

invested, shall revert to the permanent insurance fund of said district, and the County Treasurer shall be the custodian of all warrants, bonds or other obligations purchased by and with said permanent insurance fund until the same are redeemed, and the County Treasurer shall submit a statement of such fund and warrants, bonds or other obligations as a part of his monthly report to each district.

County Treasurer to be custodian.

Statement in monthly report.

Passed the House February 10, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 188.

[H. B. 147.]

RECOVERY OF REAL PROPERTY UNLAWFULLY
DETAINED.

AN ACT providing a special proceeding for the recovery of possession of real property unlawfully detained where the agreed rent or the rental value thereof does not exceed forty dollars (\$40).

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

SECTION 1. In cases of default in the payment of rent for real property where the stipulated rent or rental value does not exceed forty dollars (\$40) per month, no notice to quit or pay rent, other than filing and serving a summons and complaint, as hereinafter provided, shall be required to render the holding of such tenant thereafter unlawful. If the landlord shall, after such default in the payment of rent, accept payment thereof, such acceptance of payment shall operate to reinstate the right of the tenant to possession for the full period fixed by the terms of any agreement relating to the right of possession.

Default grounds for action without notice.

Summons and complaint.

Unlawful detainer.

Acceptance of rent reinstates tenant.

Jurisdiction.

SEC. 2. The Superior Court of the county in which the real property or some part thereof is situated shall have jurisdiction of proceedings for the recovery of possession of said real property alleged to be wrongfully detained.

Complaint.

SEC. 3. Such proceedings shall be commenced by the filing of a complaint executed under oath by the owner or landlord or his authorized agent. It shall be sufficient to state in such complaint a description of the property with reasonable certainty, that the defendant is in possession thereof and wrongfully holds the same by reason of failure to pay the agreed rental due, or the monthly rental value of the premises.

Contents.

Order fixing trial date.

SEC. 4. Upon the filing of such complaint it may be presented to the Judge, and by order he shall forthwith fix a place and time for the trial of said cause, not more than ten (10) days after the date of making the order. A copy of the complaint, together with a copy of the summons specifying the time and place for trial, shall be served on the defendant not less than five (5) days prior to the time fixed for hearing, in the manner provided for the service of notice to quit in section 1 of chapter 26, Laws of 1911 (section 814 of Remington's Revised Statutes).

Service on defendant.

Continuance limited.

SEC. 5. No continuance shall be granted for a longer period than two (2) days unless the defendant applying therefor shall give good and sufficient security, to be approved by the Court, conditioned upon the payment of rent accrued and to accrue, if judgment be rendered against the defendant.

Hearing.

SEC. 6. At the time and place fixed for the hearing, the Court shall proceed to examine the parties orally to ascertain the merits of the complaint, and if it shall appear that there is no reasonable doubt of the right of the plaintiff to be restored to the pos-

session of said property, the Court shall enter an order directing the issuance of a writ of restitution, which shall thereupon be served by the sheriff upon the defendant. After the expiration of three (3) days from date of service, if the defendant has not surrendered possession or filed a bond as herein-after provided, the writ shall be executed by the Sheriff. If it appears to the Court that there is reasonable doubt of the right of the plaintiff to be restored to the possession of said property, the Court shall enter an order requiring the parties to proceed on the complaint filed in the usual form of action.

Writ of
restitution.

Execution.

Proviso.

SEC. 7. If the defendant feels aggrieved at an order of restitution, he may within three (3) days after the entry of the order file a bond to be approved by the Court in double the amount of the rent found to be due, plus two hundred dollars (\$200), conditioned for the payment and performance of any judgment rendered against him, and the Court shall thereupon enter an order for the parties to proceed in the usual form of action, and recall the writ of restitution.

Defendant
may stay
order by
filing bond.

SEC. 8. The filing and service of a complaint under this act shall be equivalent to the notice required to pay rent or surrender possession under section 1 of chapter 86, Laws of 1905 (section 812, Remington's Revised Statutes).

Authority of
complaint.

SEC. 9. The Clerk's fee under this act shall be three dollars (\$3) for filing the complaint and all orders of the court including the issuance of a writ of restitution. The Sheriff's fee shall be the same as in other civil actions.

Filing fee.

SEC. 10. The plaintiff shall not be required to give bond to the defendant or the Sheriff for the issuance or execution of the writ of restitution, and the Sheriff shall not be liable for damages to the defendant for the execution of the writ of restitution

No bond
required of
plaintiff.Sheriff not
liable on
execution
of writ.

hereunder, but any such damage to which the defendant may be entitled shall be recoverable against the plaintiff only.

Passed the House February 13, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 189.

[H. B. 218.]

REGULATING SALE OF CANTALOUPE AND POTATOES.

AN ACT relating to the cantaloupe and the potato industry, providing for certain orders and regulations relative to the sale thereof, prescribing powers and duties of the Director of Agriculture, and prescribing penalties.

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

SECTION 1. It shall be the duty of every Horticultural Inspector to inspect potatoes or cantaloupes before the same are shipped and if he shall find that the same comply with the laws of the State of Washington and the rules and regulations of the Department of Agriculture promulgated thereunder, to issue to the person in charge thereof a certificate of inspection or permit to ship said potatoes or cantaloupes and it shall be unlawful for any person, firm, association or corporation to ship or have any carrier to transport potatoes or cantaloupes unless such certificate of inspection or permit shall have been obtained from a Horticultural Inspector in a manner specified above.

Duty of inspectors.

Inspection.

Certificate to ship.

Duty of seller.

SEC. 2. It shall be unlawful for any person, firm, association or corporation to sell or expose for sale in the State of Washington to any retailer any potatoes or cantaloupes without giving information