

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. 1233.

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

of Columbia", approved March 3, 1901 (title 19, sec. 309, D. C. Code, 1940), is amended to read as follows:

31 Stat. 1212.

"SEC. 137. CAVEAT.—If, upon the hearing of the application to admit a will to probate, the court shall decree that the same be admitted to probate, any person in interest may file a caveat to said will and pray that the probate thereof may be revoked at any time within one year after such decree."

Approved June 24, 1949.

[CHAPTER 244]

AN ACT

To amend the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, to provide a family allowance and a simplified procedure in the settlement of small estates.

June 24, 1949
[S. 1135]
[Public Law 127]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is amended by adding to chapter 5 thereof a new subchapter 9 to read as follows:

D. C. Code, amendments.

31 Stat. 1231.
D. C. Code § 18-723.

"FAMILY ALLOWANCE AND ADMINISTRATION OF SMALL ESTATES

"SEC. 394. (a) Upon the death of any person leaving a surviving spouse the said surviving spouse shall be entitled to an allowance out of the personal estate of said decedent of the sum of \$500 for his or her use, and that of any minor children, to be paid in money or in specific property at its fair value as may be elected, and which allowance shall be exempt from any and all debts and obligations of the decedent, and subject only to payment of funeral expenses not exceeding \$200; and, if there be no surviving spouse, the surviving minor children if any there be shall be entitled to a like allowance, and which shall be payable, in the discretion of the probate court, to the person having their custody or to such other person as it shall designate, and shall be used by such person solely for said minor's care and maintenance. Said family allowance shall be in addition to the respective share or shares of the surviving spouse and children.

Family allowance.

"(b) When any person dies, leaving a small estate consisting only of personal property of a value not in excess of \$500, and there be a surviving spouse or minor children entitled to the family allowance authorized in the preceding section, if such surviving spouse or minor children (acting through the person having their custody or a next friend) file in the probate court a petition, under oath, declaring: The time and place of decedent's death; the known next of kin; the known assets and by whom held; that petitioner has made a diligent search to discover all assets of the deceased; the amount of funeral expenses and to whom due; and that said assets do not exceed \$500 in value; the probate court, if satisfied that the allegations in the petition are true, shall pass a final order (1) declaring that no formal administration is necessary and no probate is required of any will; (2) fixing the amount of funeral expenses allowable, to whom due, and out of what property to be paid; (3) vesting title to the remainder of the property in the surviving spouse or minor children, as the case may be, in satisfaction of his, her, or their family allowance; and (4) directing the person or persons having possession of said property to pay over, transfer, and deliver the same as allotted. The probate court may also authorize in said order, or by further order, the sale of any of said property as the exigencies of the situation require.

Small estates.

Filing of petition.

"(c) (1) When anyone dies intestate, leaving a small estate consisting only of personal property of a value not in excess of \$500, and

Person dying intestate.