

SEC. 31. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the House March 8, 1935.

Passed the Senate March 7, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 113.

[H. B. 89.]

DECLARATORY JUDGMENTS.

AN ACT relating to declaratory judgments and providing therefor.

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

SECTION 1. County courts, courts of chancery and probate courts within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree. Courts.

SEC. 2. A person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder. Determination of rights.

SEC. 3. A contract may be construed either before or after there has been a breach thereof. Before or after breach.

Declaration
of rights.

SEC. 4. A person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:

I. To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or

II. To direct the executors, administrators or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

III. To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

No restric-
tion.

SEC. 5. The enumeration in the three preceding sections does not limit or restrict the exercise of the general powers conferred in the fourth preceding section, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

Court may
refuse to
enter decree.

SEC. 6. The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

Orders may
be reviewed.

SEC. 7. All orders, judgments and decrees under this act may be reviewed as other orders, judgments and decrees.

Relief may
be granted.

SEC. 8. Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. When the application is deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show

cause why further relief should not be granted forthwith.

SEC. 9. When a proceeding under this act involves the determination on an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions, in the court in which the proceeding is pending.

As in civil actions.

SEC. 10. In any proceeding under this act, the court may make such award of costs as may seem equitable and just.

Award of costs.

SEC. 11. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the attorney general shall also be served with a copy of the proceeding and be entitled to be heard.

Who shall be parties.

SEC. 12. This act is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.

Shall be liberally construed.

SEC. 13. The word "person" wherever used in this act, shall be construed to mean any person, partnership, joint stock company, unincorporated association or society, or municipal or other corporation of any character whatsoever.

Defining "person."

SEC. 14. The several sections and provisions of this act, except sections 1 and 2, are hereby declared independent and severable, and the invalidity, if

Partial invalidity.

any, of any part or feature thereof shall not affect or render the remainder of the act invalid or inoperative.

Harmonize
with federal
statutes.

SEC. 15. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

Uniform
Declaratory
Judgments
Act.

SEC. 16. This act may be cited as the Uniform Declaratory Judgments Act.

Passed the House February 5, 1935.

Passed the Senate March 7, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 114.

[H. B. 285.]

BOARD OF PRISON, TERMS AND PAROLES.

AN ACT relating to the provision for the adequate punishment of persons convicted of certain felonies, their rehabilitation while in confinement and the necessary supervision after their release to prevent recidivism, and defining the duties of the Board of Prison, Terms and Paroles with relation thereto; and repealing sections 2278, 2281, 2282, 2195, 10247, 10248, 10249, 10238, 10239, 10803, 10280-6, 10280-10, 10280-11, 10280-12, 10280-15, 10280-16, 10237-1 and 10237-2 of Remington's Revised Statutes of Washington.

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

Creation of
board.

SECTION 1. There is hereby created a board of prison, terms and paroles to administer the provisions of this act. The functions, powers, duties and limitations of this body and the qualifications and the tenure of office of its members will be as hereinafter set forth.