

Proviso.

receive or record any such plat or map until the same shall have been approved by the mayor and common council of the municipality in which the property so platted be situated, or if such property be not situated within any municipal corporation, then such plat must be first approved by the board of county commissioners of such county: *Provided further*, That the auditor shall not receive for record any plat, map or subdivision of land bearing a name the same or similar to the name of any map or plat already on record in his office.

SEC. 13. All acts or parts of acts in conflict with this act shall be and the same are hereby repealed.

Emergency.

SEC. 14. An emergency is hereby declared to exist, and this act shall be in force on and after its passage and approval.

Approved March 11, 1893.

---

## CHAPTER CXX.

[H. B. No. 340.]

### CONCERNING INSANE PERSONS AND PERSONS NON COMPOS MENTIS RESIDING OUT OF THE STATE.

AN ACT concerning insane persons and persons *non compos mentis* residing out of the State of Washington; prescribing a mode of procedure for the control and management of the estates and property of such persons and the payment of their debts, and declaring an emergency.

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

SECTION 1. Whenever any insane person or person *non compos mentis* who resides without this state, and who shall have no guardian within this state, or, if he or she has a foreign guardian, the said guardian may file an authenticated copy of his letters of guardianship in the office of the clerk of the superior court of any county in this state in which there may be property of his ward, and upon the filing of such authenticated copy of his letters of

Guardian to  
file letters of  
guardianship.

guardianship as aforesaid, the court shall order him to enter into a good and sufficient bond, in such sum as the court may require, conditioned and subject to all the provisions of law concerning the bonds of guardians of minors in this state, with sufficient freehold surety resident in said county. After said bond is duly approved by the court said guardian shall be considered for all purposes as a domestic guardian.

SEC. 2. Should the said foreign guardian fail to file a duly authenticated copy of his said letters of guardianship and the bond required by section 1 of this act within ninety days after his appointment as such foreign guardian, or within ninety days after such insane person or person *non compos mentis* shall become the owner of any real estate or personal property within this state, or, should said insane person or person *non compos mentis* have no guardian without this state, any creditor or other person interested in the property or estate of such insane person or person *non compos mentis* may apply by petition, to the superior court of any county in this state where any of the real estate or personal property of such insane person or person *non compos mentis* may be situated, for letters of guardianship for the estate and property of such insane person or person *non compos mentis*.

SEC. 3. Upon the hearing of such petition, on a day to be fixed by the court, and upon proof of the insanity of such person, or that such person is *non compos mentis*, the court may appoint the petitioner or some other suitable person possessing all of the qualifications necessary or requisite for the guardianship of a minor of this state as such guardian, who, upon the filing and approval of a bond as is provided herein for foreign guardians, shall be the duly constituted guardian of the estate of such ward in this state: *Provided*, Nothing herein shall annul the appointment of any ancillary guardians heretofore appointed by any court of this state, which appointments are hereby ratified, and all such ancillary guardians shall hereafter be subject to all the provisions of this act.

SEC. 4. It shall be the duty of the guardian who has been appointed as hereinbefore provided, to cause to be

Bond.

On failure of foreign guardian to file letters of guardianship, any person may petition for letters of guardianship.

Guardian to  
publish notice  
to creditors  
requiring  
presentation  
of claims.

published in a newspaper published in the county in which he was appointed, if any there be, and if there be no newspaper published in said county, then in a newspaper to be designated by the court, a notice to the creditors of the said ward requiring them to present their claims, with the necessary vouchers, within a time to be fixed by the court, at a place of residence or business of such guardian, to be specified in the notice; such notice shall be published as often as the court shall deem necessary, not less than once a week for four successive weeks.

Duty of  
guardian.

SEC. 5. It shall be the duty of every such guardian —

1. To make and file within thirty days after his appointment a full inventory, verified by his oath, of all the real or personal property of such ward, with the value of the same, and on failure so to do it shall be the duty of the court to remove him and appoint a successor.

2. To manage the personal and real estate of his said ward to the best interest of said ward.

3. To render under oath to the said court an account of his receipts and expenditures as such guardian, verified by vouchers or proofs, at least once in every two years, or whenever cited by the court to do so. On failure to so account he shall be in contempt of court and subject to such penalties as the court may fix.

4. To pay all just debts due from said ward and collect all debts due said ward by action or otherwise and in case of doubtful debts, under the order of the court, to compound the same, and to appear for and defend or cause to be defended all suits against said ward.

Disposition of  
community  
real estate  
for paying  
existing debts.

SEC. 6. In all cases where guardians have been or may hereafter be appointed for insane persons or persons *non compos mentis*, under the provisions of this act, and who own or may hereafter own community real estate, the husband or wife of such insane person or person *non compos mentis*, under the order of the court, may join with the guardian in the execution of deeds or mortgages for the disposition or encumbrance of such estate, and the guardian shall, upon application to the court for that purpose, be authorized to sell or mortgage the estate or interest of the said insane person or person *non compos mentis* for the

purpose of paying the debt or providing for the support or maintenance of such ward or the wife of such ward or for the better investment of the proceeds of such estate.

SEC. 7. In all cases where community debts exist and Failure to provide for debts. the husband or wife of any insane person or person *non compos mentis*, under guardianship, shall fail or refuse for sixty days after an order of the court, to join the said guardian in a sale or conveyance or mortgage of the said community property of the said insane person or person *non compos mentis*, found necessary by the court for the payment of such community debts, any creditor may commence his action by attachment against any such insane person or person *non compos mentis*, and the husband or wife of the said insane person or person *non compos mentis* and the guardian provided for in this act: *Provided*, That any suit or suits which may have heretofore or may here- Proviso. after be brought for the purpose of subjecting the property of such insane person or person *non compos mentis* to the payment of the debts of such insane person or person *non compos mentis*, shall be consolidated, and in case the writs of attachment levied in such actions shall not have been levied upon all community property of such insane person or person *non compos mentis*, alias writs of attachment may issue and successive levies may be made of them to cover and bring into court all of the property of such insane person or person *non compos mentis* and the husband or wife of either. Such action may be brought only in the court granting the letters of guardianship, and writs of attachment may issue to any county in this state where the said insane person or person *non compos mentis* may have any property. All known creditors, whether secured by mortgage or otherwise, shall be made parties to such action, and all suits or actions brought for the purpose of enforcing any mortgage or lien shall be consolidated with said action. Parties to action. All creditors shall be made parties to such action and the same shall be prosecuted for the benefit of all creditors, whether they may be made parties or not, and the person so bringing the action herein provided for shall share *pro rata* with all other creditors, and upon the trial of such ac-

Sale of community property.

Proceeds of sale.

Confirmation of sale.

tion the court may, upon proofs, render such judgment as may be necessary for the protection of all parties, and shall settle and decree the priorities between creditors. The guardian may employ counsel in any such action, and the compensation of such counsel shall be fixed by the court and taxed as a part of the cost in such action. After judgment the court shall order the community property of such insane person or person *non compos mentis* sold, and under the order of sale in such action the separate property of such insane person or person *non compos mentis* shall also be sold if the same shall be found by the court to be necessary to pay the debts of such insane person or person *non compos mentis*, and the proceeds of such sale shall be paid into court for distribution according to the priorities as decreed by the court, and any residue or overplus remaining in the court after paying all the debts found due shall be paid over to the guardian. This act shall not suspend or abrogate the existing liens of any attachment, mortgage or other lien, and all such liens shall merge into the judgment of the court rendered in such action according to the priority of each. The court may order all or such part of the community and separate property of the said insane person or person of unsound mind, as it may deem necessary for the payment of the judgment rendered, to be sold, and successive sales may be made under such judgment until an amount sufficient to pay such judgment is realized. All such sales shall be confirmed by the court as in cases of mortgage or other sales, and the court may, if it deem the amount bid at any sale inadequate, order a resale of any property sold under said order.

SEC. 8. When it shall appear to the court that all the real and personal property of such ward has been sold and the debts herein authorized to be paid have been satisfied, and that there are moneys and property in the hands of such guardian, upon the foreign guardian of such ward filing with the clerk of said court a duly certified copy of his appointment as such guardian, by a court of competent jurisdiction in any state or territory where said ward resides, with a copy of his bond, the sufficiency of which

shall be certified by the said court, the court shall order all money and property in the hands of the said guardian in this state to be paid and turned over to the said foreign guardian upon his receipting therefor, and upon the filing of the said receipt by the said guardian with the clerk of the court, said guardian and his sureties shall be released from all liabilities for all money and property so paid and turned over, and should said guardian fail or refuse to pay or turn over such money or property as provided in said order, the said foreign guardian is hereby empowered as such guardian to sue for and receive the same.

SEC. 9. The sureties on the bond of any such guardian appointed in this state may be discharged from all liability thereunder under the same rules and regulations as are prescribed for the discharge of the sureties upon the bonds of executors and administrators in this state. Release of sureties on bond of guardian.

SEC. 10. Sections 3071, 3072, 3073, 3074, 3075, 3076, 3077 and 3078 of Vol. I, Hill's Annotated Statutes and Code of Washington are hereby repealed, and inasmuch as there is no statute providing for the appointment of guardians for non-resident insane and persons *non compos mentis*, an emergency is hereby declared to exist for the immediate taking effect of this act, therefore this act shall take effect and be in force from and after its passage. Emergency.

Approved March 11, 1893.

---

## CHAPTER CXXI.

[H. B. No. 162.]

### RELATING TO APPEALS FROM ORDERS OR DECISIONS OF COUNTY COMMISSIONERS.

AN ACT to amend section 2695 of the Code of Washington of 1881, the same being; section 298 of volume one of Hill's Annotated Statutes and Codes of Washington, relating to appeals to the superior court from any decision or order of the board of county commissioners.

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

SECTION 1. That section 2695 of the Code of Washington of 1881, the same being section 298 of volume one of