

if necessary, may summon witnesses or demand records or certified copies of the same. In the case of a hearing on appeal by the superintendent of public instruction no new evidence may be admitted but in case of an appeal to the superior court, the court may hear the case *de novo*.

By superintendent of public instruction.

By superior court.

§ 6, L. 1909, p. 364 ;
§ 5069, Rem. Stats. ;
§ 5216, Pierce's 1919 Code.

SEC. 3. That section 6 of (Sub) chapter 15 Title III of chapter 97 of the Laws of 1909, page 364, (section 5069 of Remington's Compiled Statutes ; section 5216 of Pierce's 1919 Code) be amended to read as follows :

When decision final.

Section 6. In decisions of appeal by the superintendent of public instruction the decision or order shall be final unless set aside by a court of competent jurisdiction in an action brought therein to review such order or decision.

Passed the Senate February 1, 1927.

Passed the House January 28, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 103.

[S. B. 42.]

CRIMINAL CHARGE BY INFORMATION OR INDICTMENT.

AN ACT relating to the rights of parties accused of crime, and amending Section 764 of the Code of Washington Territory of 1881, and repealing Section 10 of Chapter XXVIII of the Laws of 1891.

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

§ 764, Code of 1881 ;
§ 2023, Rem. Stats. ;
§ 9148, Pierce's 1919 Code.

SECTION 1. That section 764 of the Code of Washington Territory of 1881, (section 2023 of Remington's Compiled Statutes ; section 9148 of Pierce's 1919 Code) be amended to read as follows :

Information or indictment essential in criminal actions.

Section 764. That no person shall be held to answer in any court for an alleged crime or offense,

unless upon an information filed by the prosecuting attorney, or upon an indictment by a grand jury, except in cases of misdemeanor or gross misdemeanor before a justice of the peace, or before a court martial. Exceptions.

SEC. 2. That section 10 of chapter XXVIII of the Laws of 1891 is hereby repealed. Statute repealed.

Passed the Senate January 13, 1927.

Passed the House January 27, 1927.

Approved by the Governor February 8, 1927.

CHAPTER 104.

[S. B. 43.]

SUPPORT OF FAMILY OF DECEASED PERSONS: HOMESTEAD.

AN ACT relating to provisions for the support of the family of deceased persons, and amending Section 104 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 104 of chapter 156 of the Laws of 1917, pages 671-672, (section 1474 of Remington's Compiled Statutes; section 9894 of Pierce's 1919 Code) be amended to read as follows: § 104. Ch. 156, L. 1917; § 1474. Rem. Stats.; § 9894. Pierce's 1919 Code.

Section 104. In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed two thousand dollars (\$2,000.00), exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in Awarding of homestead to surviving spouse.

Value not exceeding \$2,000.00.