

given in the same manner as notice of hearing of application for the appointment of trustee and for provisional distribution and if at the final hearing it shall appear to the satisfaction of the court that the owner of the property has been absent and unheard of for the space of fifteen years and his whereabouts are unknown, the court shall exonerate the bonds given on provisional distribution and enter a decree of final distribution, distributing the property to the presumptive heirs-at-law of the absentee or to his devisees and legatees, as the case may be.

SEC. 10. Whenever the owner of such property for which a trustee has been appointed under the provisions of this act shall have been absent and unheard of for a period of fifteen years and no presumptive heirs-at-law have appeared and applied for the provisional distribution of such property and no will of the absentee has been presented and proven, the trustee appointed under the provisions of this act shall apply to the court for a final settlement of his account and upon the settlement of such final account the property of the absentee shall be escheated in the manner provided by law for escheating property of persons who die intestate leaving no heirs.

Final
settlement.

Escheat.

Passed the House February 26, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

CHAPTER 40.

[S. B. 233.]

POLICE RELIEF AND PENSION FUND.

AN ACT relating to the police relief, health, and insurance fund in incorporated cities of the first class and amending sections 8080, 8081, 8084, 8085 and 8090 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8080 of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the dis-

Amends:
Rem.-Bal. . . .
§ 8080, in
subd. 6.

bursement thereof, and creating a board of police pension fund commissioners," approved March 2, 1909, be amended to read as follows:

Creation
of fund.

Section 8080. The said board, for the purpose of said police and relief and pension fund, shall have the power to direct and shall direct the payments annually, and when the annual tax levy of the city or town is made, into said fund of the following moneys:

First. Not more than one per centum of all moneys collected and received from licenses for the keeping of places wherein spirituous, malt or other intoxicating liquors are sold.

Second. Not more than one-half of all moneys received from taxes or from licenses upon dogs.

Third. All moneys received from the sales of all unclaimed property.

Fourth. Not more than ten per centum of all moneys received from licenses from pawnbrokers, second-hand stores, junk dealers, and from any person, firm or corporation maintaining or conducting billiard, pool or pigeon hole tables for hire, or billiard and pool rooms.

Fifth. All moneys received from fines for the carrying of concealed weapons.

Sixth. Ten per centum of all fines collected or received in money for violation of city ordinances.

Seventh. The treasurer of any incorporated city which may hereafter be subject to the provisions of this act, shall retain monthly from the pay of each member of the police department of such city, a sum equal to one and one-half per centum of the monthly compensation paid each member for his services as such police officer, said sum to be forthwith paid into said police relief and pension fund, and no other or further deduction shall be made from such pay for any other fund or purpose whatever.

SEC. 2. That section 8081 of said act be, and the same hereby is, amended to read as follows:

Amends
Rem.-Bal.
§ 8081.

Section 8081. Whenever any person at the taking effect of this act, or thereafter, shall have been duly ap-

pointed or selected and sworn, and shall have served for twenty years or more, in the aggregate, as a member, in any capacity or rank whatever, of the regularly constituted police department of any such city which may hereafter be subject to the provisions of this act, and shall have reached the age of sixty years, or shall have served not less than twenty-five years continuously, and not have reached the age of sixty years, said board may order and direct that such person be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, except in cases of emergency as hereinafter provided, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he held in said police department for the period of one year next preceding the date of such retirement.

Retirement
for age or
service.

Pension.

SEC. 3. That section 8084 of said act be amended to read as follows:

Amends
Rem.-Bal.
§ 8084, by
adding last
proviso.

Section 8084. Whenever any member of the police department of any such city shall lose his life through violence while actually engaged in the performance of his duty as such police officer, leaving a widow or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one-third of the amount of the salary attached to the rank which such member held in said police department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the child or children, until they shall be sixteen years of age: *Provided*, That if such widow or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund: *Provided, further*, That if any member, so losing his life, leaves no wife, or child or children, under the age of sixteen years, then the said board shall pay the sum of not more than one hundred fifty dollars towards funeral expenses of such member.

Loss of life
in service.

Pension to
widow or
children.

Funeral
expenses.

Amends
Rem.-Bal.
§ 8085.

SEC. 4. That section 8085 of the said act be amended to read as follows:

Death from
natural
causes.

Payment to
widow or
next of kin.

Section 8085. Whenever any member of the police department of such city shall, after five years of service in said department, die from natural causes, then his widow, or child, or children under the age of sixteen years, or if there be no widow or children, then his parents or unmarried sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this act.

Amends
Rem.-Bal.
§ 8090.

SEC. 5. That section 8090 of said act be amended to read as follows:

Sick benefits.

Section 8090. Whenever any member of the police department of any such city shall, on account of sickness or disability, suffered or sustained while a member of said department, and not caused or brought on by dissipation or abuse, of which the board shall be the judge, be confined to any hospital or to his home and shall require nursing, care or attention, the said board shall pay the necessary hospital, care and nursing expenses of such member out of said fund, and the salary of said member shall continue while he is necessarily confined to such hospital or home and necessarily requires care and nursing on account of such sickness or disability for a period not exceeding six months, after which said period the other provisions of this act shall apply: *Provided*, That said board shall in all cases have the right in its discretion to have said member so suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of such sickness or disability, said physician or physicians to report to said board the result of said examination within three days thereafter. Any such member who refuses to submit to such examination

Medical ex-
amination
of claimant.

or examinations shall forfeit all his rights to benefits under this section.

Passed the Senate February 18, 1915.

Passed the House March 4, 1915.

Approved by the Governor March 8, 1915.

CHAPTER 41.

[H. B. 199.]

DEFAULT JUDGMENTS IN JUSTICE COURTS.

AN ACT relating to the entry of default judgments by justices of the peace and amending section 1858 of Remington & Balingier's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1858 of Remington & Balingier's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends
Rem.-Bal.
§ 1858, by
adding
subd. 3.

When the defendant fails to appear and plead at the time specified in the notice, or within one hour thereafter, judgment shall be given as follows:

1. When the defendant has been served with a true copy of the complaint, judgment shall be given without further evidence for the sum specified therein;

Without
evidence.

2. In other cases, the justice shall hear the evidence of the plaintiff, and render judgment for such sum only as shall appear by the evidence to be just, but in no case exceed the amount specified in the complaint.

Evidence
required.

3. The justice shall have full power at any time after a judgment has been given by default for failure of the defendant to appear and plead at the proper time, to vacate and set aside said judgment for any good cause and upon such terms as he shall deem sufficient and proper. Such judgment shall only be set aside upon five days notice in writing served upon the plaintiff or the plaintiff's attorney and filed with the justice within ten days after the entry of the judgment. The justice shall hear the application to set aside such judgment either upon affidavits

Vacation
of default
judgment.