

unless upon an information filed by the prosecuting attorney, or upon an indictment by a grand jury, except in cases of misdemeanor or gross misdemeanor before a justice of the peace, or before a court martial. Exceptions.

SEC. 2. That section 10 of chapter XXVIII of the Laws of 1891 is hereby repealed. Statute repealed.

Passed the Senate January 13, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 104.

[S. B. 43.]

SUPPORT OF FAMILY OF DECEASED PERSONS: HOMESTEAD.

AN ACT relating to provisions for the support of the family of deceased persons, and amending Section 104 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 104 of chapter 156 of the Laws of 1917, pages 671-672, (section 1474 of Remington's Compiled Statutes; section 9894 of Pierce's 1919 Code) be amended to read as follows: § 104, Ch. 156, L. 1917; § 1474, Rem. Stats.; § 9894, Pierce's 1919 Code.

Section 104. In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed two thousand dollars (\$2,000.00), exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in Awarding of homestead to surviving spouse.

Value not exceeding \$2,000.00.

Additional property awarded.

Total awarded to equal \$3,000.00.

When awards from separate property not permitted.

fee simple in the survivor. In addition thereto, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, shall set off and award to such survivor, other property, either separate or community, not to exceed one thousand dollars (\$1,000.00) in value, exclusive of all such liens. If the value of the homestead, exclusive of all such liens, be less than two thousand dollars (\$2,000.00), the court shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens, when added to the value of the other property awarded, exclusive of all such liens, shall equal three thousand dollars (\$3,000.00). Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions: *Provided*, That the awards in this and the next preceding section provided for, shall not be taken from separate property of the deceased, which is otherwise disposed of by will, where there is no minor child living as the issue or adopted child of the surviving spouse and the deceased.

Passed the Senate January 12, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.