

CHAPTER 160.

[S. B. 49.]

DESCENT OF REAL ESTATE.

AN ACT relating to descent of real property and amending Section 3302 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 3302 of the Code of Washington Territory of 1881, (section 1341 of Remington's Compiled Statutes; section 9847 of Pierce's 1919 Code) be amended to read as follows:

§ 3302, Code of 1881; § 1341, Rem. Stats.; § 9847, Pierce's 1919 Code.

Section 3302. When any person shall die seized of any lands, tenements or hereditaments, or any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, as his separate estate, not having devised the same, they shall descend subject to the debts as follows:

Rule of descent of real property.

First. If the decedent leaves a surviving husband or wife and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife, and child, or issue of such child.

Surviving spouse and one child.

If the decedent leaves a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one-third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child by right of representation.

Surviving spouse and more than one child.

If there be no child of the decedent living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation.

Surviving spouse and no children.

Second. If the decedent leaves no issue, the estate goes in equal shares to the surviving husband or wife, and to the decedent's father and mother, if

Lineal descendants.

No issue. Surviving spouse and decedent's parents.

Brothers  
and sisters  
of decedent.

both survive, or to the surviving father or mother in case only one survive the decedent. If there be no father nor mother, then one-half goes in equal shares to the brothers and sisters of the decedent and to the children of any deceased brothers or sisters, by right of representation. If there be no brothers nor sisters of the decedent, then one-half goes to the children of any deceased brothers or sisters, by right of representation. If the decedent leaves no issue, nor husband, nor wife, the estate must go to his father and mother or the survivor of them.

When all to  
parents.

To brothers  
and sisters  
or their rep-  
resentatives.

Third. If there be no issue, nor husband, nor wife, nor father and mother, nor either, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation.

All to sur-  
viving  
spouse.

Fourth. If the decedent leaves a surviving husband or wife and no issue, and no father nor mother, nor brother, nor sister, nor nephew, nor niece, the whole estate goes to the surviving husband or wife.

When chil-  
dren take  
whole  
estate.

Fifth. If the decedent leaves no husband or wife the estate goes in equal shares to his children, and to the issue of any deceased child, by right of representation.

Next of kin.

Sixth. If the decedent leaves no issue, nor husband, nor wife, and no father nor mother, nor brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote.

Descent  
when sur-  
viving child  
dies under  
age.

Seventh. If the decedent leaves several children or one child and the issue of one or more other children, and any such surviving child dies under age, and not having been married, all the estate that comes to the deceased child by inheritance from such

decedent, descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

Eighth. If at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent, descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

Death of surviving child under age: Rule of descent.

The words "issue", "child" and "children" wherever used in this section shall be construed to include lawfully adopted children.

Terms construed.

Passed the Senate January 20, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

## CHAPTER 161.

[S. B. 52.]

### MOTOR VEHICLES AS COMMON CARRIERS—ACTIONS AGAINST FOR DAMAGES.

AN ACT relating to actions for damages resulting from careless, negligent and unlawful acts of common carriers of passengers upon public highways, and amending Section 3 of Chapter 57 of the Laws of 1915.

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

SECTION 1. That section 3 of chapter 57 of the Laws of 1915, pages 228-229, (section 6384 of Remington's Compiled Statutes; section 237 of Pierce's 1919 Code) be amended to read as follows:

§ 3, Ch. 57, L. 1915; § 6384, Rem. Stats.; § 237, Pierce's 1919 Code.

Section 3. Every person injured or damaged by any careless, negligent or unlawful act of any per-