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## THE UNIFORM LAWS IN WASHINGTON

BYRON D. CONEY†

Since the organization in 1892 of the National Conference on Uniform State Laws, more than 130 uniform laws have been drafted and approved by that group.<sup>1</sup> A good many of the approved acts have since been superceded or withdrawn and at the present time a total of 58 uniform<sup>2</sup> laws and 26 model acts<sup>3</sup> are being recommended for adoption. All the states have adopted some of these laws and a few, such as Wisconsin or South Dakota have enacted a great number. The Commissioners of late have become interested in taking inventory in each state to determine the extent to which the subject matter of the uniform laws not adopted has been codified in other legislation.<sup>4</sup> The purpose of this note is to report the results of such a study made of Washington legislation.

No inference should be drawn from this paper that the measure of Washington statutes, or of the laws of any other state, for that matter, should be the extent to which they consist of uniform laws. The legislatures of the 48 states are the great legislative laboratories of our country, and the imagination and resourcefulness used by the various legislatures in the solution of state problems requiring legislation are assets too valuable to be discarded for the mere sake of uniformity alone, despite the well recognized quality of the Commissioners' work.

In some areas, of course, uniformity has become essential. Commercial transactions in a nationwide market, particularly, require uniform laws. It is not surprising, therefore, that in this area the uniform laws have found their widest acceptance. In this respect Washington has

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<sup>1</sup> For a complete list of the acts drafted and approved by the National Conference, see *HANDBOOK ON THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS*, (Boston, 1953).

<sup>2</sup> Amendments and revisions are not counted separately. Uniform laws and model acts approved by the Commissioners in 1955 are not included in this report.

<sup>3</sup> Model acts are distinguished from uniform laws by the Commissioners as follows: "Where there is a demand for an Act covering the subject matter in a substantial number of states, but where in the judgment of the National Conference of Commissioners on Uniform State Laws it is not a subject upon which uniformity between the states is necessary or desirable, but where it would be helpful to have legislation which would tend toward uniformity where enacted, Acts on such subjects are promulgated as Model Acts."

For purposes of this paper the 26 model acts are dealt with separately following the uniform laws.

<sup>4</sup> *E.g.*, see Henley, *Uniform Laws in California*, 39 CAL. L. REV. 68 (1951); reporting on a study of California legislation.

followed the pattern of most states and has adopted all the acts dealing with commercial matters.<sup>5</sup>

Like most other states, Washington has been selective in its choice of other uniform laws, but a good number of them have been enacted. Only one of the model acts, however, the Business Corporation Act, has found its way into law here. Of the total of 58 uniform laws now being currently proposed, Washington has enacted 20, either entirely or in substantial part.<sup>6</sup> The following table shows in greater detail which of the uniform acts have been adopted in Washington and where they may be found. The date immediately after each title shows the date the law was proposed by the Commissioners and the number following states the number of jurisdictions that have enacted it. The right hand column states the Revised Code of Washington citation.

<i>Title of Act and Year Proposed</i>	<i>Jurisdictions</i>	
	<i>Enacting</i>	<i>RCW</i>
1a. Act to Secure the attendance of Witnesses from Without the State in Criminal Cases. (1931)	16	.....
1b. Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings as Revised. (1936)	36	10.55
2. Business Records as Evidence Act. (1936)	22	5.44.100
3a. Common Trust Fund Act. (1938)	27	30.28
3b. Common Trust Fund Act Amendment. (1952)	5	.....
4. Declaratory Judgments Act. (1922)	39	7.24
5. Desertion and Non-Support Act. (1910)	21	26.21
6. Disposition of Unclaimed Property Act. (1954)	1	C. 385, L. 1955
7. Divorce Recognition Act. (1947)	9	26.08.200, -.210
8. Enforcement of Foreign Judgments Act. (1948)	7	6.36
9. Flag Act. (1917)	17	9.86
10. Fraudulent Conveyances Act. (1918)	20	19.40
11. Insurers Liquidation Act. (1939)	12	48.31

<sup>5</sup> In view of the promulgation by the Commissioners of the Uniform Commercial Code in 1951, which deals with all phases of commercial transactions, all the prior acts dealing with commercial matters have been withdrawn. These acts together with the Revised Code citations are as follows: NEGOTIABLE INSTRUMENTS LAW, (RCW 62.01); WAREHOUSE RECEIPTS ACT, (RCW 22.04); SALES ACT, (RCW 63.04); BILLS OF LADING ACT, (RCW 81.32); STOCK TRANSFER ACT, (RCW 23.20); TRUST RECEIPTS ACT, (RCW 61.20). A less popular law, the CONDITIONAL SALES ACT, was also withdrawn with the approval of the Commercial Code. Washington has its own conditional sales law.

<sup>6</sup> For present purposes it has not been thought worthwhile to catalog minor changes in language in the Washington version of the uniform laws that have been enacted. These can be easily ascertained by reference to the applicable volume of the *Uniform Laws Annotated*.

12. Judicial Notice of Foreign Law Act. (1936)	28	5.24
13. Limited Partnership Act. (1916)	37	25.08
14a. Narcotic Drug Act. (1932)	44	.....
14b. Narcotic Drug Act as Amended (1942)	9	69.33
14c. Amendments to Narcotic Drug Act as Amended. (1952)	7	69.33
15. Partnership Act. (1914)	33	25.04
16. Photographic Copies of Business and Public Records as Evidence Act. (1949)	29	5.44
17. Proof of Statutes Act. (1920)	30	5.44.050
18a. Reciprocal Enforcement of Support Act. (1950)	43	26.21
18b. Reciprocal Enforcement of Support Act as Amended. (1952)	19	.....
19a. Simultaneous Death Act. (1940)	42	11.04.180
19b. Simultaneous Death Act Amendments. (1953)	....	.....
20a. Veterans' Guardianship Act. (1928)	38	.....
20b. Veterans' Guardianship Act as Revised. (1942)	23	73.26, 71.02.700, 73.04.025

Thus, of the 58 current uniform laws, a total of 20 have been and 38 have not been adopted in Washington. The subject matter of many of these acts, however, is covered by other Washington legislation. The following table catalogs the uniform acts that have an equivalent in the Revised Code, and the footnotes give a brief comparison of the uniform law with the Washington statute on the same subject.

<i>Title of Act and Year Proposed</i>	<i>Jurisdictions Comparable</i>	
	<i>Enacting</i>	<i>RCW</i>
1. Absence as Evidence of Death and Absentees' Property Act. (1939) <sup>7</sup>	3	11.80
2a. Acknowledgement Act. (1939)	7	64.08
2b. Acknowledgement Act Amendment. (1942)	22	64.08
2c. Acknowledgement Act as Amended. (1949) <sup>8</sup>	1	64.08
3. Adoption Act. (1953) <sup>9</sup>	...	26.32

<sup>7</sup> The common law rule of seven years absence as a presumption of death is abrogated by this statute, which established rules for the determination of the death of a person who has disappeared. The act also provides rules for the distribution of absentee's property. Chapter 11.80 of the Code is very similar.

<sup>8</sup> Provision is made by this act for the manner and form of acknowledgements wherever the law requires an acknowledgement. RCW 64.08 is the Washington statute on acknowledgements and is much the same. Section 11 of the uniform act, providing for acknowledgements by servicemen, was enacted by the legislature in 1943, but is not picked up by the Code. A 1945 statute stating similar rules is quoted instead. Unless repealed by implication the 1943 act is still law, however, since a provision in the 1945 statute repealing it was specifically vetoed.

<sup>9</sup> This act provides uniform procedural rules for adoptions, as well as setting out certain substantive rules with respect to who may adopt and who may be adopted. The Washington adoption act, RCW 26.32, is very similar in coverage.

4. Civil Liability for Support Act. (1954) <sup>10</sup>	....	26.20
5. Commercial Code. (1951) <sup>11</sup>	1	....
6a. Criminal Extradition Act. (1926)	16	10.88
6b. Criminal Extradition Act Amendments. (1932)	10	10.88
6c. Criminal Extradition Act as Revised. (1936) <sup>12</sup>	29	10.88
7. Federal Tax Lien Registration Act. (1926) <sup>13</sup>	25	60.68
8. Marriage License Application Act. (1950) <sup>14</sup>	....	26.04.160, -170
9. Prenatal Blood Test Act. (1950) <sup>15</sup>	....	70.24.090
10. Preservation of Private Business Records Act. (1954) <sup>16</sup>	....	40.20
11. Probate of Foreign Wills Act. (1950) <sup>17</sup>	1	11.12.020, 11.20.090, -100
12. Rules of Criminal Procedure Act. (1952) <sup>18</sup>	..	Title 10

<sup>10</sup> Proposed by the Commissioners in 1954, this act defines the duty of support owed by a man or woman to his or her spouse, children and parents, and provides rules for the enforcement of such duty. Vaguely similar rules are provided in RCW 26.20.

<sup>11</sup> Besides the uniform laws stated in footnote 5, *supra*, which the Commercial Code will replace, the following Washington statutes deal with matter covered by the Code: BULK SALES ACT. (RCW 63.08); BANK COLLECTION CODE, (RCW 30.52); CONDITIONAL SALES ACT, (RCW 63.12); CHATEL MORTGAGE ACT, (RCW 61.04). About the only subject matter of the Commercial Code not covered directly in a Washington statute is Title 6 on Letters of Credit. Otherwise, the subject matter of the Code is all contained in Washington statutes, many of them prior uniform acts.

<sup>12</sup> This uniform act is designed to implement the extradition provisions of the Constitution and the United States Code, which do not provide extradition procedures of the type covered in the uniform law. Somewhat less complete rules are provided by RCW 10.88, which also deals with fresh pursuit.

<sup>13</sup> By federal law, federal tax liens are not valid as against purchasers, mortgagees or judgment creditors of the property involved if the state permits the recording of such liens and they have not been recorded. The purpose of this act is to make such liens recordable. RCW 60.68 accomplishes the same purpose.

<sup>14</sup> This act is limited to three very narrow objects: it makes marriage license applications matters of public record; it provides for a five-day waiting period after filing of the application; it requires a blood test as a prerequisite to acceptance and filing of the application. RCW 26.04.160 and 26.04.170 provide for a three-day waiting period and open inspection, but no Washington statute requires a blood test.

<sup>15</sup> By this act pregnant women will be required to take a blood test, and provision is made for the computation and use of statistics acquired on the venereal disease rate. The substance of the act is contained in RCW 70.24.090, which requires the attending physician of a pregnant woman to make a blood test for syphilis at his first examination of her. There are no statistics provisions in Washington.

<sup>16</sup> Recommended for adoption in 1954, this act provides that where the laws of a state require certain private records to be kept, but do not specify the period for which they must be kept, three years is enough. The act also permits microfilming or other reproduction devices as a substitute for keeping originals. This latter provision is substantially contained in RCW 40.20.

<sup>17</sup> A uniform conflict of laws rule governing the probate of foreign wills is provided by this act. RCW 11.12.020, 11.20.090, and 11.20.100 cover similar subject matter, the former section validating wills that are valid where executed and the latter two sections setting out rules governing admission to probate of foreign wills.

<sup>18</sup> This act, the title to which is self-explanatory, was proposed by the Commissioners in 1952 and as yet has not been adopted in any state. Title 10 of the Revised Code deals with the same subject matter.

13. Rules of Evidence Act. (1953) <sup>19</sup>	....	Title 5
14. Statute of Limitations Act. (1939) <sup>20</sup>	....	4.16
15a. Trustees' Accounting Act. (1936)	2	30.30
15b. Trustees' Accounting Act as Amended. (1937) <sup>21</sup>	3	30.30
16. Unauthorized Insurers Act. (1938) <sup>22</sup>	7	48.15
17. Vital Statistics Act. (1942) <sup>23</sup>	12	Titles 43 and 70, <i>passim</i> .

The remaining twenty-one uniform laws which neither have been enacted here nor have a Washington equivalent are described briefly below. The year following the title of the act is the year of promulgation by the Commissioners. The figure in parentheses states the number of jurisdictions enacting.

1. *Act Governing Secured Creditors' Dividends in Liquidation Proceedings*. 1939 (5). The purpose of this act is to state a uniform rule with respect to the measure of participation secured creditors will be allowed in an insolvent estate. The bankruptcy rule is accepted and dividends are declared payable to secured creditors only on the balance due after the value of all security is determined and credited on the claim.

2. *Act on Blood Tests to Determine Paternity*. 1952 (3). The title of this act is self-explanatory. The act not only gives the court in a civil action in which paternity is a relevant fact the authority to order blood tests, but provides as well for selection and compensation of experts. Special provisions are made for the use of blood tests in criminal actions.

3. *Act Relating to Reverter of Realty*. 1944. (0). This act abolishes possibilities of reverter and restrictive covenants after a lapse of time, tentatively set at thirty years in the statute.

4. *Aircraft Responsibility Act*. 1954. (0). This act has as yet not

<sup>19</sup> This act contains a comprehensive code of evidence. Like the Criminal Procedure Act, however, it has not yet been enacted in any state. Much less comprehensive treatment of the subject is contained in Title 5 of the Revised Code.

<sup>20</sup> No state has adopted this act which is a comprehensive statute of limitations. The comparable Washington statute is RCW 4.16.

<sup>21</sup> In 1951 the Washington legislature repealed this act, which had become law in 1941, and enacted a new statute along similar lines, but differing substantially from the uniform act. The new Washington law is found in RCW 30.30. Both it and the uniform act establish procedures and rules for periodic accounting by trustees.

<sup>22</sup> By this act unauthorized insurers are prohibited from doing business in the state and provisions are made for subjecting them to suit in the state, though they or their agents cannot be served here. RCW 48.15 contains very similar provisions.

<sup>23</sup> A comprehensive system of vital statistics is proposed by this law, which has been adopted in eleven states. Washington statutes relating to vital statistics cover much the same ground, but are greatly disorganized and are found in several parts of the Code, particularly Titles 43 and 70.

been adopted by any state. It provides financial responsibility requirements for airplane operators similar to those provided in most state auto financial responsibility laws.

5. *Ancillary Administration of Estates Act*. 1949. (1); *Ancillary Administration of Estates Act Amendment*. 1953. (0). A companion act to the Uniform Powers of Foreign Representatives Act, this law provides the procedure for ancillary administration. No special provisions exist in Washington for the ancillary administration of estates, but RCW 11.36.010 provides that non-residents are not qualified to act as executors or administrators unless named in the will and then only when an approved bond is filed and an agent appointed to accept service of process. Except for this, no statutory rules exist in Washington on the subject.

6. *Contribution Among Tortfeasors Act*. 1939. (10). The purpose of this law is to equalize the burden between joint tortfeasors and correct the common law policy of denying assistance to one joint tortfeasor who has paid the obligation against the others who are equally to blame.

7. *Criminal Statistics Act*. 1946. (0). By this act a bureau of criminal statistics would be established and given the duties of compiling, tabulating and analyzing criminal statistics according to uniform rules.

8. *Fiduciaries Act*. 1922. (24). Where a third person deals with another he knows to be a fiduciary, the third person may be liable to the beneficiary of the fiduciary relationship for a breach of trust by the fiduciary arising out of the dealing with the third person. This act covers such a situation but deals only with the liabilities of the third person and not those of the fiduciary. Chapter 21.16 of the Revised Code enacts the definition of fiduciary in section 1 of the uniform act, and the substance of section 3, dealing with transfer of securities by fiduciaries, but there is no statutory equivalent of the rest of the act.

9. *Foreign Depositions Act*. 1920. (14). This act deals with the taking of depositions in one state to be used in another. It provides in substance that a commission from a court of a sister state ordering testimony of witnesses present in the state where the act is law will be treated the same as a local order to the safe effect. RCW 5.12.040 authorizes the superior court to compel attendance of a witness in this state before a person authorized to take a deposition in a cause pending in any court outside the state. Except for this provision, there is no similar Washington law.

10. *Interstate Arbitration of Death Taxes Act*. 1944. (11). This act permits the state taxing authority to submit disputed questions of domicile to arbitration where there is a dispute with other states or with the personal representative. It also authorizes the personal representative to enter into an arbitration agreement.

11. *Interstate Compromise of Death Taxes Act*. 1942. (13). This law complements the foregoing act by authorizing a compromise by the taxing authority with other taxing authorities or with the personal representatives.

12. *Official Reports as Evidence Act*. 1936. (6). The written reports and findings of fact made by state officials by this act may be used as evidence within the scope of rules set out.

13. *Powers of Foreign Representatives Act*. 1944. (0). To avoid the necessity of an ancillary administration of an estate where assets are found outside the state of the domicile, this act confers on the domiciliary representative full power to collect the assets in the foreign jurisdiction. A proviso is included that no ancillary administration have been instituted.

14. *Principal and Income Act*. 1931. (17). Ascertainment and apportionment of income and principal between tenants and remaindermen is the subject covered by this act. The object throughout has been to establish convenient and workable rules for apportionment.

15. *Property Act*. 1938. (1). Many of the common law rules of land law are codified or abolished by this act, the purposes of which, as the sub-title to the act states, is "... to assimilate interests in real and personal property to each other, to simplify their creation and transfer and to protect the owners of present and future interests. . . ." Shelley's Case, Wild's Case, and Worthier Title are abolished; contingent remainders are made indestructible. A few of the provisions, such as section 21, on waste, have statutory equivalents in Washington.

16. *Reciprocal Transfer Tax Act*. 1928. (19). This act provides for exemption from taxation for residents of states which in turn exempt residents of the enacting state. At one time Washington had adopted a reciprocal transfer tax act, by Chapter 202, Laws of 1929, but this was repealed later by Chapter 180, section 125, Laws of 1935.

17. *Single Publication Act*. 1952. (4). The common law rule by which each sale or delivery of a newspaper or magazine is a publication

of a libel contained therein is changed by this act, so that only one cause of action is allowed for each integrated publication—as one edition or one broadcast.

18. *Supervision of Trustees for Charitable Purposes Act*. 1954. (0). Rules are provided by this act for state regulation of charitable trusts. Broad visitorial powers are given the state attorney general to inspect and investigate such trusts.

19. *Transfer of Dependents Act*. 1935. (9). This act authorizes the proper state authority to enter into agreements with other states for the transfer of poor and indigent persons to the jurisdictions properly responsible for them.

20. *Trusts Act*. 1937. (7). Modernization and clarification of the law of trusts is the purpose of this act. Some obsolete rules are abolished, the requirement of loyalty on the trustee's part is strengthened, and rules governing administration are relaxed somewhat.

21. *Vendor and Purchaser Risk Act*. 1935. (6). This act is designed to protect the contract purchaser of realty where he has not yet gone into possession and the property is destroyed, and to protect the vendor when the property is destroyed after the purchaser has taken possession, but where title has not passed.\*

#### MODEL ACTS

A review of the 26 model acts disclosed that with respect to them, the Washington legislature has shown much less inclination to accept the work of the Commissioners. The Business Corporation Act, Title 23 of the Revised Code, is the one model act enforced in this State. Several others have their equivalent in Washington law, but by and large the material covered by most model acts is unknown to Washington statutes. Part of the reason for this lies in the fact that some of these proposed statutes are experimental in nature, and others border on the politically controversial. The following list contains those of the model acts which have a substantial equivalent in Washington law. The footnotes again give a brief comparison of the model act with the Washington statute that is similar.

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\* Cf. *Pierce County v. King*, 147 Wash. Dec. 292, 287 P.2d 316 (1955). In discussing § 1 (b) of the Uniform Vendor and Purchaser Risk Act, the court stated that, while the statute was not in force in this state, the rule it announced was applied, as it was merely declaratory of pre-existing case law. [Ed.]

<i>Title of Act and Year Proposed</i>	<i>Jurisdictions Comparable</i>	
	<i>Enacting</i>	<i>RCW</i>
1. Act on Perjury (1954) <sup>24</sup>	2	9.72
2. Act to Provide for the Appointment of Commissioners (1944) <sup>25</sup>	11	43.56
3. Anti-Gambling Act (1952) <sup>26</sup>	....	9.47
4. Court Administrator Act (1948) <sup>27</sup>	1	2.16
5. Execution of Wills Act (1940) <sup>28</sup>	1	11.12
6. Illegitimacy Act (1922) <sup>29</sup>	7	26.24
7. Power of Sale Mortgage Foreclosure Act (1940) <sup>30</sup>	....	61.12, 6.24
8. Resale Price Control Act (1940) <sup>31</sup>	....	19.18
9. Small Estates Act (1951) <sup>32</sup>		11.52, 11.68
10. War Service Validation Act (1944) <sup>33</sup>	1	73.20

<sup>24</sup> This model act is designed to remedy numerous defects in the law of perjury, with a view toward making that law more enforceable and more enforced. It would eliminate such historical anomalies as the requirement of materiality and the necessity of proof by two independent witnesses or one independent witness and corroborating proof. Lesser penalties are suggested in the hope that more enforcement will result. It eliminates degrees of perjury, such as provided in Washington's perjury statute.

<sup>25</sup> The title of this model act is self-explanatory. The Washington statute is along very similar lines.

<sup>26</sup> A thorough-going revision of gambling laws, this model act is one of the results of the Kefauver Senate Crime Committee and is aimed primarily at the professional gambler and his persistent clientele. Considerably more antiquated rules are provided in RCW 9.47, originally enacted in 1909.

<sup>27</sup> Believing that much of the current court congestion is caused by faulty administration of the court system, the Commissioners proposed this act which would create a kind of statewide super-clerk of courts, who would collect statistics, recommend special assignments, prepare budgets, and other like tasks. An alternative section of the act would provide for an annual conference of the judges, to consider problems of the judiciary. The substance of the act, less the statistics provision, is covered in Washington in the code provisions which provide for the Association of Superior Court Judges.

<sup>28</sup> Due to the increase in the number of estates in which property is held in several jurisdictions, the Commissioners felt that greater uniformity in the rules governing execution of wills was desirable. Hence, this act sets out rules as to who may make and who may witness wills, rules governing the execution of wills, nuncupative and holographic wills, and the foreign execution of wills.

<sup>29</sup> Much more comprehensive than Washington's filiation statute, this model act deals with all aspects of the relationship between the respective parents and the child. Our own law is pretty much limited to the procedural steps involved in filiation, and does not set out the substantive law to any extent.

<sup>30</sup> Revision of the law of mortgage foreclosure to eliminate unnecessary delay and at the same time protect the mortgagor is the purpose of this act, which varies considerably in its provisions from the equivalent rules in RCW 61.12.

<sup>31</sup> Among the more controversial of the acts proposed by the Commissioners, this act purports to be only a model of the numerous price maintenance acts in effect throughout most of the forty-eight states. The Washington statute, known as the Fair Trade Act, is very similar in content.

<sup>32</sup> Concern over the time-consuming and complicated probate law of the various states led to the drafting of this act, which eliminates the necessity of probating estates of small sizes. In other cases, the court is authorized to dispense with administration, much like Washington's award in lieu of homestead provisions. Finally, in some other

The fifteen model acts which are entirely foreign to Washington statutory law are briefly described below, with the year of promulgation by the Commissioners following the title of the act, and the number of jurisdictions enacting the same stated in parenthesis.

1. *Act Concerning the Administration of Charitable Trusts, Devises, and Bequests.* (Cy Pres Act) 1944. (2). To prevent charitable gifts from failing due to illegality or impracticality, this model act was designed. It sets out the rule that any interested party, including the trustee or the state attorney general may apply to the court in such a case for an administration of the trust so nearly as possible in conformity with the settlor's wishes. A condition of the applicability of the act is that the settlor manifests a general intention to devote the property to charity.

2. *Composite Reports as Evidence Act.* 1943. (3). By this model act, the testimony of an expert witness is allowed to be presented in the form of a written report, even though some of the information in the report is not based on the personal observation of the witness, without the necessity of producing the source of such non-observed information. The law further provides, however, that if such testimony is to be used, notice to the adverse party must be given along with a copy of such report and the opportunity to inspect the source material for the report. The court is given broad authority to insure that substantial justice is done.

3. *Crime Investigating Commission Act.* 1952. (0). This act authorizes the governor to appoint a commission of five members, empowered to investigate organized crime and make recommendations to the proper authorities. The commission is given the power of subpoena and may ask the superior court for an order granting immunity from prosecution to a witness claiming the privilege of self-incrimination.

4. *Department of Justice Act.* 1952. (0). In general, this act provides for greater state supervision and control over local law enforcement agencies, including local prosecuting attorneys. The act sets up a Department of Justice, directed by the Attorney General, or alter-

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cases, a summary form of probate is permitted, with the court given broad authority to shorten the period of administration, and to facilitate the early closing of estates. Washington's statutory provisions for award in lieu of homestead and non-intervention wills only partially dispose of the problem.

<sup>33</sup> Promulgated during World War II, this act was designed to validate instruments such as deeds or wills executed by servicemen, which, but for the statute, would have been held invalid. The Washington statute approaches the problem by permitting notarization by armed forces officers and persons of similar authority.

natively by a special appointive officer. The Attorney General is then authorized to consult with and advise local prosecutors, and in certain cases to relieve them of their functions. The Governor is authorized on a showing of cause, to remove any local prosecutor. Provisions are also made requiring cooperation among all local law enforcement officers.

5. *Estates Act*. 1938. (0). This act is designed to codify the fundamental principles of real property law in America, as such law relates to estates, and is not designed to modify it. It restates in simple language many of the basic rules of the old English land law, as they are applied today. Some of the rules set out, such as sections 5 and 6 on estates for a term of years at will, and section 14 on estates in co-ownership have statutory equivalents in the Washington law of real property and wills, but for the most part the act restates rules which in Washington have been the province of the courts to determine.

6. *The Expert Testimony Act*. 1937. (2). Designed to eliminate the evils of bias and partisanship in the realm of expert testimony, this act provides that the court itself, whenever it deems it necessary, may appoint experts to testify at the trial, upon notice to all parties. Likewise, the right of a party to call an expert witness is made dependent upon court permission, and notice to the adverse party of the name and address of the expert. Further rules are provided as to examination and remuneration of experts.

7. *The Extradition of Persons of Unsound Mind Act*. 1916. (11). This act empowers the state to respond to writs seeking the extradition of insane persons who have escaped from custody in another state.

8. *The Interparty Agreement Act*. 1925. (4). To avoid the affect of the common law doctrine that a man cannot contract with any unincorporated body of which he is a member, this model act was drafted to validate all such transactions, except for those actually or constructively fraudulent.

9. *The Joint Obligations Act*. 1925. (5). Designed to correct the effect of the common law rule that a release of one joint obligor releases his co-obligor. It also provides that a judgment against a joint obligor does not discharge any co-obligor not a party to the proceeding.

10. *Police Council Act*. 1952. (0). Another of the model acts promulgated in 1952 as a consequence of the disclosures made by the Senate Crime Committee, this act is aimed at remedying the defects in police administration through the creation of a statewide council empowered to study, inspect and recommend changes.

11. *The Post-Mortem Examination Act*. 1954. (0). As stated by the Commissioners in their prefatory note to this act, the purpose of it is "to provide a means whereby greater competence can be assured in determining causes of death where criminal liability may be involved." The act imposes certain state controls and standards on local coroners.

12. *The Rule Against Perpetuities Act*. 1944. (2). This act is intended to restate the American common law rule against perpetuities, as it is generally applied in this country. The Washington legislature has left this job to the courts.

13. *State Administrative Procedure Act*. 1944. (3). Painstakingly drafted after years of study, this model act, much like the Federal Administrative Procedure Act, sets out the basic principles of fairness to be applied in state administrative proceedings. The Commissioners recognize that in the wide scope of activities engaged in by state agencies, detail and specificity in administrative standards were impossible to formulate. Rather, they confined themselves in this act to a broad treatment of fundamentals in the hope that a minimum standard of fairness might be achieved. While Washington has numerous statutory rules of procedure for various administrative agencies, no general statute such as this exists.

14. *State Witness Immunity Act*. 1952. (1). This act is designed to force a witness to waive his right against self-incrimination in certain circumstances by affording him immunity from prosecution by reason of any disclosures he may make. The act is fairly narrowly restricted to criminal proceedings before a court or a grand jury.

15. *Written Obligations Act*. 1925. (2). Intended to correct the confusion surrounding the use of seals, this short act states in its material part that any written promise is not made invalid for lack of consideration, if the writing contains an additional express statement that the signer intends to be legally bound.