

[CHAPTER 241]

AN ACT

To amend sections 130 and 131 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, relating to the notice to be given upon a petition for probate of a will, and to the probate of such will.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 130 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended by the Act approved June 30, 1902 (title 19, sec. 301, D. C. Code, 1940), is amended to read as follows:

"SEC. 130. NOTICE OF PETITION FOR PROBATE.—Upon the filing of a petition for probate of a will, notice, as hereinafter provided, shall be issued to all persons who would be entitled to or interested in the estate of the testator in case such will had not been executed to appear in said court on a date named in the notice, and to show cause why the prayer of the petition should not be granted.

"(a) Such notice may be by a citation in which the return date named is not earlier than ten days after the filing of said petition, and which citation shall be served in the District of Columbia, by the United States marshal, or deputy marshal, not less than five days before the return day named in said citation.

"(b) Such notice may be by a citation in which the return date named is not earlier than twenty days after the filing of said petition, and which citation shall be served not less than ten days before the return date named in said citation: *Provided*, That such citation may be served only on nonresidents of the District of Columbia, and upon residents of said District who have been returned 'Not to be found' under paragraph (a) of this section, and such service may be made only by a person not less than eighteen years of age who is not a party to or otherwise interested in the estate of the decedent, and the return in such case must be made under oath in the District of Columbia, unless the person making the service be a sheriff or deputy sheriff, a marshal or deputy marshal, authorized to serve process where service is made, and such return must show the time and place of service.

"(c) Such notice, whenever there is proof by the petition for probate or by other affidavit that any or all of such persons, interested as aforesaid, are nonresidents of the District of Columbia, or whenever they or any of them have been returned 'Not to be found' under paragraph (a) of this section, may be by a publication in which the return date named is not less than thirty days after the date of the first appearance of the publication, and which shall be published once in each of three successive weeks in some newspaper of general circulation in the District of Columbia, and a copy of this published notice shall be mailed to the last-known address of each of the persons, interested as aforesaid, who is not shown to have been returned served personally under either paragraph (a) or paragraph (b) of this section. The court may by general rule prescribe the form of such notice by publication, and may order such other publication as the case may require."

SEC. 2. Section 131 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (title 19, sec. 305, D. C. Code, 1940), is amended to read as follows:

"SEC. 131. PROBATE.—When notice as prescribed in section 130 has been completed in any case, the court shall proceed, if no caveat be filed, to take the proofs, or to consider the proofs theretofore taken, of the execution of the will. All the witnesses to such will who are within

June 24, 1949

[S. 1127]

[Public Law 124]

D. C. Code, amendments.

31 Stat. 1211; 32 Stat. 526.

Publication of notice.

31 Stat. 1211.

the District and competent to testify must be produced and examined, or the absence of any of them satisfactorily accounted for.”

Approved June 24, 1949.

[CHAPTER 242]

AN ACT

June 24, 1949
[S. 1131]
[Public Law 125]

To amend sections 260, 267, 309, 315, 348, 350, and 361 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, to provide that estates of decedents being administered within the probate court may be settled at the election of the personal representative of the decedent in that court six months after his qualification as such personal representative.

D. C. Code, amend-
ments.

31 Stat. 1231.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 260 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, as amended by the Act approved June 30, 1902 (title 18, sec. 501, D. C. Code, 1940, line 11), is amended by striking out therefrom the words “one year” and inserting in lieu thereof the words “six months”.

31 Stat. 1233.

SEC. 2. Section 267 of said Act approved March 3, 1901 (title 20, sec. 306, D. C. Code, 1940, lines 6 and 9), is amended by striking out the word “twenty” and inserting in lieu thereof the word “five” and by striking out the words “within thirty days after the first publication” and inserting in lieu thereof the words “within ten days after publication”.

31 Stat. 1238.

SEC. 3. Section 309 of said Act approved March 3, 1901 (title 18, sec. 401, D. C. Code, 1940, line 2), is amended by striking out the words “three months” and inserting in lieu thereof the words “two months”.

31 Stat. 1239.

SEC. 4. Section 315 of said Act approved March 3, 1901 (title 18, sec. 407, D. C. Code, 1940, line 3), is amended by striking out the words “three months” and inserting in lieu thereof the words “two months”.

31 Stat. 1245.

SEC. 5. Section 348 of said Act approved March 3, 1901 (title 18, sec. 518, D. C. Code, 1940, lines 9, 15, and 19), is amended by striking out the words “nine months” where they appear three times in said section and inserting each time in lieu thereof the words “three months”.

31 Stat. 1246.

SEC. 6. Section 350 of said Act approved March 3, 1901 (title 18, sec. 526, D. C. Code, 1940, lines 2 and 6), is amended by striking out the words “one year” and inserting in lieu thereof the words “six months” and by striking out the words “at least six months” and inserting in lieu thereof the words “at least three months”.

31 Stat. 1247.

SEC. 7. Section 361 of said Act approved March 3, 1901 (title 20, sec. 601, D. C. Code, 1940), is amended by striking the period at the end of said section and inserting in lieu thereof a colon and the following words: “*Provided*, That said account may be rendered six months from the date of his letters.”

Approved June 24, 1949.

[CHAPTER 243]

AN ACT

June 24, 1949
[S. 1132]
[Public Law 126]

To amend section 137 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, relating to the time within which a caveat may be filed to a will after the will has been probated.

D. C. Code, amend-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 137 of the Act entitled “An Act to establish a code of law for the District