

CHAPTER 44.

[S. B. 15.]

NEW TRIALS—NEWLY DISCOVERED GROUNDS.

AN ACT relating to civil procedure; amending section 2, page 21, Laws of 1875, section 439, page 96, Laws of 1877, section 437, Code of 1881, and RCW 4.76.080; and declaring an emergency.

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

SECTION 1. Section 2, page 21, Laws of 1875, section 439, page 96, Laws of 1877, section 437, Code of 1881, and RCW 4.76.080 are each amended to read as follows: Amendment.

When the grounds for a new trial could not with reasonable diligence have been discovered before, but are discovered after the time when the verdict, report of referee, or decision was rendered or made, the application may be made by petition filed as in other cases, not later than after the discovery, on which notice shall be served and returned, and the defendant held to appear as in an original action. The facts stated in the petition shall be considered as denied without answer. The case shall be tried as other cases by ordinary proceedings, but no motion shall be filed more than one year after the final judgment was rendered. Grounds discovered after verdict, report, or decision.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.