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Report of Statutory Code Committee

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Report of Statutory Code Committee, by Mark H. Wight

The 1947 Legislature continued the work of the code revision and recompilation committee with specific instructions as to the scope of revision. It also directed the interim release of the various titles so that the code committee could get assistance by way of comments and criticisms.

The first task after the adjournment of the 1947 Legislature was to integrate the legislation of that session into the revision as it then stood, making appropriate changes where a statute had been amended, dropping out statutes that had been repealed, and allocating new legislation to its proper place in the revision.

After the work was done a complete study and check of the various titles was undertaken in an effort to make certain that no substantive changes were introduced into the statute law. In that work certain titles were completely rewritten.

To insure that none of our statute law has been omitted from the new revision, complete lists were made of both Remington's Revised

Statutes and Pierce's Perpetual Code with all their supplements. These were paralleled into one table. Another list of the Remington sections used in the new revision was then made from the revisers' notes and these were all united into one parallel table showing each Remington section with the corresponding Pierce section and the new revision section or sections.

Another list was made from the revisers' notes of all omitted Remington sections, noting the reason for the omission. Every such section omitted was examined to make sure that it was properly omitted and that the reason therefor was correctly stated. This latter is, of course, important, inasmuch as some of the sections cannot be lost sight of because they have value as an aid in construction. Such sections are Application, Construction, Police Power, Preamble, Purpose, Saving, Severability, Short Title, and Validating. These last mentioned sections were separately listed with a notation of what sections of our revision each applied to and are now being prepared into a table for the publishers of the code. This table will quote in exact words each of these sections, with a listing of the sections of the revision to which each applies and they will be used as annotations. Other sections, such as Appropriation, Duplicative, Effective Date, Repealed, Repealing, Special Acts, Superfluous, Superseded, Temporary, and Unconstitutional, can, of course, be ignored.

From all of this there will be available within a few days a complete parallel table of Remington sections and the corresponding new code sections, if there be such, but where a Remington section has been omitted the reason therefor will be noted. With this table before him any person can readily locate and ascertain the disposition of every Remington section. As a part of the same table there will be a listing of session law sections not contained in Remington but used in the new code.

A check of the revision shows that a total of 2,059 Remington sections have been omitted for one or the other of the above reasons. The list of omissions broken down is as follows:

Application	24
Appropriation	37
Construction	95
Duplicative	9
Effective Date	35
Name of Act	62
Obsolete	583
Police Power	1
Preamble	17
Purpose	9
Repealed	30
Repealing	113
Saving	41
Severability	181
Special	56
Superfluous	89
Superseded	443
Temporary	101
Unconstitutional	68
Validating	65
	<hr/>
	2,059

It is of interest to note that Remington's Revised Statutes carries thirty sections which have actually been repealed by specific reference.

It will be noted that the bulk of sections omitted from the code are either obsolete or superseded.

It is, of course, true that Remington's Revised Statutes does not contain all live statute law of a general and permanent nature. In order to assure that no such law would be omitted we have conducted another check and study based on a consideration of every section of every act passed by the Legislature from 1854 to the present, and we have prepared another table geared to the session laws, without regard to existing codes, showing the disposition of each session law section.

It is probable that the total number of sections in the final revision will not be reduced from that in existing codes, notwithstanding the omission of 2,059 present RRS sections. This is for the reason that in numerous instances long verbose sections have been divided into many shorter sections. For example, in Title 46 (Motor Vehicles) two long defining sections have been combined and made into sixty-eight new sections. We believe that the number of new shorter sections will probably balance the 2,059 omitted sections.

Report of Legislative Committee, by H. Sylvester Garvin

There are many problems facing the bench and bar of the state which will be called to the consideration of the Legislative Committee when it meets about the middle of November. One of the most vital things pending is the progress being made on the new proposed code, which we are hopeful can be presented to the coming session of the Legislature for adoption.

I may be presumptuous in assuming that a great many members of the bar are not at all familiar with the work of the Legislative Committee, and for that reason I am going to digress a bit as to its work and efforts.

This Committee is appointed by the Board of Governors and works without any compensation of any kind or character, except that we do retain one lawyer on salary who is present throughout the legislative session. His work consists of scrutinizing each and every bill that may in any way affect the practice of law; to offer such help and assistance as he can to members of the Legislature in drafting bills for them or giving them legal advice when requested. We have found that the Legislature deeply appreciates this service that the bar is rendering and, as a result of such effort, are quite cooperative in giving any bills that we propose attention.

A glance at the record of the Legislative Committee will convince any interested lawyer that without such a committee the bar of the state of Washington would not and could not have made the many advancements that have been attained since its existence.

We have in no instance ever put forward a selfish interest, nor have we ever permitted any political issue in any of the Committee's conferences and meetings.

The Board of Governors has attempted to select lawyers throughout the state with diversified practice and interests to serve on this committee and be representative of the localities and districts that they represent. The recognition that has been given the committee by other bars is, I think, sufficient to understand the importance and reasons for its existence.

It becomes incumbent of this Committee each two years prior to the convening of the Legislature to solicit voluntary funds from members of the bar in order to pay the expenses incurred by the Committee during the legislative session. The response from the many lawyers has been deeply appreciated, but the Committee feels that each and every

lawyer of the state should have some financial interest in the Committee so as to assure sufficient funds for its operation. The Bar Association itself, being a corporation of the state, has no right or power to use its funds for this purpose.

If any member of the bar has any suggestions to make, they should be forwarded to the Committee so that they may be discussed at our November meeting. But, at the same time, any member of the bar offering new laws or amendments should draft the same before asking the Legislative Committee's consideration, as we do not have sufficient funds to hire anyone to do our briefing or drafting of the bills. It would likewise be appreciated that when any member of the bar does offer a new bill, amendment, or suggestion that they set forth their argument and transmit any briefs that they think may be material in considering the subject.

It is the hope and wish of the Legislative Committee that more members of the bar take an active interest and volunteer their assistance and cooperation in our effort.

Report of Legislative Subcommittee on Justice Court
Procedure, by John H. Neergaard

Last year your Subcommittee on Practice and Procedure of Justices of the Peace and Inferior Courts, following the failure of the state Legislature to provide funds for a study, accepted the responsibility of making a report this year. Contact was immediately established with the local bar associations in the state and the prosecuting attorneys of the state. Most of the counties have from one to seven justices of the peace. Lincoln, Whitman, Okanogan, Lewis, Grant, Snohomish, and Yakima have eight to seventeen. Pierce County has twenty-one and King County fifty-three. Eighteen counties reported that there were no justices of the peace who are attorneys in their counties. The other counties reported from one to sixteen in their counties. Following this survey, reports and suggestions were requested from designated members of the bar in different parts of the state and reports were requested of the presidents of the bar associations in the states. From the reports received and the suggestions made, the following is being presented as a preliminary report and matters for legislative improvements now under discussion by your Committee. A complete report, with recommendations, will be made before the Legislature meets next January

The judicial power of the state of Washington is vested in the