

CHAPTER 122.

[S. B. 20.]

CONVICTION OR ACQUITTAL UPON DEFECTIVE INDICTMENT OR INFORMATION.

AN ACT relating to conviction or acquittal upon a defective indictment or information and repealing certain acts in relation thereto.

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

SECTION 1. That sections 768 and 1059 of the Code of Washington Territory of 1881 and section 60 of chapter XXVIII (28) of the Laws of 1891, pages 57-58, (section 2113 of Remington's Compiled Statutes) are hereby repealed.

Passed the Senate January 12, 1927.

Passed the House January 26, 1927.

Approved by the Governor February 11, 1927.

CHAPTER 123.

[H. B. 95.]

ACTIONS IN FORCIBLE ENTRY AND DETAINER.

AN ACT relating to actions in forcible entry, forcible detainer and unlawful detainer, and amending sections 8, 9, 10 and 11 of Chapter XCVI of the Laws of 1891.

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

SECTION 1. That section 8 of chapter XCVI (96) of the Laws of 1891, page 182, (section 817 of Remington's Compiled Statutes; section 7975 of Pierce's 1919 Code) be amended to read as follows:

Section 8. The plaintiff in his complaint, which shall be in writing, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any

Statutes
repealed.

§ 8, Ch. 96,
L. 1891;
§ 817, Rem.
Stats.;
§ 7975,
Pierce's
1919 Code.

Complaint.

Contents.

circumstances of fraud, force or violence, which may have accompanied the said forcible entry or forcible or unlawful detainer, and claim damages therefor, or compensation for the occupation of the premises, or both; in case the unlawful detainer charged be after default in the payment of rent, the complaint must state the amount of such rent. A summons must be issued as in other cases, returnable at a day designated therein, which shall not be less than six nor more than twelve days from the date of service, except in cases where the publication of summons is necessary, in which case the court or judge thereof may order that the summons be made returnable at such time as may be deemed proper, and the summons shall specify the return day so fixed.

Return day.

SEC. 2. That section 9 of chapter XCVI (96) of the Laws of 1891, page 183, (section 818 of Remington's Compiled Statutes; section 7976 of Pierce's 1919 Code) be amended to read as follows:

§ 9, Ch. 96,
L. 1891;
§ 818, Rem.
Stats.;
§ 7976,
Pierce's
1919 Code.

Section 9. The summons must state the names of the parties to the proceeding, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him. The summons must be directed to the defendant, and in case of summons by publication, be served at least five days before the return day designated therein. The summons must be served and returned in the same manner as summons in other actions is served and returned.

Summons.

SEC. 3. That section 10 of chapter XCVI (96) of the Laws of 1891, page 183, (section 819 of Remington's Compiled Statutes; section 7977 of Pierce's 1919 Code) be amended to read as follows:

§ 10, Ch. 96,
L. 1891;
§ 819, Rem.
Stats.;
§ 7977,
Pierce's
1919 Code.

Section 10. The plaintiff at the time of commencing an action of forcible entry or detainer or

Application
for writ of
restitution.

unlawful detainer, or at any time afterwards, may apply to the judge of the court in which the action is pending for a writ of restitution restoring to the plaintiff the property in the complaint described, and the judge shall order a writ of restitution to issue. The writ shall be issued by the clerk of the superior court in which the action is pending, and be returnable in twenty days after its date; but before any writ shall issue prior to judgment the plaintiff shall execute to the defendant and file in court a bond in such sum as the court or judge may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the writ of restitution having been issued, should the same be wrongfully sued out.

Return day.

Bond.

§ 11, Ch. 96,
L. 1891;
§ 820, Rem.
Stats.;
§ 7978,
Pierce's
1919 Code.

SEC. 4. That section 11 of chapter XCVI (96) of the Laws of 1891, pages 183-184, (section 820 of Remington's Compiled Statutes; section 7978 of Pierce's 1919 Code) be amended to read as follows:

Sheriff's
duty.

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, nor until after the defendant has been served with summons in the action as hereinabove provided, and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff 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 sufficient surety 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

Bond by
defendant.

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 premises, by affixing a copy of said writ in a conspicuous place upon the premises.

Notice to plaintiff.

How writ served.

Passed the House January 24, 1927.

Passed the Senate January 27, 1927.

Approved by the Governor February 11, 1927.

CHAPTER 124.

[H. B. 86.]

COMPENSATION OF COUNTY COMMISSIONERS.

AN ACT relating to compensation of county commissioners and repealing certain acts in relation thereto.

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

SECTION 1. That section 2670 of the Code of Washington Territory of 1881, and sections 3, 4, 5 and 6 of chapter LXXV (75) of the Laws of 1893, pages 176-177, are hereby repealed.

Statutes repealed.

Passed the House January 24, 1927.

Passed the Senate January 26, 1927.

Approved by the Governor February 11, 1927.