

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.

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

Bond.

double the value of such property, conditioned that he will appear in the superior court of the county in which the property was seized, within ten days after the bond is accepted by the sheriff or other officer, and make good his title to the same, or that he will return the property or pay its value to the said sheriff or other officer.

SEC. 2. Section 352 of said code of 1881 is amended to read as follows: The officer shall return the affidavit, bond and justification, if any, to the office of the clerk of the superior court, and this case shall stand for trial in said court.

Approved February 25, 1891.

CHAPTER XLI.

[S. B. No. 114.]

LEGAL HOLIDAYS.

AN ACT in relation to legal holidays.

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

SECTION 1. The following days are legal holidays, namely: Sunday; the first day of January, commonly called New Year's day; the fourth day of July; the twenty-second day of February; the twenty-fifth day of December, commonly called Christmas day; and any day designated by public proclamation of the chief executive of the state as a legal holiday, or as a day of thanksgiving; the day known and observed as Memorial or Decoration day; and the day on which a general election is held throughout the state.

SEC. 2. No court shall be open, nor shall any judicial business be transacted on a legal holiday, except—1. To give, upon their request, instructions to a jury when deliberating of their verdict. 2. To receive the verdict of a jury. 3. For the exercise of the powers of a magistrate in a criminal action or in a proceeding of a criminal nature.

Limit of judicial action.