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## REPORT OF ADVISORY COMMITTEE ON NEW CODE\*

Washington Laws 1941, Chapter 149, provided for the appointment of a Statutory Code Committee consisting of the State Law Librarian, Mr. Mark H. Wight, the Law Librarian of the University of Washington, Dr. Arthur S. Beardsley, and the Executive Secretary of the Judicial Council, Mr. Alfred J. Schweppe, in collaboration with the publishers of the existing codes, (a) to determine upon and adopt a complete re-compilation of the Laws of Washington, and (b) to adopt a uniform and perpetual system for the numbering of the sections thereof.

Shortly after this Act was passed, and at the suggestion of the above Statutory Code Committee, the State Bar appointed the undersigned Advisory Committee to consider with the Statutory Committee all of the various proposals for recompilation and numbering.

This Bar Committee considers this project of a proposed recompilation and perpetual numbering system as one of the most important matters currently before the Bar, both because it will do away with two different private codes in this state and result in a single compilation with uniform numbering, regardless of the number of publishers or differing annotations, and because it furnishes an opportunity to provide us with the best code we have ever had.

Informal discussions were had with members of the Statutory Committee at the annual State Bar meeting a year ago. An all-day meeting, attended by the Statutory Committee, the undersigned Advisory State Bar Committee, representatives of the Supreme and Superior Courts, and the two publishers (Frank Pierce; Bancroft-Whitney Company) was held in Seattle several months ago.

Several plans for arrangement of the statutory material and of proposed perpetual and uniform numbering systems were submitted by the publishers and discussed at the meeting. Because it was the objective of the meeting to explore all of the alternatives and possibilities for the information of everybody present, no definite conclusions on either subject were reached, but it was determined, in the light of the elucidation received, that all of the material should be further studied by all of the persons present, with a view towards further collaboration later on.

There appear to be three possible arrangements of the statutory material:

1. Code arrangement;
2. An alphabetical or cyclopedic arrangement, and
3. A combination of code and alphabetical arrangement.

Bancroft-Whitney's present Washington compilation is in the third category, to-wit, the material is arranged partly in codes and partly in alphabetical form. Pierce's present Washington code is essentially an alphabetical or cyclopedic arrangement, and the author proposes that plan of arrangement for the new code. The Bancroft-Whitney Company proposes a new code arrangement following the pattern of the new Oregon and California codes.

The argument advanced, in substance, by the author of Pierce's Code, in support of the alphabetical or cyclopedic arrangement, is that

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\*Accepted and approved by the Washington State Bar Association at its annual meeting at Spokane on September 25, 1942.

legal encyclopedias and digests generally are arranged by numerous titles, possibly several hundred in number, in alphabetical form, to-wit:

Accountants	Elections
Agriculture	Electricians.
Aliens	Indians
Banks and Banking	Initiatives and Referendum
Cities and Towns	Insurance
Counties	Labor, etc.

It is further pointed out, by persons in favor of this arrangement, that lawyers are generally familiar with the titles or categories of legal material, several hundred in number, which are in common use, and that the alphabetical arrangement is therefore a means of ready access.

The Bancroft-Whitney Company has advanced the position that the entire body of Washington statute law should at this time be arranged in 25 codes, similar in pattern to the U. S. Code with its 50 codes or titles, and similar to the present codes of California and Oregon; and that such a compilation is more serviceable and will be more likely to endure over a long period of years than an arbitrary alphabetical arrangement; that the code arrangement is advantageous to the user in that all related statutory material is brought into juxtaposition and logically arranged, thus facilitating reference between sections and subdivisions of related and similar legislation; that in a broad sense, the various chapters of a given code are in *pari materia*; that they are so related that they should be read and considered as a whole; and if they are to be read and considered as a whole, they should be brought together.

Specifically the Bancroft-Whitney Company suggests that the entire body of statutory law in the State of Washington can be properly and readily classified in 25 subject codes, as follows:

Agriculture	Military and Veterans
Banks and Financial Institutions	Navigation
Business and Professions	Penal
Civil Code	Probate (including inheritance and Gift Taxes)
Civil Procedure	Public Resources
Corporations, Partnerships and Associations	Schools
Elections	Streets and Highways
Fish and Game	Taxation and Licenses
Government	Utilities
Health and Safety	Vehicles
Insurance	Water
Justices	Welfare and Institutions
Labor	

It is suggested by Bancroft-Whitney that such a codification will generally be of great convenience to the general practitioner and will be especially important to lawyers practicing in particular fields, as well as to government departments and agencies dealing with particular code subjects, such as an agricultural code, a banking code, an insurance code, or a utilities code.

Whatever arrangement is adopted for the public statutes of the State of Washington, whether alphabetical or codical, or a combination

of both, there appeared to be a substantial consensus at the meeting that all of the sections relating to court procedure should be gathered in one group, arranged either alphabetically or else arranged logically with reference to the sequence of steps to be taken in any legal proceeding. A canvass of opinion seemed to indicate that lawyers and judges preferred to have the procedure statutes gathered together in such form as to be readily available, as is the case in our present codes.

With respect to numbering systems, various so-called perpetual systems were considered, including the present Federal Code numbering system, the Yetter or decimal system, in use in a number of states, and one proposed by Mr. Pierce. On this subject also, no conclusion was reached.

While editorial annotations are, strictly speaking, not within the province of the Statutory Committee, still annotation is a subject to be considered in connection with code building, so far as the publishers are concerned, whose alternatives may range from an unannotated code to a selectively annotated code, or to a fully annotated code. The consensus of opinion distinctly favored an annotated code as against an unannotated one.

While the statute fixes no definite time in which the Statutory Committee shall finish its work, that Committee has been proceeding very carefully in order that a most useful and enduring work may be turned out, satisfactory to the bench, bar and public alike. The Statutory Committee has followed the concept that at least one more Legislative session, to-wit, 1943, should be devoted to the repealing of obsolete statutes and the revision of the public utility and election laws ordered by the last session of the Legislature. We infer, however, that the Statutory Committee feels called upon to complete its work within a reasonable time, which may perhaps be by the end of the 1943 Legislative session.

This code program raises at this time one important question that this Advisory State Bar Committee suggests should receive serious consideration of the bench and bar, and that is whether with the war on, with the law practice substantially disturbed by temporary emergency war regulations and statutes of all kinds, and with the bar greatly depleted in numbers by the demands of the various military and governmental services, the Legislature should be asked to postpone this recompilation project for at least another session, to-wit, until 1945. In other words, do the remaining lawyers—and there will be fewer and fewer of them in the next year or two—want to buy a new code during the war, or would they prefer to have the final completion of this project deferred for the duration? In this connection this Advisory Committee sincerely feels that the wishes, if any, of the publishers as to early publication should give way to the wartime considerations affecting the bar of the state, if the attitude of the bar toward publication of a new code during the war should turn out to be adverse.

If the bar is not adverse, its members ought to express themselves to that effect as soon as possible. If the bar is adverse, consideration should be given to having the Legislature adopt an amendment to the present Code Committee Act (Chapter 149, Laws of 1941), continuing the Statutory Committee in effect, directing it possibly to submit the recompilation to the 1945 Legislature for adoption (as was done with

the 1925 United States Code); publication to be made immediately thereafter, or upon cessation of hostilities between the United States and its enemies, if the war is still continuing in 1945.

In conclusion, this committee desires to say that, because of the effort of the Statutory Code Committee to do an outstanding job, and its desire to obtain all assistance possible, the Bar of this State is, for the first time in history, in a position to assist in the building of a code that will meet all of the standards of intelligent arrangement, high utility and enduring character.

The volume of material covered in the researches and studies of the Statutory Committee is very large and has entailed much sacrifice of time and voluntary effort, especially since the Legislature has not appropriated any expense money whatsoever. There is still much work to be done, and this Advisory Committee is of the opinion that it will be carried forward in the same unhasty, careful and creditable manner that has at all times characterized the work. This Advisory Committee believes that the Statutory Code Committee is proceeding in the most enlightened way possible, with due regard for the practical needs of the profession and the public and that for its work to date the Statutory Committee merits the unreserved commendation of the Washington State Bar.

Respectfully submitted,

SYLVESTER GARVIN, Seattle

PAYNE KARR, Seattle

ORVILLE MILLS, Seattle

J. E. MURRAY, Chehalis

MILTON S. HANNAUER, Spokane

OWEN P. HUGHES, Tacoma

O. D. ANDERSON, Everett, *Chairman.*

The following resolution with respect to the subject of the foregoing report was adopted by the Washington State Bar Association at its annual meeting at Spokane on September 26, 1942:

WHEREAS, the Legislature in Chapter 149, Laws of 1941, appointed a three-man committee (1) to determine upon and adopt a complete recompilation of the Laws of Washington, and (2) to adopt a uniform and perpetual numbering system for the numbering of the sections thereof, which committee has made extended studies of the subject matter so assigned, but has not yet completed its work; and

WHEREAS, subsequent to the appointment of said committee in 1941, the United States has become a direct party to an unprecedented global war, which has, among many other things, substantially disturbed the practice of law in that the bar has already been and will continue to be greatly depleted in numbers through the demands of the various military and other federal services and has had tremendous economic consequences on the remaining members of the profession in the form of higher costs of living, higher overhead and cost of supplies, higher taxes and in many cases reduced income; and

WHEREAS, many materials are scarce and being allocated under the priorities system, and the publication of a new code in these extraordinarily high priced times would probably mean the purchase of a new code at substantially above normal prices; and

WHEREAS, the present state codes and statutes are adequate for at least several additional years; Now Therefore,

BE IT RESOLVED that the Legislature be requested to amend the said Code Committee Act by continuing the existence of said committee until 1945, with directions that such recompilation and such numbering system shall be submitted to the 1945 Legislature to become effective, if not disapproved, by the end of said session; and that it shall be published following such session, or upon cessation of hostilities between the United States and its enemies, if the war is still continuing in 1945;

BE IT FURTHER RESOLVED that the said statutory code committee be commended for the careful and enlightened methods that have characterized its work, with due regard for the views and practical needs of the profession.

BE IT FURTHER RESOLVED that the Advisory Committee of the State Bar appointed to assist and advise with the said Statutory Code Committee, be continued by the said State Bar until the work on said recompilation and numbering has been fully completed.

**STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,  
REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912,  
AND MARCH 3, 1933.**

Of Washington Law Review & State Bar Journal, published quarterly at Seattle, Washington, for October 1, 1942.

State of Washington, County of King—ss.

Before me, a notary public, in and for the State and county aforesaid, personally appeared Robert L. Taylor, who, having been duly sworn according to law, deposes and says that he is the business manager of the Washington Law Review & State Bar Journal and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to-wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, Washington Law Review Association, Condon Hall, Seattle, Washington; Editor, Robert L. Taylor, Condon Hall, Seattle, Washington; Managing Editor, none; Business Manager, Robert L. Taylor, Condon Hall, Seattle, Washington.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.) Washington Law Review Association, Condon Hall, University of Washington, Seattle, Wash. No stockholders.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

ROBERT L. TAYLOR,  
Business Manager.

Sworn to and subscribed before me this 30th day of September, 1942.

(Seal)

EDITH L. HOPKINS,  
Notary Public.

(My commission expires July 15, 1946.)