

of any fruit, shade or ornamental tree or trees, or any vine, shrub, plant, bulb or root, by substituting inferior or different varieties, or who shall falsely represent the name, age or class of any such fruit, shade or ornamental tree or trees, or any vine, shrub, plant, bulb, root, garden or field seeds, shall be guilty of a misdemeanor, and on conviction be fined not less than ten dollars (\$10) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, and shall be liable to the party or parties damaged or injured thereby in treble the amount of all damages sustained, to be recovered in any court having jurisdiction thereof.

SEC. 2. An emergency is declared to exist for the immediate operation of this act: therefore, it shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

CHAPTER CV.

[H. B. No. 149.]

RELATING TO DESCENT OF REAL PROPERTY.

AN ACT in relation to the descent of real estate of deceased persons and sales thereof by executors and administrators, and quieting titles acquired by descent.

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

SECTION 1. When a person dies seized of lands, tenements or hereditaments, or any right thereto or entitled to any interest therein in fee or for the life of another, his title shall vest immediately in his heirs or devisees, subject to his debts, family allowance, expenses of administration and any other charges for which such real estate is liable under existing laws. No administration of the estate of

Real property,
descent of.

such decedent, and no decree of distribution or other finding or order of any court shall be necessary in any case to vest such title in the heirs or devisees, but the same shall vest in the heirs or devisees instantly upon the death of such decedent: *Provided*, That no person shall be deemed a devisee until the will has been probated. The title and right to possession of such lands, tenements, or hereditaments so vested in such heirs or devisees, together with the rents, issues and profits thereof, shall be good and valid against all persons claiming adversely to the claims of any such heirs, or devisees, excepting only the executor or administrator when appointed, and persons lawfully claiming under such executor or administrator; and any one or more of such heirs or devisees, or their grantees, jointly or severally, may sue for and recover their respective shares or interests in any such lands, tenements, or hereditaments and the rents, issues and profits thereof, whether letters testamentary or of administration be granted or not, from any person except the executor or administrator and those lawfully claiming under such executor or administrator.

Title, effected when.

SEC. 2. This act shall apply to and govern the transmission of title of lands, tenements and hereditaments in the case of the estates of persons hereafter dying and of persons already deceased, whether letters testamentary or of administration have been granted on such estates or not, and the title of all heirs and devisees, and their grantees, to any such real property is hereby confirmed and made valid to the same extent as if this act had been passed before the death of such decedent.

Debts.

SEC. 3. No real estate of a deceased person shall be liable for his debts unless, letters testamentary or of administration be granted within six (6) years from the date of the death of such decedent.

"Heirs," meaning of.

SEC. 4. The word "heirs" shall be construed as meaning the person or persons to whom land, tenements and hereditaments descend as defined in sections from 3302 to 3315, both inclusive, of the Code of Washington of 1881.

Community interests.

SEC. 5. This act shall apply to community real property and also to separate estate; and upon the death of either

husband or wife, title of all community real property shall vest immediately in the person or persons to whom the same shall go, pass, descend or be devised, as provided in section 3303 of the Code of Washington of 1881, subject to all the charges mentioned in section one of this act.

SEC. 6. Nothing in this act shall have the effect to pre- Liability. vent the real estate of a person deceased for six years prior to the going into effect of this act from being liable for his debts, where letters testamentary or of administration of the estate of such deceased person shall be issued prior to one year after the going into effect of this act.

Passed the house March 1, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

CHAPTER CVI.

[H. B. No. 77.]

RELATING TO OFFICIAL BONDS.

AN ACT relating to official bonds of state, county, city, town and precinct officers.

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

SECTION 1. All persons or boards whose duty by law it now is or hereafter may be to approve official bonds may accept and approve official bonds made by responsible surety or guaranty or insurance companies organized for that purpose, and authorized to do business in this state.

SEC. 2. This act shall not repeal the laws now in force relating to official bonds, but shall be considered supplemental thereto and construed therewith.

Passed the house February 25, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.