

Public Law 87-246

AN ACT

To amend the code of law for the District of Columbia so as to provide a new basis for determining certain marital property rights, and for other purposes.

September 14, 1961
[H. R. 7265]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Marital Property Rights Amendments of 1961”.

D. C.
Marital Property
Rights Amend-
ments of 1961.

SEC. 2. Section 940 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, as amended (D.C. Code, sec. 18-101), is amended to read as follows:

71 Stat. 560.

“SEC. 940. COURSE OF DESCENTS GENERALLY.—On the death of any person seized of or entitled to an interest in an estate in lands, tenements, or hereditaments in the District of Columbia, and intestate thereof, the same shall descend in fee simple to such person’s surviving spouse, if any, and kindred, who according to the laws of the District of Columbia now or hereafter in force relating to the distribution of the personal property of intestates, would be entitled to the surplus personal property of such intestate, if he or she had died a resident of the District of Columbia and possessed of such surplus personalty; and such surviving spouse and kindred shall take as tenants in common in the same proportions as are or shall be fixed by such laws relating to personal property. Subject to the right of dower, such real property shall be liable, in the event of insufficiency of the personal property, for the payment of the intestate’s funeral expenses, debts, costs of administration, and estate, inheritance, and succession taxes in the same manner and to the same extent as the personal property of such intestate. Should said lands, tenements, or hereditaments be sold under a decree of a court having jurisdiction over the same, then it shall be unnecessary to secure the consent of said widow or surviving husband to said sale, unless the widow elects to take her dower, if any, in all real estate whereof the husband, prior to November 29, 1957, was seized at any time during the marriage or the surviving spouse elects to take the right of dower provided by section 3 of the Act approved August 31, 1957, as amended by section 3 of the Marital Property Rights Amendments of 1961 (D.C. Code, sec. 18-201a).”

Infra.

SEC. 3. Section 3 of the Act approved August 31, 1957 (71 Stat. 560; Public Law 85-244; D.C. Code, sec. 18-201a), is amended to read as follows:

Right of dower.

“SEC. 3. Every husband and wife shall acquire by virtue of the marriage a right of dower which shall be an inchoate estate for life in one-third of the real property owned by the other spouse at any time during the marriage, whether by legal or equitable title, and whether held by either spouse at the time of his or her death or not, and such estate, which shall have the same incidents as the common law estate of dower in force and effect in the District of Columbia immediately prior to November 29, 1957, shall be in lieu of any inchoate rights acquired by or which may have attached to the real estate of any husband or wife by virtue of the provisions of subsection (b) of this section, as such subsection was in effect immediately prior to the effective date of this amendment, and shall not operate to the prejudice of any claim for the purchase money of such lands. No such right of dower shall attach to any lands held by any two or more persons as joint tenants while such tenancy exists; and all provisions of the Act entitled ‘An Act to establish a code of law for the District of Columbia’, approved March 3, 1901, as amended, and all other laws in force in the District of Columbia relating to the right of dower and its incidents shall, on and after the effective date of this amendment, be construed to be applicable to both husband and wife.”

SEC. 4. Section 1173 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 18-211), is amended to read as follows:

71 Stat. 561.

"SEC. 1173. RENUNCIATION OF DEVICES AND BEQUESTS TO SPOUSE; ELECTION OF DOWER.—(a) Subject to the provisions of section 1174 of this Act, a widow or surviving husband shall by such devise or bequest be barred of any statutory rights or interest she or he may have in the real and personal estate of the deceased spouse or the dower rights provided by section 3 of the Act approved August 31, 1957, as amended by section 3 of the Marital Property Rights Amendments of 1961 (D.C. Code, sec. 18-201a), as the case may be, unless within six months after the will of the deceased spouse is admitted to probate, she or he shall file in the probate court a written renunciation to the following effect:

Ante, p. 515.

"I, A B, widow (or surviving husband) of _____, deceased, do hereby renounce and quit all claim to any devise or bequest made to me by the last will of my husband (or wife) exhibited and proved according to law; and I elect to take in lieu thereof my legal share of the real and personal property of my said spouse (except that in lieu of my legal share of the real property, I elect to take dower in all the real property of my deceased spouse to which such right is applicable).

"(b) In similar manner, where the deceased spouse has died intestate of any real estate and letters of administration have been issued with respect to the estate of such deceased spouse, the surviving spouse shall be barred of the dower rights provided by section 3 of the Act approved August 31, 1957, as amended by section 3 of the Marital Property Rights Amendments of 1961 (D.C. Code, sec. 18-201a), unless within six months after such letters of administration have been issued with respect to the estate of the deceased spouse, she or he shall file in the probate court a written renunciation of her or his legal share of such intestate real estate to the following effect:

"I, A B, widow (or surviving husband) of _____, deceased, in lieu of my legal share of the real property of which my deceased spouse died intestate, do hereby elect to take dower in all the real property of my deceased spouse to which such right is applicable.

"(c) If, during said period of six months, a suit should be instituted to construe the will of the deceased spouse, the period of six months for the filing of such renunciation or election shall commence to run from the date when such suit shall be finally determined, by appeal or otherwise. A renunciation or election may be made in behalf of any spouse unable to act for himself or herself by reason of infancy, incompetency, or inability to manage his or her property, by the guardian or other fiduciary acting for such spouse when authorized so to do by the court having jurisdiction of the person of such spouse. The time for renunciation by any spouse may be extended before its expiration by an order of the probate court for successive periods of not exceeding six months each upon petition showing reasonable cause and on notice given to the personal representative and to such other persons in such manner as the probate court may direct.

"(d) In any case where the wife or husband has made no devise or bequest to the spouse, and in any case where nothing passes by any purported devise or bequest, the surviving spouse shall be deemed to have filed a written renunciation as provided in subsection (a) of this section (subject to his or her right to elect dower in lieu of the legal share of real estate within six months from probate of the will provided in subsection (b) of this section).

“(e) By renouncing all claim to any and all devises and bequests made to her or him by the will of her husband or his wife pursuant to the provisions of subsection (a) of this section, or in the event that a renunciation shall be deemed to be effected pursuant to the provisions of subsection (d) of this section, the surviving spouse shall be entitled to such share or interest in the real and personal estate of the deceased spouse (including dower if elected in lieu of the legal share in the real estate) which she or he would have taken had the deceased spouse died intestate, except that in neither event shall the surviving spouse be entitled to more than one-half of the net estate bequeathed and devised by said will, or, if dower be elected, one-half of the net personal estate bequeathed and dower in the real estate devised.

“(f) Notwithstanding any other provision of law now or heretofore in effect in the District of Columbia, any valid antenuptial or postnuptial agreement which shall have been entered into by the spouses shall govern and the provisions thereof shall determine the rights of the surviving spouse in the real and personal property of the deceased spouse, and the administration thereof, but nothing contained in this subsection shall prohibit any spouse from accepting the benefits of any devise or bequest made to him or her by the deceased spouse.”

Antenuptial or
postnuptial agree-
ments.

SEC. 5. Section 1165 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901 (D.C. Code, sec. 18-204), is amended to read as follows:

31 Stat. 1375.

“SEC. 1165. ABSENT OR INCOMPETENT SPOUSE.—Where any married person is a lunatic or insane, and has been so adjudicated by a court of competent jurisdiction and such adjudication remains in force, or where any married person has been absent or unheard of for seven years, the husband or wife, as the case may be, of such lunatic or insane or absent person may grant and convey by his or her separate deed, whether the same be absolute or by way of lease or mortgage, as fully as if he or she were unmarried, any real estate which he or she may have acquired since such adjudication or since the beginning of such absence.”

SEC. 6. Section 1154 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, as amended (D.C. Code, sec. 30-201), is amended by striking out “of subsection (b)”.

71 Stat. 562.

SEC. 7. Any provision of law inconsistent with the provisions and amendments of this Act is hereby repealed.

SEC. 8. The foregoing provisions of this Act shall become effective six months after the date of enactment of this Act.

Effective date.

Approved September 14, 1961.

Public Law 87-247

AN ACT

To amend section 17 of the Interstate Commerce Act so as to authorize the delegation of certain duties to employee boards.

September 14, 1961
[H. R. 8033]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (5) of section 17 of the Interstate Commerce Act (49 U.S.C. 17(5)) is amended by adding at the end thereof the following new sentence: “When deemed by the Commission to be appropriate for the efficient and orderly conduct of its business, it may authorize duly designated

Interstate Com-
merce Commis-
sion.
Employee
boards.
54 Stat. 913.