

If the commission fails to act within fourteen days after receipt of notice any such owner or occupant may trap or kill such animals, but if he does so such person must notify the commission regarding the number of such animals disposed of and when possible surrender the pelts thereof to the commission.

Owner may act where commission fails.

[Chapter 77.20 R.C.W. is Rem. Supp. 1947, §§ 5992-73 to 5992-80 incl.]

[R.C.W. 77.20.010 to 77.20.060 incl. is Rem. Supp. 1947, §§ 5992-73 to 5992-78 incl.]

Passed the Senate March 8, 1951.

Passed the House March 8, 1951.

Approved by the Governor March 20, 1951.

CHAPTER 263.

[S. B. 108.]

MOTOR VEHICLE FUEL TAX—REFUND.

AN ACT relating to the motor vehicle fuel tax; creating a right for refund thereof; and amending section 82.36.280, R.C.W.

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

SECTION 1. Section 82.36.280, R.C.W., as derived from section 5, chapter 84, Laws of 1943, is amended to read as follows:

Amendment.

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price

Refund of motor fuel excise tax; motor vehicle not licensed for use on public highways.

Same: United States vehicle operated off the public highways.

of such fuel. No refund shall be made for motor vehicle fuel consumed in any motor vehicle as herein defined licensed to be operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed in a motor vehicle owned by the United States and operated off the public highways for the official use thereof.

[R.C.W. 82.36.280 was derived from Rem. Supp. 1945, § 8327-18, part (second para. through first proviso).]

Passed the Senate March 8, 1951.

Passed the House March 8, 1951.

Approved by the Governor March 20, 1951.

CHAPTER 264.

[S. B. 100.]

PROBATE—AWARD IN LIEU OF HOMESTEAD.

AN ACT relating to probate law and procedure; providing for the rewarding and setting aside of property of decedent to surviving spouse in lieu of homestead; and amending sections 11.52.010 and 11.52.020, R.C.W.

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

Amendment.

SECTION 1. Section 11.52.010, R.C.W., as derived from section 103, chapter 156, Laws of 1917, as last amended by section 1, chapter 102, Laws of 1949, is divided into sections 2 to 5, inclusive herein, and is amended to read as follows:

Award to surviving spouse in lieu of homestead.

SEC. 2. If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either com-