

ington, and by the Congress of the United States, the boundary line as so fixed and established by said compact and treaty shall thereupon be and constitute the permanent and fixed boundary line between the said states of Oregon and Washington.

SEC. 5. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any monies in the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, which shall be drawn on vouchers signed by the chairman of said commission, and countersigned by the secretary thereof.

Vetoed.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Effective immediately.

Passed the Senate February 4, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 24, 1937, with the exception of section 5 which is vetoed.

CHAPTER 28.

[S. B. 114.]

PROBATE LAW.

AN ACT relating to probate law and procedure, and adding certain sections to the code of probate law and procedure established by chapter 156 of the Laws of 1917, as amended (being Remington's Revised Statutes, sections 1371-1592, inclusive), and amending certain sections of said code.

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

SECTION 1. That a new section be added to Remington's Revised Statutes which shall be known as section 1590-1, which shall read as follows:

Adds § 1590-1, Rem. Rev. Stat. (§ 9795-11 P. C.)

Section 1590-1. If, at any hearing upon the final account or report of any executor, administrator or

Disapproval of final report.

guardian, it shall appear to the court before which said proceeding is pending that said executor, administrator or guardian has not fully accounted to the beneficiaries of his or her trust and that said final report or account should not be approved as rendered, the court may continue said hearing to a day certain and may cite the surety or sureties upon the bond of said executor, administrator or guardian to appear upon the date fixed in said citation and show cause why the account should not be disapproved and judgment entered for any deficiency against said executor, administrator or guardian and the surety or sureties upon his or her bond. Said citation shall be personally served upon said surety or sureties in the manner provided by law for the service of summons in civil actions and shall be served not less than twenty days previous to said hearing. At said hearing any interested party, including the surety so cited, shall have the right to introduce any evidence which shall be material to the matter before the court. If, at said hearing, the final account of said executor, administrator or guardian shall not be approved and the court shall find that said executor, administrator or guardian is indebted to the beneficiary or beneficiaries of his or her trust in any amount, said court may thereupon enter final judgment against said executor, administrator or guardian and the surety or sureties upon his or her bond, which judgment shall be enforceable in the same manner and to the same extent as judgments in ordinary civil actions.

The words "executor" and "administrator," as used herein, shall be deemed and construed to also mean executrix and administratrix.

SEC. 2. That a new section be added to Remington's Revised Statutes which shall be known as section 1590-2, which shall read as follows:

Section 1590-2. If, in any probate or guardianship proceeding, any executor, administrator or

Adds  
§ 1590-2, Rem.  
Rev. Stat.  
(§ 9795-12  
P. C.)

Proceedings  
to compel an  
accounting.

guardian shall fail or neglect to account to the court for his or her trust and any beneficiary or other interested party shall be reasonably required to employ legal counsel to institute legal proceedings to compel an accounting, or if an erroneous account or report shall be rendered by any executor, administrator or guardian and any beneficiary of said trust or other interested party shall be reasonably required to employ legal counsel to resist said account or report as rendered, and upon a hearing an accounting shall be ordered, or the account as rendered shall not be approved, and the said executor, administrator or guardian shall be charged with further liability, the court before which said proceeding is pending may, in its discretion, in addition to statutory costs, enter judgment for a reasonable attorney's fees in favor of the person or persons instituting said proceedings and against said executor, administrator or guardian, and in the event that the surety or sureties upon the bond of said executor, administrator or guardian be made a party to said proceeding, then jointly against said surety and said executor, administrator or guardian, which judgment shall be enforced in the same manner and to the same extent as judgments in ordinary civil actions.

SEC. 3. That section 1494 of Remington's Revised Statutes be amended to read as follows:

Section 1494. Whenever it shall appear to the satisfaction of the court that any portion or all of the real property should be sold or mortgaged for the purpose of raising money to pay the debts and obligations of the estate, and the expenses of administration, inheritance tax or for the support of the family, or for such other purposes as the court may deem right and proper, the court may order the sale or mortgage of such portion of the property as appears to the court necessary for the purpose afore-

Amends  
§ 1494, Rem.  
Rev. Stat.  
(§ 9976 P. C.)

Real prop-  
erty, sale or  
mortgage.

**Petition.**

said. It shall be the duty of the executor or administrator to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and obligations of the estate and such other things as will tend to assist the court in determining the necessity for the sale or mortgage and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition for sale or mortgage need be given, except as provided in section 1434 hereof; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the purpose of determining whether it should order any of the property of the estate sold or mortgaged. The absence of any allegation in the petition shall not deprive the court of jurisdiction to order said sale or mortgage, and the court may, if it see fit, order such sale or mortgage or both without any petition having been previously presented.

Passed the Senate January 28, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 26, 1937.