

## CHAPTER LXXXVI.

[H. B. No. 164.]

RELATING TO PRIVATE SALES OF REAL PROPERTY  
BELONGING TO ESTATES.

AN ACT relating to private sales of real property belonging to estates of decedents, minors and insane persons.

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

SECTION 1. That real property belonging to the estates of decedents, minors, idiots and insane persons, may be sold at private sale according to the following provisions.

When property  
may be sold at  
private sales.

SEC. 2. That when the court is satisfied, after a full hearing upon the petition and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for any of the causes specified in the laws of the State of Washington, or if such sale be assented to by all the persons interested in a decedent estate, an order must be made to sell the whole or so much and such parts of the real estate described in the petition as the court shall judge necessary or beneficial, at either public or private sale.

Public auction.

SEC. 3. The order of sale must describe the lands to be sold and the terms of sale, which may be for cash or on a credit not exceeding one year, payable in gross or in installments, and in such kind of money with interest as the court may direct. The land may be sold in one parcel or in subdivisions as the executor, administrator or guardian shall judge most beneficial to the estate, unless the court otherwise specially directs. Every such sale must be ordered to be made at public auction, unless in the opinion of the court it would benefit the estate to sell the whole or some part of such real estate at private sale. The court may, if the same is asked for in the petition, order or direct such real estate or any part thereof to be sold at either public or private sale, as the executor, administrator or guardian shall judge most beneficial for the estate. If the executor, administrator or guardian rejects or refuses to make a sale under the order, and as directed therein, he may be compelled to sell by order of the court made on motion after due notice by any party interested.

Discretion of  
court.

SEC. 4. When a sale of real estate is ordered to be made Notice of sale. at private sale, notice of the same must be posted up in three of the most public places in the county in which the land is situated, and published in a newspaper if there is one printed in the same county; if none, then in such paper as the court or a judge thereof may direct, for two weeks successively next before the day on which the sale is to be made, in which the lands and tenements to be sold must be described with common certainty. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to must be at least fifteen days from the first publication of notice, and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and may be Written bids. left at the place designated in the notice, or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale. If it be shown that it will be for the best interest of the estate the court or judge may by an order shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen, but not less than eight days from the first publication of the notice of sale, and the sale may be made to correspond with such order.

SEC. 5. No sale of real estate at private sale shall be confirmed by the court unless the sum offered is at least Confirmation of sale. ninety per cent. of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or low, appraisers must be appointed, and they must make an appraisement thereof in the same manner as in case of an original appraisement of an estate; this may be done at any time before the sale or the confirmation thereof.

SEC. 6. The executor, administrator or guardian must, Security on credit sales. when the sale is made upon a credit, take the notes of the

purchaser for the purchase money, with a mortgage on the property to secure their payment.

Return of sale.

SEC. 7. The executor, administrator or guardian after making such sale of real property must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the sale. A hearing upon the return of the proceedings may be asked for by any interested party by petition, and thereupon the court or judge must fix the day for the hearing, of which notice of at least ten days must be given by the clerk, by notices posted in three public places in the county, or by publication in a newspaper, or both, as the court or judge shall direct, and must briefly indicate the land sold, the sum for which it was sold, and must refer to the return for further particulars. Upon the hearing the court must examine the return and witnesses in relation to the same, and if the proceedings were unfair or the sum bid disproportionate to the value, and if it appear that a sum exceeding such bid at least ten per cent., exclusive of the expenses of a new sale, may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place; if an offer of ten per cent. more in amount than that named in the return be made to the court in writing by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person, or to order a new sale.

Vacation of sale.

Confirmation proceedings.

SEC. 8. When the return of the sale is made and filed, any person interested in the estate may file written objections to the confirmation thereof, and may be heard thereon when the return is heard by the court or judge, and may produce witnesses in support of his objections.

SEC. 9. If it appears to the court that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, and that a greater sum, as above specified, cannot be obtained, or if the increased bid in section seven of this act be made and accepted by the court, the court must make an order confirming the sale and directing conveyances to be executed.

SEC. 10. That in all other respects such sales shall be governed by the laws of the State of Washington now in force governing the sale of real property belonging to such estates.

SEC. 11. All acts or parts of acts conflicting in any manner with this act are hereby repealed.

Approved March 6, 1891.

## CHAPTER LXXXVII.

[H. B. No. 195.]

### TO REGULATE SALMON AND STURGEON FISHING.

AN ACT to regulate salmon and sturgeon fishing in the rivers and waters of this state, and over which it has concurrent jurisdiction.

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

SECTION 1. That from and after the first day of January, 1892, it shall be unlawful for any person to fish for or take for sale or profit any salmon, sturgeon or other food fish in any of the rivers or waters of this state, or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States, or has declared his intention to become such one year prior thereto, and is and has been for six months immediately prior to the time he engages in such business an actual resident of the state.

Prohibition  
against for-  
eigners and  
non-residents.

SEC. 2. Any person desiring to fish for salmon, sturgeon or other food fish in any such rivers or waters may go before any county clerk of any county of this state and furnish satisfactory evidence of his citizenship, or of the fact that he has declared his intentions to become such one year prior thereto, and file his own affidavit and the affidavit of two other persons to the effect that he is and has been for six months prior thereto an actual *bona fide* resident of this state, and thereupon such recorder or clerk shall issue to him a certificate briefly reciting those facts, and thereafter

Recorders' cer-  
tificate.