

Foreign cor-
porations
doing busi-
ness in state.

ferred upon trust companies organized under this act by first obtaining permission from the state bank examiner: *And provided further*, That this act and chapter shall not apply to any foreign corporation engaged in the business of loaning money on mortgage security which does not accept deposits or receive from citizens of the State of Washington property or money in trust or on deposit or for investment. In case any foreign corporation whose name contains the word "trust," or whose articles of incorporation empower it to do a trust business, desires to engage in business of loaning money on mortgage security in this state, it shall file, in addition to its articles of incorporation or association, a resolution of its governing board, duly attested by its president and secretary, expressly stating that it will not receive deposits in the State of Washington or accept from citizens and residents of the State of Washington property and money, or either, in trust for investment.

Passed the House March 2, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

CHAPTER 39.

[H. B. 153.]

ABSENTEES' ESTATES.

AN ACT relating to the management, control and disposition of property belonging to absentees.

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

Property of
absentees.

SECTION 1. Whenever it shall be made to appear by petition to any judge of the superior court of any county that there is property in such county, either real or personal, that requires care and attention, or is in such a condition that it is a menace to the public health, safety or welfare, or that the custodian of such property appointed by the owner thereof is either unable or unwilling to con-

tinue longer in the care and custody thereof, and that the owner of such property has absented himself from the county and that his whereabouts is unknown and cannot with reasonable diligence be ascertained, which petition shall state the name of the absent owner, his approximate age, his last known place of residence, the circumstances under which he left and the place to which he was going, if known, his business or occupation and his physical appearance and habits so far as known, the judge to whom such petition is presented shall set a time for hearing such petition not less than six weeks from the date of filing, and shall by order direct that a notice of such hearing be published for three successive weeks in a newspaper published in the county where such petition is filed and in such other counties and states as will in the judgment of the court be most likely to come to the attention of the absentee or of persons who may know his whereabouts, which notice shall state the object of the petition and the date of hearing, and set forth such facts and circumstances as in the judgment of the court will aid in identifying the absentee, and shall contain a request that all persons having knowledge concerning the absentee shall advise the court of the facts. If it shall appear at such hearing that the whereabouts of the absentee is unknown, but there is reason to believe that upon further investigation and inquiry he may be found, the judge may continue the hearing and order such inquiry and advertisement as will in his discretion be liable to disclose the whereabouts of the absentee, but when it shall appear to the judge at such hearing or any adjournment thereof that the whereabouts of the absentee cannot be ascertained, he shall appoint a suitable person resident of the county as trustee of such property, taking into consideration the character of the property and the fitness of such trustee to care for the same, preferring in such appointment the husband or wife of the absentee to his presumptive heirs, the presumptive heirs to kin more remote, the kin to strangers, and creditors to those who are not otherwise interested, provided they

Petition for court to assume control.

Publication of notice.

Hearing.

Appointment of trustee.

are fit persons to have the care and custody of the particular property in question and will accept the appointment and qualify as hereinafter provided.

Inventory
and
appraisal.

SEC. 2. The trustee so appointed shall make, subscribe and file in the office of the clerk of the court an oath for the faithful performance of his duties, and shall, within such time as may be fixed by the judge, prepare and file an inventory of such property, and the judge shall thereupon appoint three disinterested and qualified persons to appraise such property, and report their appraisement to the court within such time as the court may fix. Upon the coming in of the inventory and appraisement, the judge shall fix the amount of the bond to be given by the trustee, which bond shall in no case be less than the appraised value of the personal property and the annual rents and profits of the real property, and the trustee shall thereupon file with the clerk of the court a good and sufficient bond in the amount fixed and with surety to be approved by the court, conditioned for the faithful performance of his duties as trustee, and for accounting for such property, its rents, issues, profits and increase.

Bond of
trustee.

Reports of
trustee.

SEC. 3. The trustee shall, at the expiration of one year from the date of his appointment and annually thereafter and at such times as the court may direct, make and file a report and account of his trusteeship, setting forth specifically the amounts received and expended and the conditions of the property.

Sale of
property.

SEC. 4. If the property or any part thereof be personal property of a perishable nature or property likely to deteriorate in value, or if necessary to pay debts against the absentee which have been duly approved and allowed in the same form and manner as provided for the approving and allowing of claims against the estate of a deceased person the trustee may sell the same under order of the court so to do, at public or private sale, and upon such terms and notice as the court may direct, and shall hold the proceeds of such sale, after deducting the necessary expenses thereof, subject to the order of the court.

The trustee is authorized and empowered to, by order of the court, expend the proceeds received from the sale of such property, and also the rents, issues and profits accruing therefrom in the care, maintenance and upkeep of the property, so long as the trusteeship shall continue, and the trustee shall receive out of such property such compensation for his services as may be fixed by the court.

Income applied to maintenance.

Compensation of trustee.

SEC. 5. The court shall have the power to remove or to accept the resignation of such trustee and appoint another in his stead. At the termination of his trust, as hereinafter provided or in case of his resignation or removal, the trustee shall file a final account, which account shall be settled in the manner provided by law for settling the final accounts of administrators and guardians.

Removal or resignation of trustee.

Final account.

SEC. 6. Such trusteeship shall continue until such time as the owner of such property shall return or shall appoint a duly authorized agent or attorney in fact to care for such property, or until such time as the property shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees of the absentee as hereinafter provided, or until such time as the property shall escheat to the state as hereinafter provided.

Period of trusteeship.

SEC. 7. Whenever the owner of such property shall have been absent from the county for the space of five years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs at law may apply to the court for an order of provisional distribution of such property, and to be let into provisional possession thereof: *Provided*, That such provisional distribution may be made at any time prior to the expiration of five years, when it shall be made to appear to the satisfaction of the court that there are strong presumptions that the absentee is dead; and in determining the question of presumptive death, the court shall take into consideration the habits of the absentee, the motives of and the circumstances surrounding the absence, and the reasons which may have prevented the absentee from being heard of. Notice of hearing upon application for provisional

Distribution to heirs.

Presumption of death.

Notice of
hearing.

distribution shall be published in like manner as notices for the appointment of trustees are published. If the absentee left a will in the possession of any person such person shall present such will at the time of hearing of the application for provisional distribution and if it shall be made to appear to the court that the absentee has left a will and the person in possession thereof shall fail to present it, a citation shall issue requiring him so to do, and such will shall be opened, read, proven, filed and recorded in the case, as are the wills of decedents.

Will of
absentee.

Provisional
distribution.

SEC. 8. If it shall appear to the satisfaction of the court upon the hearing of the application for provisional distribution that the absentee has been absent and his whereabouts unknown for the space of five years, or there are strong presumptions that he is dead, the court shall enter an order directing that the property in the hands of the trustee shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees under the will, as the case may be, upon condition that such heirs, devisees and legatees respectively give and file in the court bonds with good and sufficient surety to be approved by the court, conditioned for the return of or accounting for the property provisionally distributed in case the absentee shall return and demand the same, which bonds shall be respectively in twice the amount of the value of the personal property distributed, and in ten times the amount of estimated annual rents, issues and profits of any real property so provisionally distributed.

Bond of
distributees.

Final
distribution.

SEC. 9. Whenever the owner of such property shall have been absent from the county for a space of fifteen years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs-at-law or the legatees and devisees under the will, as the case may be, to whom the property has been provisionally distributed, may apply to the court for a decree of final distribution of such property and satisfaction, discharge and exoneration of the bonds given upon provisional distribution. Notice of hearing of such application shall be

Notice of
application.

given in the same manner as notice of hearing of application for the appointment of trustee and for provisional distribution and if at the final hearing it shall appear to the satisfaction of the court that the owner of the property has been absent and unheard of for the space of fifteen years and his whereabouts are unknown, the court shall exonerate the bonds given on provisional distribution and enter a decree of final distribution, distributing the property to the presumptive heirs-at-law of the absentee or to his devisees and legatees, as the case may be.

SEC. 10. Whenever the owner of such property for which a trustee has been appointed under the provisions of this act shall have been absent and unheard of for a period of fifteen years and no presumptive heirs-at-law have appeared and applied for the provisional distribution of such property and no will of the absentee has been presented and proven, the trustee appointed under the provisions of this act shall apply to the court for a final settlement of his account and upon the settlement of such final account the property of the absentee shall be escheated in the manner provided by law for escheating property of persons who die intestate leaving no heirs.

Final
settlement.

Escheat.

Passed the House February 26, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

CHAPTER 40.

[S. B. 233.]

POLICE RELIEF AND PENSION FUND.

AN ACT relating to the police relief, health, and insurance fund in incorporated cities of the first class and amending sections 8080, 8081, 8084, 8085 and 8090 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8080 of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the dis-

Amends:
Rem.-Bal. . . .
§ 8080, in
subd. 6.