elected the police justice or police judge of such city, who shall before entering upon the duties of his office as police judge, give such additional bond for the faithful performance of his duties as the city council may by ordinance direct.

Police justice.

SEC. 3. The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith in the trials of actions brought for violation of any city ordinance, no jury shall be allowed. All civil or criminal proceed-

Powers of  
police justice.

ings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

Criminal  
process.

SEC. 4. All criminal process issued by such police judge shall be in the name of the State of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

Complaints.

SEC. 5. 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.

Clerk of  
municipal  
court.

SEC. 6. The mayor of such city shall have power at any time to appoint a clerk to assist such police judge in clerical work incident to the performance of his duties, who shall be paid such salary out of the funds of the city as the city council may by ordinance determine. In case appointment is made by the mayor the county commissioners shall appoint no clerk.

Salary of  
police justice.

SEC. 7. The salary of such police judge to be paid in addition to the salary paid to justices of the peace in cities of the first class, shall be fixed by the city council by ordinance and such additional salary shall be paid wholly out of the fund of the city, in equal monthly installments. The city shall provide a suitable place for holding court by such police judge, and pay all the expense of maintaining the same.

Costs and fees.

SEC. 8. In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

Cases to have  
precedence.

SEC. 9. Such police judge shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the State of Washington within the city; then to civil causes coming

before him upon change of venue from the other justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

SEC. 10. Within five days after the passage of this act the board of county commissioners of the county wherein any such city is located, shall appoint a competent attorney at law residing in such city, who has been duly admitted to practice in the supreme court of the state, to be a justice of the peace of such precinct, and to hold office until his successor has been duly elected and qualified. And within five days after such appointee shall have qualified as required by law, the mayor of any such city shall appoint one of the justices of such precinct the police judge of such city as in this act provided.

County commissioners to appoint.

SEC. 11. In case of the temporary absence or inability of the police judge to act the mayor shall appoint, from among the practicing attorneys qualified electors of the city, a police judge *pro tempore*, who, before entering upon the duties as such, shall take and subscribe an oath as other judicial officers, and while so acting he shall have all the powers of the police judge: *Provided, however,* Such appointment shall not continue for a longer period than the absence or disability of the police judge. Such police judge *pro tempore* to receive compensation at the rate of five dollars a day to be paid by the city.

Mayor to appoint in certain cases.

Passed the House February 25, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.