

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.

there be no spouse or minor children surviving, if the person entitled to be preferred in the appointment of an administrator files in the probate court a petition, under oath, declaring: The time and place of decedent's death; the known next of kin; that diligent search has been made for a will; the known creditors, together with the amount of each claim, including contingent and disputed claims; and funeral expenses; the known assets and by whom held; that petitioner has made a diligent search to discover all assets and debts of the deceased; that said assets do not exceed \$500 in value; and that there are no known legal proceedings pending in which the decedent is a party; the probate court, if satisfied that the allegations in said petition are true, shall pass a preliminary order declaring that no formal administration is necessary and instructing the petitioner to publish once in substantially the usual form notice to creditors to exhibit their claims duly authenticated, within thirty days after such notice, and which notice shall be inserted in one newspaper of general circulation in the District of Columbia as said court shall direct.

Filing of petition.

Distribution of estate.

"(2) Whenever such a preliminary order has been passed and the notice has been published and the time provided in such notice has expired, the petitioner shall file, under oath, a statement, with the usual proof of publication attached, that the notice has been published, and that the said time has expired, and listing all then known creditors, including contingent and disputed claims, and the amount of each claim. If satisfied that said statement is true, and after hearing and disposing of any objections filed in the probate court by anyone interested in the estate, the probate court shall pass a final order (1) directing the petitioner to pay from the estate all of said claims, in the order of priority provided by law, and (2) authorizing any person having possession of any property of the decedent's estate to transfer, pay over, and deliver the same in accordance with petitioner's directions, and (3) decreeing that, after the Register of Wills certifies upon said final order that he has seen the vouchers for the payment of said claims and is satisfied that said claims, as well as the fees hereinafter provided for, have been paid, then the remaining balance of the estate, if any, shall be vested as follows: First, in the adult surviving children equally, and, secondly, if there be no adult surviving children, then in those persons who would be entitled thereto under the statute of distributions (the share of any minor shall be payable, in the discretion of the probate court, to the person having custody or to such other person as it shall designate, to be used solely for the care and maintenance of such minor).

Sale of property.

"(3) The probate court may also provide in its final order for sale of any property, upon such terms as it deems advisable, and for the distribution of the proceeds in accordance with its final order.

Nonliability.

"(d) In the absence of fraud, no person who pays over, transfers, or delivers any property pursuant to the provisions of a final order entered under section 394 (b), or to the directions of a petitioner acting under authority of a final order under section 394 (c), shall be liable for the application thereof, nor shall any such person, nor any person who receives any property pursuant to the provisions of a final order entered under section 394 (b), or to the directions of a petitioner acting under authority of a final order under section 394 (c), be responsible for any claims on account of the payment, transfer, delivery, or receipt of such property; and the property distributed pursuant to a final order in either case shall be and become the absolute property of the respective distributees thereof.

"(e) No petitioner under this Act shall be required to be represented by an attorney, or to give bond, nor receive any commission for performing any work or services hereunder.

“(f) The Register of Wills shall prepare, and make available, forms whereby the petition and final order under section 394 (b), and the petition, preliminary order, the statement, the final order, and the certificate of payment under section 394 (c), shall constitute in each case one connected instrument. In lieu of all other fees, costs, or charges, the Register of Wills shall receive a fee of \$5 for all services and work administered under this Act, including the taking of all affidavits, plus a fee of 25 cents for each certified copy of the aforesaid instruments.

Forms.

Fee.

“(g) The discovery of any additional property of the decedent, after the filing of a petition in either case provided for in this Act, shall be reported by the petitioner to the probate court as soon as discovered by him. The existence of said additional property shall not invalidate any proceedings under this Act except when the additional property is discovered before the passage of the final order provided for, and either (1) is real estate or (2) increases the total value of the estate to more than \$500, in which case no final order shall be passed under this Act and the court shall require regular administration. Where additional property is discovered after passage of the final order, if said property is entirely personal and does not increase the value of the total estate to more than \$500, then such additional property may be distributed pursuant to a new petition under the appropriate section of this Act; in all other cases such additional property may not be distributed under this Act.

Additional property.

“(h) Any person who makes a false affidavit under this Act, or who willfully violates any order of the probate court under this Act or any other provision of this Act, shall be liable to a fine of not exceeding \$500 for each offense.

Penalty.

“(i) All Acts or parts of Acts inconsistent with the provisions of this Act shall be, and they are hereby, repealed to the extent of such inconsistency but only to such extent.

“(j) This Act shall apply to the estates of all persons dying after the date of the approval of this Act.”

Applicability.

Approved June 24, 1949.

[CHAPTER 245]

AN ACT

To amend section 9 of the Act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources.

June 25, 1949
[S. 979]

[Public Law 128]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of Agriculture to complete and keep current the forest survey authorized by section 9 of the Act of May 22, 1928, as amended (45 Stat. 699, 702; 58 Stat. 265; 16 U. S. C. 581h), so that a continuous and comprehensive timber inventory will be maintained as part of the forest conservation program, said section is amended (1) by striking out “\$750,000” and inserting “\$1,000,000”; (2) by striking out “\$6,500,000” and inserting “\$11,000,000”; and (3) by striking out “\$250,000” and inserting “\$1,500,000”.

National survey of forest resources.

Approved June 25, 1949.

[CHAPTER 246]

AN ACT

Granting the consent and approval of Congress to an interstate forest fire protection compact.

June 25, 1949
[S. 1659]

[Public Law 129]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent

Northeastern Interstate Forest Fire Protection Compact.
Consent of Congress.