

Fees.

the levy of the attachment. The fees for making and filing such transcript shall be paid by the judgment creditor, and be taxed as costs against the judgment debtor, and be collected as other costs in the case. Said statements and transcripts shall contain: 1. The names, at length, of all the parties. 2. The date of the judgment, and against whom rendered. 3. The amount or nature of the judgment and costs. 4. An abstract of the costs of each party, and to whom belonging.

SEC. 6. The foregoing sections of this act shall be embodied in the code of procedure of this state, under appropriate numbers, and be a part thereof.

Approved February 25, 1891.

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## CHAPTER XXXIX.

[S. B. No. 91.]

### FORCIBLE ENTRY OR DETAINER.

AN ACT relating to proceeding in cases of forcible entry into or forcible detainer of lands.

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

SECTION 1. There shall be added to the statutes upon forcible entry and detainer of lands the following sections, to be embodied in the code under appropriate numbers: When any forcible entry shall be made, or when an entry shall be made in a peaceable manner, and the possession shall be forcibly or unlawfully held, the person entitled to the premises may be restored to the possession thereof, by an action in the superior court, in the manner hereinafter provided. One year's quiet possession of the premises immediately preceding the filing of the complaint, by the party complained of or those under whom he holds, may be pleaded by any defendant in bar of the plaintiff's demand of possession, unless the estate therein be ended. On the trial of any proceeding for any forcible entry or forcible

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detainer, the plaintiff shall only be required to show, in addition to the forcible entry or the forcible or unlawful detainer complained of, that he was peaceably in the actual possession at the time of the forcible entry, or was entitled to the possession at the time of the forcible detainer. In case of trial by jury, the verdict shall be in form or to the effect following: "We, the jury, find the defendant guilty, in manner and form as the plaintiff in his complaint has alleged;" or, if in favor of the defendant, "We, the jury, find the defendant not guilty." Nothing contained in this chapter, nor any judgment in an action provided for in this chapter, shall prevent or be a bar to an action to recover the possession of the premises, as provided for in chapter one of this title, or to recover damages for trespass thereon or injury thereto.

Trial by jury.

Form of verdict.

Approved February 25, 1891.

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## CHAPTER XL.

[S. B. No. 92.]

### CLAIMS OF THIRD PERSONS TO PROPERTY TAKEN UPON EXECUTION.

AN ACT relating to claims of third persons to property taken upon execution or attachment, and amending sections 350 and 352 of the Code of Washington of 1881.

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

SECTION 1. Section 350 of the code of Washington of 1881 is amended to read as follows: When any other person than the judgment debtor shall claim property levied upon or attached, he may have the right to demand and receive the same from the sheriff or other officer making the attachment or levy, upon his making an affidavit that the property is his, or that he has a right to the immediate possession thereof, stating on oath the value thereof, and giving to the sheriff or officer a bond, with sureties in