

thorized agent shall upon the establishment of the right of possession of such cans, bottles, tubs or containers release the same to the person, firm or corporation entitled to the possession thereof.

Passed the Senate February 8, 1923.

Passed the House February 13, 1923.

Approved by the Governor February 24, 1923.

CHAPTER 28.

[S. B. 54.]

LIMITATION OF ACTIONS.

AN ACT relating to limitation of actions and the accrual thereof and applying to actions now barred as well as those not barred, and amending section 159 of Remington's Compiled Statutes.

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

SECTION 1. That section 159 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 159; Pierce's
Code § 8166.

Section 159. Within Three Years:

Waste or
trespass.

1. An action for waste or trespass upon real property;

Personal
property.

2. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;

Contract not
in writing.

3. An action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;

Fraud.

4. An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

5. An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and by virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution; but this subdivision shall not apply to action for an escape;

Sheriff,
coroner,
constable.

6. An action upon a statute for penalty or forfeiture, where an action is given to the party aggrieved, or to such party and the state, except when the statute imposing it prescribed a different limitation: *Provided, however,* The cause of action for such penalty or forfeiture, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitation, or the bar thereof, even though complete, shall not be deemed to accrue or to have accrued until discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise, and such liability, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitation, or the bar thereof, even though complete, shall exist and be enforceable for three years after discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise: *Provided further,* That no action heretofore barred under the provisions of this paragraph shall be commenced after ninety days from the time this act becomes effective;

Penalty or
forfeiture.

7. An action for seduction and breach of promise to marriage.

Seduction or
breach of
promise.

Passed the Senate February 2, 1923.

Passed the House February 15, 1923.

Approved by the Governor February 24, 1923.