

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 & Ballinger'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 & Ballinger'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.

or oral testimony as he may deem proper. In case such judgment is set aside the making of the application for setting the same aside shall be considered an entry of general appearance in the case by the applicant, and the case shall duly proceed to a trial upon the merits: *Provided*, That, no justice of the peace shall pay out or turn over money or property received by him by virtue of any default judgment until the expiration of the ten days for moving to set aside such default judgment has expired.

Passed the House March 1, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

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## CHAPTER 42.

[H. B. 126.]

### ABOLISHING OFFICE OF WRECKMASTER.

AN ACT relating to the office of wreckmaster, abolishing the same and repealing Chapter XI, being Sections 8261-8286, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Chapter XI, being sections 8261-8286, inclusive, of Rem. & Bal. Code, is hereby repealed.

SEC. 2. The office of Wreckmaster is hereby abolished.

Passed the House February 11, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

Repeals  
Rem.-Bal.  
 §§ 8261-8286.

Wreckmaster.