

a sum not to exceed ten dollars, one-half of which shall be applied to the support of the general library and reading room, and the remaining half shall be kept as indemnity for loss or damage of books belonging to the school in the hands of the student, and shall be returned to him after deducting such amount which may be justly charged for all loss or damage beyond reasonable wear.

Passed the House February 21, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.

CHAPTER 86.

(H. B. No. 219)

AMENDING ACT OF 1891 RELATIVE TO FORCIBLE ENTRY AND DETAINER.

AN ACT amending Sections 3, 5, 11 and 12 of an act entitled, "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891.

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

SECTION 1. That Section 3 of an act entitled, "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891, be amended to read as follows:

Section 3. A tenant of real property for a term less than life is guilty of unlawful detainer either (1) when he holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him. In all cases where real property is leased for a specified term or period by express or implied contract, whether written or by parole, the tenancy shall be terminated without notice at the expiration of such specified term or period; or (2) when he having leased real property for an indefinite time, with monthly or other periodic rent reserved continues in possession thereof, in person or by subtenant, after the end of any such month or

Definition.

Termination of tenancy.

Leasehold tenancy.

period, in cases where the landlord, more than twenty days prior to the end of such month or period, shall have served notice (in manner in this act provided), requiring him to quit the premises at the expiration of such month or period.

Default of rent, etc.

(3) When he continues in possession in person or by sub-tenant after a default in the payment of any rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner hereafter in this act provided) in behalf of the person entitled to the rent upon the person owning the same, shall have remained uncomplished with for the period of three days after service thereof. Such notice may be served at

Notice—when to be served.

any time after the rent becomes due; or (4) when he continues in possession in person or by subtenant after a neglect or failure to keep or perform any other condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sub-let, than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in the manner provided in this act) upon him, and if there be a sub-tenant in actual possession of the premises, also upon such sub-tenant, shall remain uncomplished with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any sub-tenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture; or (5) when he commits or permits waste upon

Waste upon demised premises.

therein or thereon any unlawful business, or when he erects, suffers, permits or maintains on or about said premises any nuisance, and remains in possession after service (in manner in this act provided) of three days notice to quit upon him. (6) Any person who shall, without the permission of the owner and without having any color of title thereto, enter upon the land of another and who shall fail or refuse to remove therefrom after three days notice, in writing, to be served in the manner provided in this act.

Failure to quit possession.

(6) Any person who shall, without the permission of the owner and without having any color of title thereto, enter upon the land of another and who shall fail or refuse to remove therefrom after three days notice, in writing, to be served in the manner provided in this act.

Notices—how to be served.

SEC. 2. That Section 5 of said act be amended to read as follows: Section 5. Any notice provided for in this act shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he be absent from

the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his place of residence is not known, or if a person of suitable age and discretion there can not be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a sub-tenant may be made in the same manner: *Provided*, That in cases where the tenant, or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders or persons renting such rooms shall not be considered as sub-tenants within the meaning of this act, but all such persons may be served by affixing a copy of the notice to be served on two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this act may be had upon a corporation by delivering a copy thereof to any officer, agent or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions.

SEC. 3. That Section 11 of said act be amended to read as follows: Section 11. The Sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, within which time the defendant, or those in possession of the premises, may execute to the plain-

tiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with two or more sureties to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the demised premises, by affixing a copy of said writ in a conspicuous place upon the demised premises.

Defendant's
bond.

Service of
writ.

Application
for court's
order.

Evidence.

Bondsmen to
be present.

SEC. 4. That Section 12 of said act be amended to read as follows: Section 12. The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the court or any judge thereof for an order raising or lowering the amount of any bond in this act provided for. Either party may, upon like notice, apply to the court or any judge thereof for an order requiring additional or other surety or sureties upon any such bond. Upon the hearing or any application made under the provisions of this section evidence may be given. The judge after hearing any such application shall make such an order as shall be just in the premises. The bondsmen may be required to be present at such hearing if so required in the notice thereof, and shall answer under oath all questions that may be asked them touching their qualifications as bondsmen, and in the event the bondsmen shall fail or refuse to appear at such hearing and so answer such questions the bond shall be stricken. In the event the court shall order a new or additional bond to be furnished by defendant, and the same shall not be given within twenty-four hours, the court shall order the sheriff to forthwith execute the writ. In the event the defendant shall file a second or additional bond and it shall also be found insufficient after hearing, as above provided, the right

to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the ^{Possession.} premises.

Passed the House February 14, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 6, 1905.

CHAPTER 87.

(H. B. No. 252)

AMENDING ACT OF 1895 FOR CREATION OF DIKING DISTRICTS.

AN ACT to amend Sections three and twenty-seven of an act entitled, "An act to provide for the establishment and creation of Diking Districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section three of an act of the Legislature approved March 20, 1895, entitled "An act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," be and the same is hereby amended to read as follows: Section 3. Said petition shall be presented at a ^{Petition.} regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county