

the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, marksmen's medals and insignia for all arms of the service, seven hundred and fifty thousand dollars.

Repairing and preserving stores, etc.

For repairing and preserving ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, seventy-five thousand dollars.

Purchases for requisition.

For purchase and manufacture of ordnance stores to fill requisitions of troops, six hundred thousand dollars.

Equipments.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, seven hundred and fifty thousand dollars.

Preserving, etc., ordnance.

For overhauling, cleaning, and preserving new ordnance and ordnance stores on hand at the arsenals, posts, and depots, fifty thousand dollars.

Morning and evening gun.

For firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, including material for cartridges, bags, reworking obsolete powder, and so forth, twenty-five thousand dollars.

Artillery targets.

For targets for artillery practice and implements for mechanical maneuvers, ten thousand dollars.

Manufacturing arms, etc.

Proviso.
Freight charges on ordnance, etc.

Manufacture, repairing, procuring, and issuing arms at the national armories, one million seven hundred thousand dollars: *Provided*, That hereafter no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said Department.

Purchases in open market limited

Purchase of ordnance and ordnance stores and supplies may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase shall be immediately reported to the Secretary of War.

Approved, June 30, 1902.

June 30, 1902.

[Public, No. 206.]

CHAP. 1329.—An Act To amend an Act entitled "An Act to establish a code of law for the District of Columbia."

District of Columbia.
Code amendments.
Vol. 31, p. 1189.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendments are hereby made to an Act of Congress entitled "An Act to establish a code of law for the District of Columbia," approved March third, nineteen hundred and one.

Amend section 3 so as to read as follows:

Justices of the peace.
Vol. 31, p. 1190.
Number reduced.

SEC. 3. APPOINTMENT AND QUALIFICATIONS.—There shall be six justices of the peace in the District, who shall be appointed by the President of the United States, for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial per-

Proviso.
Qualifications.

formance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall from time to time divide the said District into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace only six vacancies shall then be filled.

Practice of law forbidden.

Reduction of number after present service.

Amend section 5 by striking out the word "hold" in the thirteenth line thereof and inserting in lieu thereof the word "do;" also by striking out at the end of said section the words, "In any suit brought before a justice of the peace the defendant, his agent or attorney, may have the cause removed to the next nearest justice, upon filing an affidavit with the justice issuing the writ, on the return day or day of trial of the action, that he does not believe said justice will give him a fair and impartial trial."

Verbal change. Vol. 31, p. 1190.

Removal of causes stricken out.

Amend section 9 by striking out the word "place" in the first line thereof and inserting in lieu thereof the word "peace."

Verbal correction. Vol. 31, p. 1191.

Amend the caption of section 12, so that it will read "JUDGMENTS AND EXECUTIONS." Amend said section 12 by adding at the end thereof the words "justices of the peace are authorized to issue writs of execution in all cases in which they are authorized to render judgment. A judgment entered by a justice of the peace shall remain in force for three years and no more after its rendition, unless the same shall have been docketed in the supreme court of the District of Columbia, as provided by section twenty-nine."

Judgments and executions.

Issue of writs. Vol. 31, p. 1192.

Amend section 13 by inserting in the sixteenth line thereof, after the word "replevin," the words "between the parties."

Replevin affidavit. Vol. 31, p. 1192.

Amend section 26 by inserting in the eighth line thereof, after the word "party," the words "or his agent or attorney."

Nonresident witnesses, agents' application.

Vol. 31, p. 1194.

Inability of justice. Vol. 31, p. 1194.

Amend section 27 by inserting in the first line thereof after the phrase "in case of the death," the words "or inability to act."

Docketed judgments, effect.

Vol. 31, p. 1194.

Undertakings, notice to attorney. Vol. 31, p. 1194.

Amend section 29 by striking out in the ninth line thereof the words "as to lien and execution."

Extension of levies. Vol. 31, p. 1194.

Amend section 31 by inserting in the last line thereof after the word "appellant" the words "or his attorney."

Amend section 33 by inserting in the second line thereof after the word "execution" the words "or other process."

Costs against claimants extended. Vol. 31, p. 1195.

Amend section 35 by striking out in the second line thereof the word "execution" and inserting in lieu thereof the words "such process;" also by striking out in the third line thereof the words "in the execution."

Amend section 39 so that it will read as follows:

"SEC. 39. RETIRING JUSTICES, AND REMOVAL, RESIGNATION, AND DEATH.—It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office, or the expiration of his commission, and in case of his death, it shall be the duty of his executor or administrator, if such dockets or papers have come to his possession or are within his control, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death, to his successor in office.

Retiring justices, etc. Vol. 31, p. 1195.

Delivery to successor.

Penalty for failure.

“Upon failure of any person to deliver such dockets and papers as in this section provided, he shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties are recovered. And every justice of the peace hereafter appointed shall have the same jurisdiction to issue executions and attachments upon all unsatisfied judgments in dockets in his possession, and certify copies thereof and copies of papers on file with him, as in cases brought before and judgments rendered by him. And the successor of a deceased justice of the peace shall have jurisdiction to try causes pending before the deceased at the time of his death:” *Provided*, That no action pending before a justice of the peace at the time this code went into effect shall abate, but such action shall not be tried or otherwise disposed of by the justice to whom it may be assigned until he has caused at least two days’ notice of the time and place of trial to be served upon each party to the suit, or his attorney, or the parties or their attorneys agree in writing upon a time and place of trial.

Proviso.
Continuance of ac-
tions.

Police court.
Vol. 31, p. 1196.
Constitution.

Amend section 42 by substituting for said section the following:

SEC. 42. CONSTITUTION.—There shall continue to be a police court in the District as at present constituted, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, or until their successors are appointed, who shall each receive a salary of three thousand dollars per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the acts of said court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States.

Service extended.

Amend section 51 by substituting for said section the following:

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, disability, expiration of the term of service of or death of either of the judges of said court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for the judge of the police court.

Acting judge.
Causes for, added.
Vol. 31, p. 1198.
Pay omitted.

Post, p. 609.

Supreme court.
Date of jurisdiction
corrected.
Vol. 31, p. 1199.

Amend section 61 by inserting in the fifth line thereof, after the words “District of Columbia,” the words “under the Act of Congress approved March third, eighteen hundred and sixty-three, creating that court, and.”

Restatement of
power.
Vol. 31, p. 1199.

Amend section 62 by inserting in the second line thereof, after the word “such,” the words “under said Act of March third, eighteen hundred and sixty-three, and at the date of the adoption of this code.”

Officers of court.
Vol. 31, p. 1200.

Amend section 65 by inserting in the fourteenth line thereof, after the word “auditor,” the words “and also,” and by striking out the comma in said line fourteen after the word “crier;” also by adding at the end of said section the words “*Provided*, That nothing in this section contained shall affect the jurisdiction of the supreme court of the District of Columbia in special or general term in the case of the United States versus Martin F. Morris and others, now pending therein, but the jurisdiction of the said court, both in special and general term, and the jurisdiction of the Supreme Court of the United States shall remain and continue as to said cause, under the Act of Congress entitled ‘An Act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia,’ approved August fifth, eighteen hundred and eighty-six, and an Act of Congress approved January seventh, eighteen hundred and ninety-five, entitled ‘An Act supplementary to an Act entitled “An Act establishing a court of appeals for the District of Columbia,

Proviso.
Jurisdiction over
Potomac Flats cases
continued

Vol. 24, p. 335.

Vol. 28, p. 599.

Vol. 27, p. 434.

and for other purposes," approved February ninth, eighteen hundred and ninety-three," and an Act of Congress entitled "An Act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats," approved March second, nineteen hundred and one, as if the Act entitled "An Act to establish a Code of Law for the District of Columbia," approved March third, nineteen hundred and one, had not been passed."

Vol. 31, p. 956.

Vol. 31, p. 1189.

Amend section 72 by striking out at the end thereof the words "according to existing law" and inserting in lieu thereof the words "And provided further, That nothing herein contained shall affect the right of the parties to have all or any of the jurors examined on their voir dire before the list is prepared to determine their competency to sit in the particular case."

Special panel.
Examination of jurors on voir dire.
Vol. 31, p. 1201.

Amend section 73 by striking out in the fourth line thereof the word "a."

Verbal changes.
Vol. 31, p. 1201.

Amend section 75 by striking out in the sixth line thereof the words "the justice in the."

Vol. 31, p. 1201.

Strike out the whole of sections 81 and 82.

Appealsstrickenout.
Vol. 31, p. 1202.
Exception, criminal court.

Amend section 83 by striking out at the end thereof the words "subject to provisions herein elsewhere contained."

Vol. 31, p. 1202.
Partition.
Vol. 31, p. 1203.

Amend section 93 by striking out in the fourth line thereof the words "who was such at the date of this code;" also by striking out the last twenty-one lines of said section after the word "Provided," and inserting in lieu thereof the words "That in every case of partition any tenant in common who may have received the rents and profits of the property to his own use may be required to account to his cotenants for their respective shares of said rents and profits, and any amounts found to be due on said accounting may be charged against the share of the party owing the same in the property, or its proceeds in case of sale."

Proviso.
Accounting to cotenants.

Amend section 102 so that it will read as follows:

"SEC. 102. PROCESS AGAINST INFANTS.—Whenever an infant is a party defendant in any suit, in equity or at law, the subpoena or summons issued in such suit shall be served upon him personally, and also the person with whom he resides if under sixteen years of age, if within the District, and said infant shall in such case be produced in court, unless, for cause shown, the court shall dispense with his appearance; and it shall be the duty of the court to appoint a suitable and competent person guardian ad litem for such infant, to appear for and defend such suit on his behalf, and whenever in the judgment of the court the interests of such infant shall require it the court shall assign a solicitor or attorney to represent such infant, whose compensation shall be paid by the plaintiff, or out of the estate of such infant, at the discretion of the court."

Process against infants.
Vol. 31, p. 1205.
Extended to suits at law, etc.

Amend section 104 by striking out in the second line thereof the words "equity suit, the subpoena" and inserting in lieu thereof the words "suit at law, or in equity, process."

Non compos persons.
Process at law, added.
Vol. 31, p. 1206.

Amend section 108 so that it will read as follows:

"SEC. 108. Every such order shall be published at least once a week for three successive weeks, or oftener, or for such further time as may be specially ordered; and no order or decree shall be passed against said absent or nonresident defendant upon proof of notice by such publication unless the complainant, plaintiff, his agent, or solicitor, or attorney shall file in the cause an affidavit showing that at least twenty days before applying for such order or decree he mailed, postpaid, a copy of said advertisement, directed to the party therein ordered to appear, at his last known place of residence, or that he has been unable to ascertain the last place of residence of said party after diligent effort to ascertain the same. On failure of the defendant to appear in obedience to said notice within the time named therein, a decree or

Service by publication.
Vol. 31, p. 1206.

Entry of decree, etc

Proviso.
Assignment of counsel added.

judgment by default may be entered: *Provided*, That if the said absent or nonresident defendant be an infant, the court shall appoint a guardian ad litem to answer and defend for him, and may assign counsel to represent him as provided in section one hundred and two."

Unknown parties.
Vol. 31, p. 1207.

Amend the caption of section 110 by striking out the word "heirs" and inserting in lieu thereof the word "parties."

Verbal corrections.
Vol. 31, p. 1207.

Amend section 111 by striking out in the tenth and eleventh lines thereof the word "plaintiff" and inserting in lieu thereof the word "complainant;" also by striking out in the twentieth line thereof the word "nine" and inserting in lieu thereof the word "ten;" also by striking out in the twenty-fifth line thereof the word "claimant" and inserting in lieu thereof the word "complainant."

Change of sections.
Vol. 31, p. 1208.

Following section 115, and between that section and section 116, insert the following sections:

Equity court, jurisdiction added.
Lunacy proceedings.

SEC. 115a. LUNACY PROCEEDINGS.—All writs du lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions.

Estates of lunatics.

SEC. 115b. ESTATES OF LUNATICS.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons after hearing the nearest relatives of such person or some of them if residing within the jurisdiction of the court, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Power of court.

SEC. 115c. The court shall have the same power in respect of the freehold or leasehold estates of such persons as is provided for in relation to the estates of infants, to be exercised upon the application of the guardian, trustee, or committee of such person; and upon the death of any such person non compos mentis the proceeds of any sale of his estate which may have been invested otherwise than in real estate shall be deemed real estate, and shall descend as the property or estate would if it had not been sold.

Maintenance.

SEC. 115d. The said court may order any part of the estate of a person non compos mentis, for whom a committee, guardian, or trustee has been appointed, to be sold, when necessary for his maintenance, upon application of said committee, guardian, or trustee, and full proof of the necessity of such sale. Upon the application of any judgment creditor or mortgagee of a person non compos mentis the court may decree a sale of the real or personal estate of such non compos mentis, or such part thereof as may be necessary to pay the claim of such creditor, upon being satisfied that such claim is just and there are no other means of paying the same.

Ratification of sales.

SEC. 115e. No sales of the property of infants or persons non compos mentis made by authority of the foregoing sections shall be valid and effectual to pass title to the property sold until they have been reported to and ratified by the court.

Incapacitated drunkards.

SEC. 115f. DRUNKARDS.—Whenever any person residing in said District, and owning any estate, real or personal, situate therein, is unfit from the habitual use of intoxicating liquors, or from the habitual use of opium, cocaine, or any similar substance, or any compound or derivative thereof, to properly manage or control the same, the said court, on the petition of any creditor or relative of such person, or if there be no creditor or relative, upon the petition of any person living

in said District, and upon summons being regularly served upon such person so alleged to be unfit to manage or control his property as aforesaid, commanding him to appear and answer such petition, may order a jury to be summoned to ascertain whether such person be an habitual drunkard or addicted to the habitual use of opium, cocaine, or any similar substance or any compound or derivative thereof and unfit from any of these causes to manage and control his property, and if the jury shall find that such person is an habitual drunkard or an habitual user of opium, cocaine, or any similar substance or any compound or derivative thereof and unfit to manage or control his property, such finding, when confirmed by the court, shall be entered of record in said cause, and it shall be the duty of the court thereupon to appoint some fit person to be committee of the person so declared unfit to manage or control his property as aforesaid.

Appointment of committee.

Such committee before entering upon the discharge of his duties shall execute a bond, with surety, to be approved by the said court or one of the justices thereof, to the United States in a penalty equal to the amount of the personal property and the yearly rents to be derived from the real estate of such person, conditioned for the faithful performance of his duties as such committee; and he shall have control of the said estate, real and personal, with power to collect all debts due said drunkard, and to adjust and settle all accounts owing by him, and to sue and be sued in his representative capacity. He shall apply the annual income of the estate of such habitual drunkard to the support of said person, and the maintenance of his family and education of his children; and shall in all other respects perform the same duties and have the same rights as pertain to committees of lunatics and idiots.

Duties.

When any person for whom a committee has been appointed under the provisions of this section shall become competent to manage his property on account of reformation in his habits, he may apply to said court to have said committee discharged and the care and control of his property restored to him; and if it shall appear by the verdict of a jury summoned therefor, or by affidavits, or other evidence to the satisfaction of the court, that said applicant is a fit person to have the care or control of his property, an order shall be entered restoring such person to all the rights and privileges enjoyed before said committee was appointed. And as to the property of any person for whom a committee has been so appointed the court shall have the same powers that are herein given to it in respect of the property of infants.

Restoration on re-form.

Amend section 119 by inserting in the tenth line, after the word "guardians," the words "to enforce the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to said court;" and by striking out in the thirteenth, fourteenth, and fifteenth lines thereof the words "and concurrently with the equity court to direct the sale of real estate of decedents for the payment of their debts and the application of the proceeds thereof;" also by striking out in the twentieth line thereof the word "four" and inserting in lieu thereof the word "five."

Probate court. Powers added. Vol. 31, p. 1209.

Sale of real estate stricken out.

Verbal correction.

Amend section 121 so that it will read as follows:

"SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court, may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding three hundred dollars; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters

Register of wills. Duties etc. Vol. 31, p. 1209.

by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint two deputies, who may do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of wills: *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public Treasury, but shall, together with his own compensation, at the rate of four thousand dollars per annum, be paid out of the revenues of the office of register of wills: *And provided further*, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills.

Two deputies authorized.

Provisos.
Expenditures.

Employees limited.

Verbal correction.
Vol. 31, p. 1211.

Unknown parties.
Vol. 31, p. 1211.

Amend section 129 by striking out in the second line thereof the word "hereinafter" and inserting in lieu thereof the word "herein." Amend section 130 by striking out from the end thereof, "If the parties in interest, or any of them, be unknown, upon statement of that fact in the petition under oath, they may be described therein, and in the notice by publication, as the unknown heirs and next of kin of the decedent, with like effect as if known and specifically named in the petition, notice, and proceedings," and insert in lieu thereof the following:

Publication.

"In all cases where it is made to appear to the satisfaction of the court that all or any of the next of kin or heirs at law of the deceased are unknown, such unknown next of kin or heirs at law may be proceeded against and described in the publication of notice hereinbefore provided for as 'the unknown next of kin,' or 'the unknown heirs at law,' as the case may be, of the deceased, and by such publication of such notice under such designation such unknown next of kin and heirs at law shall be as effectually bound and concluded as if known and their names were specifically set forth in said order of publication.

Further probate.

"In case any will shall have been heretofore admitted to probate upon publication against unknown heirs or next of kin, any person interested may file a petition for further probate of such will, alleging that the heirs at law or next of kin of the deceased, or some of them, as the case may be, are unknown, and upon satisfactory showing being made to the court publication of notice may be made against the unknown next of kin or heirs at law of the deceased; and upon such publication being made, as required by the court, a decree may be made confirming such previous probate, and such decree so made shall be as effectual as if the said heirs at law or next of kin were named in the order of publication."

Confirmation.

Substance of issues to be published.
Vol. 31, p. 1213

Amend section 140 by striking out in the sixteenth and seventeenth lines thereof the words "a copy of the issues and notification of trial," and by inserting in lieu thereof the words "the substance of the issues and of the date fixed for the trial thereof."

Trial of other issues.
Vol. 31, p. 1214.

Amend section 142 so that it will read as follows:

Authority of judge.

"SEC. 142. TRIAL OF OTHER ISSUES.—The trial of other issues pending in said court than such as relate to the execution or validity of wills shall also be had in said court. For the trial of issues not relating to wills the justice holding said court shall have authority to fix the time of trial and determine the notice thereof to be given."

Verbal changes.
Vol. 31, p. 1214.

Amend section 143 by striking out in the second line thereof the word "trial" and inserting in lieu thereof the word "proceeding."

Amend section 144 by inserting in the eighth line thereof, after the word "unless," the words "and until."

Amend section 146 by striking out in the twelfth and thirteenth lines thereof the words "a deficiency of personal assets for such purposes" and inserting in lieu thereof the words "such debts and legacies, the deficiency of personal assets, and the real estate necessary to be sold for the payment of debts and legacies."

Sale of decedent's
realty.
Vol. 31, p. 1214.
Auditor's report.

Amend section 162 by inserting in the third line thereof, after the word "reversion," the words "or executory devise."

Executory devises.
Vol. 31, p. 1216.

Amend section 163 so that it will read as follows:

"SEC. 163. LEASE OF INFANT'S ESTATE.—In cases where it shall appear to the court that it will be to the advantage of the infant that his real estate shall be demised, the said court shall have the power to decree that the same be so demised for a term of years not to exceed the minority of the infant, yielding such rents and on such terms and conditions as the court may direct: *Provided*, That where the infant is entitled to only a part of the estate as tenant in common, joint tenant, tenant of the particular estate, or remainderman, or otherwise, all the owners of the other interests assent to the passing of such decree."

Lease of infant's
estate.
Vol. 31, p. 1216.
Power of court.

Proviso.
Consent of other
interests.

Amend section 164 by striking out in the second line thereof the words "as provided in the foregoing section;" also by inserting in the fourth line thereof, after the word "mortgage," the words "for his maintenance or."

Mortgage of infant's
estate.
Maintenance added.
Vol. 31, p. 1216.

Strike out the whole of sections 167, 168, 169, 170, 171, and 172.

Sections trans-
ferred.

Amend section 174 by inserting in the fourth line after the word "clerks" the words "and other necessary employees."

Anle, p. 524.
Supreme Court em-
ployees.

Amend section 175 by striking out the proviso at the end and inserting in lieu thereof the following:

Vol. 31, p. 1219.
Costs.
Vol. 31, p. 1219.
Probate court.

"*Provided*, That for proceedings in the probate court deposits and fees shall be paid to the register of wills, who shall be entitled to demand and may require, upon the presentation for filing of a petition or a caveat to a will, a deposit for his fees to be charged for the proceedings under such petition or such caveat; and upon such deposit becoming exhausted in the liquidation of his fees so charged, he may demand and require a further deposit from the original petitioner or caveator; but such deposits shall not be required in excess of fifteen dollars at any one time."

Discretion as to poor
sutors.
Vol. 31, p. 1219.
Costs in advance.
Vol. 31, p. 1219.

Amend section 176 by adding at the end of the first line thereof after the word "persons" the words "in the discretion and."

Amend section 177 by striking out in the third and fourth lines thereof the words "immediately after the services are performed" and inserting in lieu thereof the words "in advance."

Fees for oaths, etc.,
omitted.
Vol. 31, p. 1219.

Amend section 178 so that it will read as follows:

"SEC. 178. The clerk shall have power to administer oaths in all cases and also to take acknowledgments of deeds."

Balance due clerk.
Vol. 31, p. 1220.

Amend section 182 so it will read as follows:

"SEC. 182. If a balance be found due from the United States to the clerk, the same shall be paid (out of the appropriations for fees of clerks of United States courts), upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced."

Returns provision
omitted.

Amend section 183 by striking out in the second line thereof the word "for" and inserting in lieu thereof the word "of."

Verbal correction.
Vol. 31, p. 1220.

Amend section 185 by striking out all after the word "court" where it first occurs in the third line thereof.

Notice of divorces
omitted.
Vol. 31, p. 1220.

Amend section 190 by substituting for said section the following:

"SEC. 190. There shall continue to be a coroner of said District, who shall be appointed by the Commissioners of the District of Columbia, and shall receive a salary of one thousand eight hundred dollars per annum."

Coroner.
Appointed by Com-
missioners.
Vol. 31, p. 1221.

Juror's service 30 days.
Vol. 31, p. 1222.
Court of appeals.
Crier and messenger.
Vol. 31, p. 1224.

Amend section 207 by striking out in the second line thereof the word "twenty" and inserting in lieu thereof the word "thirty."

Amend section 224 by adding to the caption thereof the words "crier and messenger;" also by adding at the end of the section the following: "Said court may appoint a crier at a compensation not to exceed seventy-five dollars a month and a messenger at a compensation not to exceed sixty dollars a month, both payable at the Treasury of the United States, who shall perform such duties as may be assigned by that court."

Quotation marks omitted.
Vol. 31, p. 1225.
Abatement.
Vol. 31, p. 1228.
Proceeding to judgment permitted.

Amend section 226 by striking out the quotation marks in the third and fourth lines thereof.

Amend section 237 by striking out in the first line thereof the word "the" and inserting in lieu thereof the word "any;" also by inserting in the fifteenth line thereof, after the word "abate," the words "or the cause may proceed to judgment notwithstanding such failure to appear, as the defendant may elect."

Auditor report.
Basis of exceptions.
Vol. 31, p. 1231.
Authority to probate court repealed.
Vol. 31, p. 1231.
Lien on decedent's property.
Vol. 31, p. 1231.

Amend section 254 by inserting in the twentieth line thereof, after the word "true," the words "to the best of his knowledge and belief."

Strike out the whole of section 259.

Amend section 260 by inserting in the third line thereof, after the word "real," the words "and personal;" also by inserting in the seventh line thereof, after the word "decedent," the words "at his place of domicile or elsewhere."

Executor's bond.
Party interested,
may cause increase,
etc.
Vol. 31, p. 1232.

Amend section 263 by striking out in the eleventh and twelfth lines thereof the words "creditor, distributee, or legatee entitled to take under the will," and inserting in lieu thereof the words "party interested."

Amend section 275 so that it will read as follows:

Special bond of administrator.
Vol. 31, p. 1234.

"**SEC. 275. SPECIAL BOND.**—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator; and where the administrator shall file the consent in writing of those entitled to the residue and they shall all be of full age, the court may, if it see fit, direct that only such special bond be given, and in such cases the administrator shall not be required to return any inventory or account, but shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof."

Consent of parties interested.

Amend section 289 by striking out at the end thereof the words "but it shall not be necessary to notify any collateral relatives more remote than brothers and sisters of the intestate."

Proriso.
Liability of surety.

Notice to relatives limited.
Vol. 31, p. 1235.

Strike out the whole of section 290 and insert in lieu thereof the following:

Revocation of administration on probate of will.
Vol. 31, p. 1235.

"**SEC. 290. WILL PROVED AFTER LETTERS GRANTED.**—If administration be granted, and a will disposing of the estate of the deceased shall afterwards be proved according to law, and letters testamentary shall have issued thereon, the same shall be considered a revocation of the letters of administration. But the administrator shall not be held to answer for any acts done by him according to law, in good faith, and in ignorance of such will and before any actual or implied revocation of his letters; and the executor obtaining letters shall be authorized to prosecute any actions at law or in equity commenced by the administrator and obtain judgment in his own name, and likewise to defend any suit commenced against the administrator; and said executor shall have the benefit of all judgments obtained by the administrator and be

bound by all judgments obtained against him to the extent of assets received by said executor, unless said judgments were obtained by fraud. And it shall be the duty of said administrator to account for and deliver to the executor without delay all goods, chattels, and personal estate and proceeds of any realty sold in his possession, belonging to the deceased, in default of which his bond may be put in suit by the executor or administrator cum testamento annexo.

“And if distribution of the estate, or any part thereof, shall have been lawfully made by the administrator, the distributee or distributees, and their personal representatives, and not the administrator so distributing the estate, shall be answerable for the property so distributed, or its value, to the person or persons thereto entitled.

“And if any will be hereafter adjudged invalid in any action begun after distribution of the estate, or any part thereof, lawfully made by the executor or executrix, in good faith and without knowledge on his or her part of the invalidity of such will, and without notice that such action was intended, the distributee or distributees of the property, and their personal representatives, and not such executor or executrix, shall be answerable for the property, or its value, to the person or persons thereto entitled.”

Amend section 293 by striking out in the fifth line thereof the word “present” and insert in lieu thereof the word “presents.”

Amend section 297 by inserting in the fifteenth line thereof after the word “until” the words “when practicable.”

Amend section 312 by striking out in the second line thereof the word “and” and inserting in lieu thereof the word “or.”

Amend section 317 by inserting in the seventh line thereof after the word “station” the words “and not including the property exempted by section three hundred and fourteen.”

Amend section 319 by adding at the end thereof the words: “*Provided*, That in such cases the sureties of the executor shall not be liable if the claim against the executor would have been uncollectible if some other person had been executor.”

Amend section 321 by adding at the end thereof the words “and the same rule shall apply to his sureties.”

Amend section 327 by striking out in the fifth line thereof the words “slander and for” and by inserting in the same line after the word “person” the words “or to the reputation.”

Amend section 337 by adding at the end thereof the words: “*Provided*, That such additional certificate shall not be required as to notaries public within the United States or any place under the jurisdiction thereof when the seal of such notary is attached.”

Strike out the whole of section 340.

Amend section 351 by striking out in the fourth and fifth lines thereof the word “there” and inserting in lieu thereof in each of said lines the word “its.”

Amend section 362 so that it will read as follows:

“SEC. 362. SUBSEQUENT ACCOUNTS.—If the first account shall not show the estate which was on hand to be fully administered, other accounts shall be rendered from time to time until the estate is fully administered under such rules as the supreme court of the District may establish.”

Amend section 363 so that it will read as follows:

“SEC. 363. FAILURE TO ACCOUNT.—If an executor or administrator shall fail to return an account within the time limited by law or fixed by the rules of court, or within such further time as the probate court shall allow, his letters, on application of any person interested, may be revoked and administration granted at the discretion of the court.”

Amend section 365 by striking out in the fourth line thereof the word “six” and inserting in lieu thereof the word “three;” also by

Nonliability of administrator for distribution.

Nonliability of executor, if will afterwards held invalid.

Verbal correction. Vol. 31, p. 1235.

Action on bonds, addition. Vol. 31, p. 1236.

Verbal correction. Vol. 31, p. 1239.

Assets, further exclusion. Vol. 31, p. 1240.

Proviso. Liability of executor's sureties limited. Vol. 31, p. 1240.

Administrator's sureties liable. Vol. 31, p. 1240.

Injuries to reputation, exceptions. Vol. 31, p. 1241.

Notaries public. Authority recognized. Vol. 31, p. 1244.

Requirement of executors omitted. Vol. 31, p. 1244. Verbal correction. Vol. 31, p. 1246.

Accounts of executors, etc., modified. Vol. 31, p. 1247.

Failure to account. Discretionary revoking of letters. Vol. 31, p. 1247.

Funeral expenses. Allowance modified. Vol. 31, p. 1248.

inserting in the fifth line thereof after the word "dollars" the following words: "Provided, That for special cause shown the court may make such additional allowance not exceeding three hundred dollars as such special circumstances may warrant."

Lists of debts omitted.

Vol. 31, p. 1248.

Verbal correction.

Vol. 31, p. 1250.

Collateral descent modified.

Vol. 31, p. 1250.

Interest of whole and half blood in personal estate.

Alien interest in corporations increased.

Vol. 31, p. 1252.

Amendments.

Power extended.

Vol. 31, p. 1252.

Arbitration.

Exception extended.

Vol. 31, p. 1254.

Suit on bond of defaulting executor of assignee.

Vol. 31, p. 1257.

Form of attachment.

Verbal, etc., corrections.

Vol. 31, p. 1261.

Releases, new undertakings.

Vol. 31, p. 1261.

Levy on property in hands of executor, etc.

Vol. 31, p. 1262.

Undivided partnership interest stricken out.

Vol. 31, p. 1263.

Verbal correction.

Vol. 31, p. 1265.

Acceptance of condemnation.

Vol. 31, p. 1266.

Change in title.

Vol. 31, p. 1267.

Strike out sections 367 and 368.

Amend section 379 by striking out in the fifteenth line thereof the word "personality" and inserting in lieu thereof the word "personalty."

Amend section 383 by striking out at the end thereof the words "and there shall be no distinction between the whole and half blood."

Insert between sections 386 and 387 the following new section:

"SEC. 386a. In the distribution of personal estate there shall be no distinction between the whole and half blood."

Amend section 397 by striking out in the second line thereof the words "more than twenty" and inserting in lieu thereof the words "over fifty."

Amend section 399 so that it will read as follows:

"SEC. 399. In all judicial proceedings the court, justice or judge, in which, or before whom, the cause shall be pending shall have power upon such terms as shall seem best, at any stage of the case, to allow amendments of writs, pleadings, or other papers in the cause and to allow supplemental or substituted affidavits to be filed."

Amend section 412 by striking out in the fifth line thereof the words "the defendant" and inserting in lieu thereof the words "any party."

Amend section 438 by adding at the end thereof the following words: "or upon the bond of such executor or administrator, accordingly as such assignee or trustee, executor or administrator is the party in default."

Amend section 454 by inserting in the fourteenth line after the word "administrators" the words "or successors or assigns;" also by striking out in the eighteenth, nineteenth, thirty-ninth, and fortieth lines the word "seal" and the brackets inclosing the same.

Amend section 455 by striking out in the eighth line thereof the words "rule the marshal to file" and inserting in lieu thereof the word "require."

Amend section 457 by adding at the end thereof the following paragraph:

"The attachment may also be levied upon money or property of the defendant in the hands of an executor or administrator, and shall bind the same from the time of service; but if the executor or administrator shall make return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, no judgment of condemnation shall be rendered as against such executor or administrator until the passage by the orphan's court of his final or other account showing money or property in his hands to which the defendant is entitled."

Amend section 466 by striking from the end thereof the following words: "if the property attached be an undivided interest in a partnership business, judgment of condemnation thereof shall be entered and the same shall be sold in the same manner as last aforesaid."

Amend section 481 by striking out in the fourth line thereof the word "persons," before the word "aggrieved," and inserting in lieu thereof the word "person."

Amend section 491 by inserting in the second line thereof, after the word "or," the words "within a reasonable time to be fixed by the court in its order confirming the verdict to."

Amend the caption of subchapter one of chapter sixteen so that it will read as follows: "Deeds of real property."

Amend section 492 by striking out at the end thereof the words "and acknowledged in the manner herein provided" and inserting in lieu thereof the words "or by will."

Creation of estates by will.
Vol. 31, p. 1267.

Amend section 493 by striking out in the first line thereof the words "such acknowledgment" and inserting in lieu thereof the words "acknowledgments of deeds."

Verbal change.
Vol. 31, p. 1267.

Strike out the whole of section 494 and insert in lieu thereof the following:

"SEC. 494. RELEASE OF DOWER.—If the wife of the party executing said deed, being not less than eighteen years of age, shall desire to release her dower in the property conveyed, she may do so either by joining in the same deed or by a separate deed, wherever executed, signed, sealed, and acknowledged by her in the same manner as provided in the preceding section, and her acknowledgment shall be certified in like manner."

Release of dower. Manner of proceeding.
Vol. 31, p. 1267.

Amend section 495 so that it will read as follows:

"SEC. 495. ACKNOWLEDGMENT OUT OF DISTRICT.—When any deed or contract under seal is to be acknowledged out of the District of Columbia, but within the United States, the acknowledgment may be made before any judge of a court of record and of law, or any chancellor of a State, any judge or justice of the Supreme, circuit, or Territorial courts of the United States, any justice of the peace or notary public: *Provided*, That the certificate of acknowledgment aforesaid, made by any officer of the State or Territory not having a seal, shall be accompanied by the certificate of the register, clerk, or other public officer that the officer taking said acknowledgment was in fact the officer he professed to be."

Acknowledgment out of District. Procedure.
Vol. 31, p. 1267.

Proviso. Authenticating certificate.

Amend section 496 so that it will read as follows:

"SEC. 496. Deeds made in a foreign country may be acknowledged before any judge or notary public, or before any secretary of legation or consular officer, or acting consular officer of the United States, as such consular officer is described in section sixteen hundred and seventy-four of the Revised Statutes of the United States; and when the acknowledgment is made before any other officer than a secretary of legation or consular officer or acting consular officer of the United States, the official character of the person taking the acknowledgment shall be certified in the manner prescribed in the last preceding section."

Deeds in foreign countries. Modification.
Vol. 31, p. 1268.
R. S., sec. 1674, p. 293.

Amend section 497 by striking out in the third line thereof the word "chief" and inserting in lieu thereof the word "other."

Corporation deeds, authority.
Vol. 31, p. 1268.

Amend section 499 so that it will read as follows:

"SEC. 499. WHEN DEEDS TO TAKE EFFECT.—Any deed conveying real property in the District, or interest therein, or declaring or limiting any use or trust thereof, executed and acknowledged and certified as aforesaid and delivered to the person in whose favor the same is executed, shall be held to take effect from the date of the delivery thereof, except that as to creditors and subsequent bona fide purchasers and mortgagees without notice of said deed, and others interested in said property, it shall only take effect from the time of its delivery to the recorder of deeds for record."

Deeds to take effect from delivery.
Vol. 31, p. 1268.

Exception.

Amend section 501 so that it will read as follows:

"SEC. 501. BONDS AND CONTRACTS.—Any title bond or other written contract in relation to land may be acknowledged, certified, and recorded in the same manner and with like effect as to notice as deeds for the conveyance of land."

Acknowledgment of bonds, etc.
Vol. 31, p. 1268.

Amend section 503 by striking out in the third line thereof the words "of the grantor."

Interest conveyed.
Vol. 31, p. 1268.

Amend section 505 so that it will read as follows:

"SEC. 505. When, in any deed, the word 'covenant' is used, such word shall have the same effect as if the covenant was expressed to be

Verbal change.
Vol. 31, p. 1268.

by the covenantor, for himself, his heirs, devisees, and personal representatives, and shall be deemed to be with the grantee or lessee, his heirs, devisees, personal representatives, and assigns."

Implied covenants omitted.

Strike out the whole of section 511.

Vol. 31, p. 1269.

Estates conveyed.

Vol. 31, p. 1269.

Acknowledgments valid.

Vol. 31, p. 1269.

Vol. 31, p. 1270.

Married women's acts.

Vol. 31, p. 1270.

Dower section repealed.

Vol. 31, p. 1270.

Verbal changes.

Vol. 31, p. 1270.

Effect of recorded deeds.

Vol. 31, p. 1271.

Deeds declared good.

Vol. 31, p. 1271.

Record of mortgages, etc.

Vol. 31, p. 1271.

Effect.

Deed by mortgagee, etc.

Vol. 31, p. 1271.

Recording.

Vol. 31, p. 1271.

Assignments struck out.

Vol. 31, p. 1271-1272.

Verbal additions.

Vol. 31, p. 1273.

New trustees.

Modification.

Vol. 31, p. 1274.

Sale.

Terms modified.

Vol. 31, p. 1274.

Amend section 512 by striking out in the fourth and fifth lines thereof the words "at common law."

Amend section 514 by striking out in the third and fourth lines thereof the words "to March third, eighteen hundred and sixty-three," and inserting in lieu thereof the words "to the adoption of this code."

Amend section 515 by adding at the end of the paragraph numbered fifth thereof the words "or other officer."

Amend section 516 by inserting in the third line thereof, after the word "woman," the words "made prior to April tenth, eighteen hundred and sixty-nine."

Strike out the whole of section 517.

Amend section 518 by striking out at the end of the second line thereof the word "is" and inserting in lieu thereof the word "was;" also by striking out in the fifth line thereof the words "this chapter" and inserting in lieu thereof the words "section five hundred and sixteen."

Amend section 519 so that it will read as follows:

"SEC. 519. RECORD OF DEEDS AS EVIDENCE.—The record or a copy thereof of any deed recorded, as mentioned in sections five hundred and fifteen and five hundred and sixteen, shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law."

Amend section 520 by inserting in the first line thereof before the word "the" the words "in all cases of deeds executed and acknowledged prior to the adoption of this code."

Amend section 521 so that it will read as follows:

"SEC. 521. TO BE RECORDED.—Mortgages and deeds of trust to secure debts, conveying any estate in land, shall be executed and may be acknowledged and recorded in the same manner as absolute deeds; and they shall take effect both as between the parties thereto and as to others, bona fide purchasers and mortgagees and creditors, in the same manner and under the same conditions as absolute deeds."

Amend section 522 by adding at the end thereof the following:

"*Provided*, That nothing in this section contained shall prevent the passing of an absolute and unqualified estate in fee-simple under a deed made by the mortgagee or trustee in pursuance of the powers conferred by the mortgage or deed of trust."

Amend section 523 so that it will read as follows:

"SEC. 523. HOW TO BE RECORDED.—It shall be the duty of the recorder of deeds to record all such mortgages and deeds of trust in the same manner as absolute deeds."

Strike out sections 524, 525, 526, 527, 528, 529, 530, 531, and 532.

Amend section 534 by inserting in the eleventh line thereof after the words "heirs-at-law" the words "or devisees."

Amend section 537 by inserting in the twelfth line thereof after the word "heirs" the words "or devisees."

Amend section 538 by striking out in the sixth line thereof the words "said trust being executed" and also by striking out at the end of said section the words "well as upon the parties interested in the trust, if he and they can be found within the said District," and inserting in lieu thereof the words "provided in said sections."

Amend section 539 by striking out at the end thereof the words "which terms shall be such as to secure to the creditor the payment of his debt in cash as nearly as may be consistent with justice; and the determination of the court in the premises shall be binding on all parties in interest."

Strike out sections 540, 541, 542, and 543.

Amend section 547 by inserting in the fourth line thereof after the word "paid" the words "where the purchase price exceeds one hundred dollars."

Amend section 553 by striking out in line 16 "eighteen hundred and ninety-one" and inserting "nineteen hundred and one, to take effect with this code."

Strike out section 554.

Amend section 555 so that it will read as follows:

"SEC. 555. INSTRUMENTS NOT EXECUTED OR ACKNOWLEDGED ACCORDING TO LAW.—The recorder shall not accept for record or record any instrument which shall not be executed and acknowledged agreeably to law by the person or party therein granting or contracting with respect to his right, title, or interest in the land therein described."

In subchapter five of chapter sixteen "Forms of conveyancing," amend the heading "Deed of live estate" so that it will read "Deed of life estate;" also amend the same form by striking out in the third line thereof the words "and so forth" and inserting in lieu thereof "(here describe the property)."

In the same subchapter amend the form headed "Deed of trust to secure debts, sureties, or for other purposes," by striking out in the third and fourth lines thereof the words "as trustee" and by inserting in said fourth line after the blank space therein the words "as trustee."

In the same subchapter amend the form headed "Executor's deed" by striking out in the fifth line thereof the words "and so forth" and inserting in lieu thereof the words "(here describe the property)."

In the same subchapter amend the form headed "Form of mortgage, with or without power of sale," by striking out in the fourth and fifth lines thereof the words "promissory notes or bonds, or other instruments," and by inserting in the fifth line thereof, after the word "describe," the word "obligation."

Amend section 568 by striking out in the sixth and seventh lines thereof the words "in all matters incident or belonging to the duties of his office," and by inserting in the seventh line thereof after the word "and" the word "also."

Amend section 571 by striking out in the sixth line thereof the word "take" and inserting in lieu thereof the word "taking."

Amend section 604 by striking out in the first line thereof the syllable "sub" and by inserting in the second line thereof, after the word "any," the word "corporation."

Amend section 605 by striking out in the fourth and fifth lines thereof the words "corporations to buy, sell, or deal with real property;" also by adding at the end of said section the following words: "Provided, That nothing herein contained shall be held to authorize the organization of corporations to buy, sell, or deal in real estate, except corporations to transact the business ordinarily carried on by real-estate agents or brokers."

Amend section 618 so that it will read as follows:

"SEC. 618. PENALTY FOR FAILURE.—If any company fails to comply with the provisions of the preceding section, any creditor of the corporation or other person interested may by petition for mandamus against the corporation and its proper officers compel such publication to be made, and in such case the court shall require the corporation or the officers at fault to pay all the expenses of the proceeding, including counsel fees."

Amend section 621 so that it will read as follows:

"SEC. 621. LOANS TO STOCKHOLDERS.—No loan of money shall be made by any company upon the security, in whole or in part, of its own stock; and if any such loan shall be made, the trustee or officer authorizing the same shall be responsible to the corporation therefor:

Injunctions, etc., omitted.
Vol. 31, p. 1274.
Limit to conditional sales.
Vol. 31, p. 1275.

Recorder of deeds, salary.
Vol. 31, p. 1276.

List to assessor omitted.
Vol. 31, p. 1276.
Instruments not to be recorded.
Vol. 31, p. 1276.

Forms.
Verbal changes.
Vol. 31, p. 1277.

Notaries' powers.
Vol. 31, p. 1280.

Verbal corrections.
Vol. 31, p. 1280.
Vol. 31, p. 1284.

Corporations.
Vol. 31, p. 1284.

Proviso.
Limitation of real estate business.

Liability for not making reports.
Vol. 31, p. 1286.

Limit on loans to stockholders.
Vol. 31, p. 1286.

**Proviso.
Liability.**

Provided, That nothing herein contained shall be held to release the borrower in such a case from liability to the corporation."

Sales, on order of justice of the peace.
Vol. 31, p. 1289.

Amend section 643 by adding at the end thereof the words "in cases where the value of the property involved does not exceed three hundred dollars."

Commissioner of insurance, salary.
Vol. 31, p. 1289.

Amend section 645, line 5, by substituting the words "three thousand five hundred" for the words "two thousand five hundred."

Reports, officers of insurance companies.
Vol. 31, p. 1290.

Amend section 647 by inserting in the seventh line thereof, before the words "and secretary," the words "or vice-president," and by inserting in the same line, after the words "and secretary," the words "or assistant secretary;" also by striking out in the tenth line thereof the word "detailed" and inserting in lieu thereof the word "classified."

Typographical change.
Vol. 31, p. 1291.

Amend section 650 by striking out the quotation marks therein.

Insurance application with policy.
Vol. 31, p. 1294.

Amend section 657 so that it will read as follows:

"**SEC. 657. COPY OF APPLICATION TO BE DELIVERED WITH POLICY.**—Each life insurance company, benefit order and association doing a life insurance business in the District of Columbia shall deliver with each policy issued by it a copy of the application made by the insured so that the whole contract may appear in said application and policy, in default of which no defense shall be allowed to such policy on account of anything contained in, or omitted from, such application."

Notice to Commissioners of disinterment.
Vol. 31, p. 1298.

Amend section 686 by striking out in the fifth line thereof the words "for judicial purposes" and inserting in lieu thereof the words "after due notice to the Commissioners of the District of Columbia."

Removing street-railway tracks.
Vol. 31, p. 1302.

Amend section 710 by striking out in the fourth line thereof the words "approved by the Commissioners" and inserting in lieu thereof the words "as required by its charter."

Amend section 713 so it will read as follows:

Reports of savings banks.
Vol. 31, p. 1302.
Other provisions omitted.

"**SEC. 713. REPORT TO BE MADE TO COMPTROLLER.**—All savings banks or savings companies or institutions organized under authority of any Act of Congress to do business in the District of Columbia shall be, and are hereby, required to make to the Comptroller of the Currency, and publish, all the reports which national banking associations are required to make and publish under the provisions of sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided, which penalties may be collected by suit before the supreme court of the District of Columbia.

Benefit associations.
False statements.
Vol. 31, p. 1315.
Appeal from forfeiture omitted.

Amend section 761 by inserting in the fourth line thereof after the word "membership" the words "or for restoration to membership."
Strike out section 792.

Vol. 31, p. 1320.
Foreign corporations, injunctions.
Vol. 31, p. 1320.

Amend section 793 by inserting in the seventh line thereof after the word "corporation" the words "and said district attorney may file a bill to enjoin any foreign corporation from transacting in the District of Columbia any business not allowed by its charter or certificate of incorporation, or from transacting any business in said district when it has not complied with any provision of this code relating to foreign corporations."

Electrical property offenses added.
Vol. 31, p. 1324.

Add after section 826 a new section, as follows:

"**SEC. 826 A. OFFENSES AGAINST PROPERTY.**—Whoever shall knowingly connect or disconnect any electrical conductor belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat, and power, or either of them, or makes any connection with any such electrical conductor for the purpose of using or wasting the electric current, or who in any wise tampers with any meter used to register current consumed, or who interferes with the operating of any dynamo or other electrical appliance of such company, or tampers with or interferes with the poles, wires, conduits, or other apparatus used by such companies, unless such person or persons

shall be duly authorized by or be in the employ of such company, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or both."

Amend section 827 so that it will read as follows:

"SEC. 827. PETIT LARCENY.—Whoever shall feloniously take and carry away any property of value of thirty-five dollars or less, including things savoring of the realty, shall be fined not more than two hundred dollars or be imprisoned for not more than one year, or both. And in all convictions for larceny, either grand or petit, the trial justice may, in his sound discretion, order restitution to be made of the value of the money or property shown to have been stolen by the defendant and made way with or otherwise disposed of and not recovered."

Petit larceny.
Vol. 31, p. 1324.

Restitution added.

Amend section 830 so that it will read as follows:

"SEC. 830. STEALING, DESTROYING, MUTILATING, SECRETING, OR WITHHOLDING WILL.—Whoever, during the life of a testator or after his death, shall, for a fraudulent purpose, take and carry away a will, codicil, or other testamentary instrument, or destroy, mutilate, or secrete the same, whether it relates to personal or real property, shall suffer imprisonment for not more than five years.

Wills.
Penalty for stealing destroying, etc.
Vol. 31, p. 1324.

"If any person in whose possession or custody a will or codicil shall be after the death of a testator or testatrix shall willfully neglect to deliver the same to the supreme court of the District of Columbia, holding a special term as a probate court, or to the register of wills, or to some executor named in the will, for the space of three calendar months after the death of testator or testatrix shall be known to him, the person thus offending shall be punished by a fine not exceeding five hundred dollars."

Neglect to deliver.

Amend section 842 by striking out in the sixteenth and seventeenth lines thereof the words "six months" and inserting in lieu thereof the words "one year."

False pretenses.
Period extended.
Vol. 31, p. 1326.

Insert following section 845 the following additional section:

"SEC. 845a. Whoever having no title or color of title to the land affected shall maliciously cause to be recorded in the office of the recorder of deeds of the District of Columbia any deed, contract, or other instrument purporting to convey or to relate to any land in said District with intent to extort money or anything of value from any person owning such land, or having any interest therein, shall be fined not less than five hundred dollars or imprisoned not more than two years, or both."

Recording false deeds, penalty.
Vol. 31, p. 1327

Amend section 849 by inserting in the fifth line thereof, after the words "United States," the words "or of the District of Columbia."

Stealing, etc., District's books.
Vol. 31, p. 1327.

Amend section 863 by striking out in the last line thereof the words "one year" and inserting in lieu thereof the words "three years."

Lottery penalty extended.
Vol. 31, p. 1330.

Amend section 871 by inserting in the fifth line thereof, after the word "age," the words "and not under sixteen years of age."

Seduction by teacher, age limit.
Vol. 31, p. 1331.

Amend section 895 so that it will read as follows:

"SEC. 895. HARBOR REGULATIONS.—Every vessel coming to anchor in the Potomac River between the junction of the Washington and Georgetown channels of said river and the extension of the south line of P street southwest, in the city of Washington, shall anchor as near the flats in said river as possible, so that the channel of said river will not be obstructed; and if such vessel is to remain over twelve hours it shall be moored with both anchors, so as to give room for passing vessels and so as not to swing and obstruct said channel.

Harbor regulations. Anchorage.
Vol. 31, p. 1335.

"No vessel shall be permitted to anchor in the Washington channel of the Potomac River between a point one thousand feet south of the south line of P street and the north line of K street south extended, each point to be designated by a white buoy; and all vessels coming to anchor above the north line of K street south aforesaid shall come to

Washington channel.

anchor as near the flats as possible and so that the channel will not be obstructed; and all vessels coming to anchor shall be so moored by the use of both anchors as to prevent obstruction of the channel within four hundred feet of the nearest wharf, the said anchorage to continue only twenty-four hours unless otherwise ordered or directed by the harbor master.

Canals.

"No vessel shall be permitted to lie in Seventeenth street canal, New Jersey avenue canal, James Creek canal, or at the entrance thereof, so as to obstruct the passage of any vessel going into or out of the same or moving from one place to another therein, unless such obstructing vessel is actually engaged in loading or unloading, and shall then, if deemed expedient by the harbor master, be removed to such place as shall be necessary to give room to passing vessels. Any captain or owner of or any one in charge of any barge, sand scow, or any vessel that may sink in said canals shall raise and remove the same in five days. Any vessel at the end of wharves or in docks shall, when required by the harbor master, haul either way to accommodate vessels going in or coming out from such wharves or docks. They shall not occupy regular steamers' or sailing packets' berths without permission from the recognized occupants of such wharves and dock, and they are required to rig in all fore-and-aft spars, have boats hoisted up under the bow, and davits turned up, as the harbor master may direct. Vessels when not engaged in loading or discharging cargo shall give place to such vessels as are ready to receive or deliver freights; and if the captain or person in charge of any vessel refuse to move said vessel when notified by the occupant of the wharf at which she is lying, the harbor master shall order him to haul to some other berth or into the stream. The powers and authority herein conferred upon the harbor master may, in his absence or temporary disability, be exercised by the pilot of the harbor police boat. Any person refusing to obey the instructions of the harbor master, or, in case of his absence or temporary disability, the said pilot of the harbor police boat, or any person failing to comply with any of the provisions of this section, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both."

Removing sunken vessels.

Use of wharves.

Penalty.

Amend section 897 so it will read as follows:

Bass. Closed season reduced. Vol. 31, p. 1336.

"SEC. 897. BASS.—That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the first day of April and the twenty-ninth of May of each year, nor have in possession or expose for sale any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

Amend section 903 so it will read as follows:

Sale of confiscated nets, etc. Vol. 31, p. 1336.

"SEC. 903. That all nets, boats, or other contrivances, the property of any person or persons convicted under the provisions of this Act, shall be confiscated to the District of Columbia, and the same shall be sold at public auction to the highest bidder, by the property clerk of said District, and the proceeds therefrom be deposited with the collector of taxes, as are other District revenues."

Amend section 918 so that it will read as follows:

Peremptory challenges. Vol. 31, p. 1338.

"SEC. 918. PEREMPTORY CHALLENGES.—In all trials for capital offenses the accused and the United States shall each be entitled to twenty peremptory challenges. In trials for offenses punishable by imprisonment in the penitentiary the accused and the United States shall each be entitled to ten peremptory challenges. In all other cases, civil as well as criminal, in which the plaintiff is the United States or the District of Columbia, each party shall be entitled to three peremptory chal-

Authority of District added.

lenges; and if there are several defendants, they shall be treated as one person in the allowance of such challenges."

Amend section 922 by striking out in the second line thereof the words "more than a hundred miles from the city of Washington" and inserting in lieu thereof the words "beyond the District of Columbia."

Depositions out of District.
Vol. 31, p. 1339.

Amend section 932 by striking out in the tenth line thereof the word "for" and inserting in lieu thereof the word "of," and by substituting, in lines 2 and 3, the words "corporation counsel" for the words "city solicitor."

Corporation counsel authorized.
Vol. 31, p. 1340.

Amend section 934 by inserting in the twelfth line thereof, after the word "is," the words "a fine only or."

Police court authority.
Vol. 31, p. 1341.

Amend section 958 by inserting in the fifth line thereof, after the word "be," the following:

"*Provided*, That such illegitimate child or children, or the issue of such illegitimate child or children, shall not take by descent any interest in the real estate of the mother when such mother is mentally incapacitated from making a will, and shall remain so mentally incapacitated until her death."

Illegitimate children not to inherit from non compos mother.
Vol. 31, p. 1344.

Amend section 959 by striking out in the ninth line thereof the word "unprovided" and inserting in lieu thereof the words "not equally provided."

Advancement of personality.

Amend section 962 so it will read as follows:

"SEC. 962. WHEN LANDS ESCHEAT.—Any lands in the District of Columbia of which any person shall hereafter die seized in fee simple intestate, without any heir capable of inheriting, shall escheat to the United States."

Escheat of lands modified.
Vol. 31, p. 1344.

Amend section 963 by adding at end of section the following:

"*Provided, however*, That all petitions for divorce pending on the thirty-first day of December, nineteen hundred and one, may be proceeded with and disposed of under the provisions of the statutes in force on said date."

Pending divorce petitions.
Vol. 31, p. 1345.

Amend section 975 by striking out in the thirteenth line thereof the words "whether the husband or wife" and inserting in lieu thereof the word "who."

Verbal change.
Vol. 31, p. 1346.

Amend section 977 by striking out at the end thereof the words "but in such cases the husband may appeal."

Alimony appeals stricken out.
Vol. 31, p. 1346.

Amend the caption of section 983 so that it will read "Co-respondents."

Verbal change.
Vol. 31, p. 1347.

Amend section 984 by inserting in the fourth line thereof, after the word "tenants," the words "or against both the claimant and his tenant, or other occupant claiming under him."

Ejectment, parties added.
Vol. 31, p. 1347.

Strike out section 987.

Pleading stricken out.
Vol. 31, p. 1347.

Amend section 989 so that it will read as follows:

"SEC. 989. OUTSTANDING LEGAL TITLE.—It shall be no bar to the plaintiff's recovery that the legal title to the property claimed is outstanding in another as mortgagee or trustee under a mortgage or deed of trust to secure a debt unless such mortgagee or trustee, or those claiming under him, has taken possession of the premises; or unless the defendant claims under such mortgagor or grantor in the deed of trust."

Outstanding legal title.
Recovery modified.
Vol. 31, p. 1347.

Strike out section 991.

Action before default omitted.
Vol. 31, p. 1348.

Amend section 992 by inserting at the end of the third line thereof, after the word "may," the words "in the discretion of the court."

Discretion as to judgments.
Vol. 31, p. 1348.

Amend section 995 so that it will read as follows:

"SEC. 995. MESNE PROFITS AND DAMAGES.—The plaintiff may embody in his declaration, in a separate count, a claim for the mesne profits received by the defendant from the property sued for or for the clear value of the use and occupation thereof extending to the time of the verdict, and also damages for waste or injury to the premises during said period; and if the jury find for the plaintiff they may, at

Mesne profits.
Period extended.
Vol. 31, p. 1348.

the same time, find and assess the said mesne profits, or the value of said use and occupation and the amount of said damages; and, besides a judgment for the recovery of the property, there shall be rendered a judgment against the defendant for the amount so found by the jury, except in the case provided for in section ten hundred and three hereafter."

Interest of plaintiff inserted.
Vol. 31, p. 1349.

Amend section 1000 by inserting in the third line thereof, after the word "property," the words "or interest."

Defendant's claim for improvements.
Vol. 31, p. 1349.

Amend section 1003 so that it will read as follows:

"SEC. 1003. IMPROVEMENTS.—If at any time before the trial the defendant shall give notice that if the verdict of the jury shall be in favor of the plaintiff's title the defendant will claim the benefit of permanent improvements that may have been placed on the property by the defendant or those under whom he claims, and shall offer evidence at the trial tending to show that he or those under whom he claims had peaceably entered into possession of the premises in controversy under a title which he or they had reason to believe and did believe to be good, and had erected valuable and permanent improvements on said property, which were begun in good faith before the commencement of the suit, the jury shall be directed, in case they find in favor of the plaintiff's title and also find that such permanent improvements were made by the defendant, or those under whom he claims, under the circumstances aforesaid, to assess—

Assessment.

Plaintiff's damages.

"First. The damages of the plaintiff, being the clear value over and above taxes and necessary expenses of the use and occupation of the property, exclusive of said improvements, during the whole period of the occupation of the same to the date of the verdict, and also any damage done to the property, by waste or otherwise, by said parties during said occupation.

Improvements.

"Second. The present value of any permanent improvements which may have been placed on the premises by the defendant or those under whom he claims.

Value, without improvements.

"Third. The present value of the property of the plaintiff without and exclusive of the said improvements."

New jury; view omitted.
Vol. 31, p. 1350.

Amend section 1004 so that it will read as follows:

"SEC. 1004. If either party shall feel aggrieved by said assessment he may, within four days after the verdict, move to set the assessment aside, and the court may, for good cause shown, set the same aside and order another jury to be empaneled in the cause to make a new assessment."

Tenancies modified.
Vol. 31, p. 1352.

Amend section 1031 by adding at the end thereof the words "unless otherwise expressed."

Verbal change.
Vol. 31, p. 1352.

Amend section 1034 by striking out in the sixth line thereof the word "hirlings" and inserting in lieu thereof the word "hireings."

Amend section 1036 by adding at the end thereof the following paragraph:

Estates at will. Application to personality.
Vol. 31, p. 1352.

"All the provisions of this subchapter shall apply to personal property generally except where from the nature of the property they are inapplicable."

Testimony de bene esse.
Vol. 31, p. 1354.

Amend section 1058 so that it will read as follows:

"SEC. 1058. TESTIMONY DE BENE ESSE.—The testimony of any witness may be taken in any civil cause depending in any court of the District of Columbia, whether the cause be at issue or not, by deposition de bene esse, under any of the following conditions:

Witness beyond District. About to leave.

"First. Where the witness lives beyond the District of Columbia.

"Second. Where the witness is likely to go out of the United States or beyond the District and not return in time for the trial.

Infirm, etc.

"Third. Where the witness is infirm or aged, or for any other reason the party desiring his testimony fear he may not be able to secure the same at the time of trial, whether said witness resides within the District or not.

“Fourth. If during the trial any witness is unable, by reason of sickness or other cause, to attend the trial, the deposition of such witness may, in the discretion of the court, be taken and read at the trial.

Inability to attend.

“Any such deposition may be taken before any judge of any court of the United States; before any commissioner or clerk of any court of the United States, or any examiner in chancery of any court of the United States; before any chancellor, justice, or judge or clerk of any court of any State or Territory or other place under the sovereignty of the United States, or any notary public or justice of the peace within any place under the sovereignty of the United States: *Provided*, That no such person shall be eligible to take such deposition who is counsel or attorney for any party to the cause or who is in any wise interested in the event of the cause.

Officer authorized.

Proviso.
Ineligibility.

“Before proceeding to take the deposition reasonable written notice of the time, place, names, and addresses of the witnesses shall be given by the party or his attorney proposing to take the deposition to the attorney of record, if there be one, of the adverse party, and if not, of the party himself, which notice shall specify the name or names of the witnesses, the time and place of taking the same, and the name and official character of the person before whom the same is to be taken; but it shall not be lawful to require the adverse party to attend the taking of a deposition at more than one place on the same day.

Notice.

“In all cases in rem the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party until a claim shall have been put in, when the claimant and the person having the agency or possession as aforesaid shall both be entitled to the notice.

Persons in possession.

“Summons to any witness to appear and testify shall be issued by the person or officer before whom the deposition is to be taken, and served by the marshal of the United States or his deputy within the place where the witness resides; and the witness may be compelled to appear and testify by the officer before whom the deposition is to be taken in the same manner as witnesses may be compelled to appear and testify in court; and for the purpose of executing the provisions of this section any of the persons authorized to take such depositions are hereby vested with all the power and authority for compelling the attendance of the witness and the giving of his testimony which by law or usage are vested in any of the judges of the courts of the United States, and shall be entitled, upon summary application, to the aid of the courts of the United States to compel such attendance and giving of testimony.

Summons.

“Every person deposing as herein provided shall first swear or solemnly and truly affirm to tell the truth, the whole truth, and nothing but the truth in answer to such questions as are propounded to him by the parties or their counsel; and the adverse party or his counsel shall have the right to cross-examine such witness.

Oath, etc.

“The questions propounded to the witness and the answers of the witness thereto shall be taken down in writing; and the same may be taken down stenographically by the officer taking the deposition or a competent and disinterested stenographer engaged by him, and afterwards transcribed into writing or typewriting, and, in the presence of the officer taking the deposition, read over to the witness, and signed by him. If the witness be unable to write or refuse to sign the deposition, the officer taking the same shall certify the fact and the reason, if any, assigned by the witness.

Manner of taking.

“The deposition of the witness or witnesses, together with the certificate of the officer taking the same, shall be by said officer sealed up and indorsed with the title of the cause in which the deposition is taken, and the cost of taking the same and by whom paid, and by him trans-

Transmission.

mitted to the court in the District of Columbia in which the cause is pending, and by him deposited, postage prepaid, in the United States mail.

Admission if witness not produced.

"If, at the time of trial, the witness can be produced to testify in open court the deposition shall not be read in evidence; but if the attendance of the witness can not be produced then the said deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten days after the return thereof, and would be valid were the witness personally present in court.

Depositions by common usage or in perpetuum rei memoriam.

"In any case where the interests of justice may require the supreme court of the District of Columbia may grant a *dedimus potestatem* to take depositions according to common usage, and may, according to the usages of chancery, direct depositions to be taken in *perpetuum rei memoriam* if they relate to any matters that might be cognizable in any court of the United States.

Letters rogatory for witnesses abroad.

"When the testimony of any witness residing in any place not within the sovereignty of the United States is desired in any cause pending in any court of the District of Columbia, the same may be taken upon interrogatories and cross-interrogatories filed in said court, and transmitted by said court under letters rogatory, addressed to some court of record in the foreign State in which said witness is then to be found."

Oral deposition. Vol. 31, p. 1356.

Amend section 1060 by inserting in the fifth line thereof, after the word "District," the words "orally or."

Amend section 1062 so that it will read as follows:

Commissions from out of the District. Vol. 31, p. 1357. Description extended.

"**SEC. 1062. COMMISSIONS FROM COURTS OUT OF THE DISTRICT.**—When a commission is issued by any court of the United States or of any State or Territory or of any place under the jurisdiction of the United States, for taking the testimony of witnesses within the District of Columbia, the same proceedings shall be had in relation thereto as are directed by sections eight hundred and sixty-eight and eight hundred and sixty-nine of the Revised Statutes of the United States."

R. S., secs. 868, 869, pp. 164, 165.

Amend section 1065 so that it will read as follows:

Testimony of deceased party, etc. Vol. 31, p. 1357. Admissibility extended.

"**SEC. 1065. TESTIMONY OF DECEASED OR INSANE PARTY.**—If a party, after having testified at a time when he was competent to do so, shall die or become insane or otherwise incapable of testifying, his testimony may be given in evidence in any trial or hearing in relation to the same subject-matter between the same parties or their legal representatives, as the case may be; and in such case the opposite party may testify in opposition thereto."

Convict's testimony. Vol. 31, p. 1357.

Amend section 1067 by striking out in the third line thereof the words "other than perjury."

At the end of chapter twenty-five, following section 1073, insert the following additional section:

Credibility of witness testifying differently from statements. Vol. 31, p. 1358.

SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made such statements and if so allowed to explain them.

Lien on equitable interests. Vol. 31, p. 1359.

Amend section 1079 by adding at the end thereof the words "and shall also be a lien upon the equitable interest of the judgment defendant in goods and chattels in his possession."

Fieri facias on legal estates. Vol. 31, p. 1359.

Amend section 1082 by inserting in the eighth line thereof, after the word "all," the word "legal."

Amend section 1084 by adding at the end thereof the words "in other cases of equitable interest of the judgment debtor in personal chattels execution may also be levied thereon and the lien thus obtained may be enforced by proceedings in equity."

Levy on equitable interests.
Vol. 31, p. 1359.

Amend section 1085 by inserting in the first line thereof, between the caption and the word "all," the words "where not herein otherwise provided."

Limit on appraisement.
Vol. 31, p. 1359.

Amend section 1088 so that it will read as follows:

"SEC. 1088. ON WHAT ATTACHMENT MAY BE LEVIED.—An attachment may be levied upon the judgment debtor's goods, chattels, and credits."

Attachment on patents omitted.
Vol. 31, p. 1360.

Amend section 1091 by adding thereto the following paragraph:

"The attachment may also be levied upon money or property of the defendant in the hands of an executor or administrator, and shall bind the same from the time of service; but if the executor or administrator shall make return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, no judgment of condemnation shall be rendered as against such executor or administrator until the passage by the orphans' court of his final or other account showing money or property in his hands to which the defendant is entitled."

Attachment on property in hands of executor, etc.
Vol. 31, p. 1360.

Strike out sections 1092 and 1099.

Patents stricken out.
Vol. 31, pp. 1360, 1361.
Coroner added.
Vol. 31, p. 1361.

Amend section 1101 by inserting in the first line thereof, after the word "marshal," the words "or coroner."

Amend section 1111 so that it will read as follows:

"SEC. 1111. FEES APPERTAINING TO THE PROBATE COURT.—The register of wills, clerk of the probate court, shall be entitled to demand and to receive for services performed by him, in advance of such services, the following fees: For filing petition or caveat, fifty cents; for filing other papers, each, five cents; for making docket and indexes and taxing costs in each case, two dollars and fifty cents; for additional docket entries, each, twenty-five cents; for issuing subpoena to witness and copies, each, twenty-five cents; for issuing subpoena duces tecum, fifty cents; for issuing summons, citation, commission, rule, warrant, notice of trial, process, execution, attachment, or writ, each, one dollar; for issuing notices to creditors, distributees, and legatees, each, fifty cents; for copies of summons, citation, rule, warrant, or other process, order of publication, notices to creditors, legatees, and distributees, attested under seal and delivered for service or publication, each, fifty cents; for taking and recording every bond, one dollar and fifty cents; for every probate of will, inventory, or account, one dollar; for issuing letters testamentary or of administration, collection, or guardianship, one dollar; for issuing certificate of appointment of executor, administrator, collector, or guardian, one dollar; for entering panel of jury and swearing them, fifty cents; for administering an oath or affirmation, fifteen cents; for passing a claim against an estate and entering in docket of claims, thirty cents; for drawing depositions of witnesses, per folio, fifteen cents; for every search of the files or records outside of a regular proceeding, where no other service is performed for which a fee is allowed, one dollar; for examining or stating any account of executor, administrator, collector, guardian, receiver, or trustee, not exceeding one hundred items, five dollars; for each additional item, two cents; for stating the distribution of an estate, for each distributee, one dollar; for copy of an account, not exceeding one hundred items, one dollar and fifty cents; for each additional item, two cents; for recording all papers, per folio, fifteen cents; for copies of all papers not otherwise specified, per folio, twelve cents; for every certificate under seal, not otherwise specified, fifty cents: *Provided*, That in all cases where the estate does not exceed two hun-

Probate court fees.
Vol. 31, p. 1364.

Provisos.
Small estates.

Other services.

dred dollars in value the register of wills shall receive no fees, and where the estate does not exceed five hundred dollars in value the fees shall not exceed ten dollars: *Provided further*, That the court may allow to the register reasonable fees for any service he may render not specified in the preceding section."

Ancillary guardians for lunatics.

Vol. 31, p. 1371.

Publication limited.

Amend the caption of section 1141 by adding thereto the words "or lunatic." Amend section 1141 by inserting in the eighth line thereof, after the word "copies," the words "of so much;" also by striking out in the same line the word "showing" and inserting in lieu thereof the words "as shows."

Proceedings against wife omitted.

Vol. 31, p. 1376.

Usury.

Penalty increased.

Vol. 31, p. 1377.

Strike out sections 1167 and 1168.

Amend section 1180 so that it will read as follows:

"SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than six per centum per annum, or shall contract, in writing, to pay a greater rate than six per centum per annum, the creditor shall forfeit the whole of the interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the Act of Congress approved March second, eighteen hundred and eighty-nine, relating to pawnbrokers."

Amend section 1182 so that it will read as follows:

"SEC. 1182. UNLAWFUL INTEREST TO BE CREDITED.—In any action brought upon any contract for the payment of money with interest at a rate forbidden by law, as aforesaid, any payments of interest that may have been made on account of said contract shall be deemed and taken to be payments made on account of the principal debt, and judgment shall be rendered for no more than the balance found due after deducting and properly crediting the interest so paid; but no bona fide indorsee of negotiable paper purchased before due shall be affected by any usury exacted by any former holder of said paper unless he had notice of the usury before his purchase."

Amend section 1189 so that it will read as follows:

"SEC. 1189. SALARY.—He shall receive an annual salary of two thousand dollars, which shall include all fees and emoluments."

Amend section 1212 by inserting in the tenth line thereof, after the word "agreement," the words "in writing filed in the cause."

Amend section 1214 by inserting in the eleventh line thereof, after the word "contingent," the words "but such liens on equitable interests shall be enforced by bill in equity."

Amend section 1222 by inserting in the seventh line thereof, after the word "if," the word "he."

Amend section 1226 by striking out in the sixth line thereof the words "for possession."

Amend section 1265 by inserting in the twenty-seventh line thereof, after the word "representative," the words "except where otherwise provided herein."

Amend section 1266 by inserting in the third line thereof, after the word "interval," the words "not exceeding two years."

Amend section 1267 by striking out, at the end thereof, the words "and whether so barred or not, no action shall be brought in the District on any such judgment or decree rendered more than ten years before the commencement of such action."

Amend section 1268 by inserting in the first line thereof, between the word "the" and the word "provisions," the word "foregoing;" also by striking out in the second line thereof the word "aforesaid" and inserting in lieu thereof the words "of this chapter."

Amend section 1271 by adding, at the end thereof, the following paragraph:

"No action shall be maintained whereby to charge any person upon any acknowledgment of, or promise to pay, any debt contracted during

Warden's salary.

Vol. 31, p. 1378.

Judgments extended.

Vol. 31, p. 1381.

Liens on equitable interests.

Vol. 31, p. 1381.

Verbal correction.

Vol. 31, p. 1382.

Arrears of rent.

Vol. 31, p. 1383.

Limitation of real actions.

Vol. 31, p. 1389.

Limit of suits against estates.

Vol. 31, p. 1389.

Foreign judgments, limit.

Vol. 31, p. 1389.

Verbal changes.

Vol. 31, p. 1389.

Debts of infants. Acknowledgment.

Vol. 31 p. 1390.

infancy made after full age, except for necessities, unless such acknowledgment or promise shall be made by some writing signed by the party to be charged therewith: *Provided*, That nothing herein contained shall affect ratification by conduct."

Proviso.
Ratification.

Amend section 1276 by inserting in the fourth line thereof, after the word "thereafter," the words "unless for cause shown, the court shall extend the time."

Extending mandamus proceedings.
Vol. 31, p. 1390.

Amend section 1285 by adding thereto the following paragraph:

"Fourth. When either of the parties is under the age of consent, which is hereby declared to be sixteen years of age for males and fourteen for females."

Age of consent, marriage.
Vol. 31, p. 1391.

Amend section 1286 by striking out in the seventh line thereof the word "contracted" and inserting in lieu thereof the word "contracted."

Verbal changes.
Vol. 31, p. 1392.

Amend section 1290 by inserting in the third line thereof, after the word "therefor," the words "addressed to him."

Amend section 1293 by striking out the first five lines thereof and inserting in lieu thereof the following:

Marriage license.

"SEC. 1293. FORM OF LICENSE.—Licenses to perform the marriage ceremony shall be addressed to some particular minister or magistrate authorized by section twelve hundred and eighty-eight hereof to perform the marriage ceremony and shall be in the following form:

Form.
Vol. 31, p. 1392.

"Number —.

"To ———, authorized to celebrate marriages in the District of Columbia, greeting:"

Amend section 1298 so that the same will read as follows:

"SEC. 1298. PROCEEDING FOR CHANGE OF NAME.—Any person, being a resident of the District, desiring a change of name may file a petition in the supreme court holding an equity term setting forth the reasons therefor and also the name desired to be assumed. In case the applicant is an infant, such petition shall be filed by the parent, guardian, or next friend to said infant. The court shall have power, in its discretion, to grant the prayer of such petition."

Changing name.
Vol. 31, p. 1394.

Infants.

Amend section 1299 by inserting in the second line thereof, after the word "published," the words "once a week."

Publication.
Vol. 31, p. 1394.

Amend section 1302 by inserting in the first line thereof, after the word "every," the word "such."

Verbal change.
Vol. 31, p. 1394.

Amend section 1304 by striking out in the last paragraph thereof the word "act" and inserting in lieu thereof the word "chapter," also by adding to said section the following paragraph:

"The provisions of this chapter do not apply to negotiable instruments made and delivered prior to January twelfth, eighteen hundred and ninety-nine."

Limit as to negotiable instruments.
Vol. 31, p. 1396.

Amend section 1389 by striking out in the eighteenth and nineteenth lines thereof the words "within the meaning of this section" and inserting in lieu thereof the words "for all purposes."

Effect of holidays.
Vol. 31, p. 1405.

Amend section 1406 by striking out in the last line thereof the word "Act" and inserting in lieu thereof the word "chapter."

Verbal changes.
Vol. 31, p. 1406.

Amend section 1412 by striking out in the twelfth line thereof the word "Act" and inserting in lieu thereof the word "chapter."

Vol. 31, p. 1407.

Amend section 1450 by striking out in the fifth line thereof the word "Act" and inserting in lieu thereof the word "chapter."

Vol. 31, p. 1411.

Amend section 1453 by striking out in the fourth line thereof the word "Act" and inserting in lieu thereof the word "chapter."

Vol. 31, p. 1411.

Amend section 1532 by striking out in the eighth line thereof the word "not" and inserting in lieu thereof the word "also," and by adding at the end of said section the words "when they relate to the same transaction, but not otherwise."

Pleading. Uniting torts and contracts.
Vol. 31, p. 1418.

Denial of plaintiff's character.
Vol. 31, p. 1419.

Without oath.

Foreign corporations.
Service on officer or agent in the District.
Vol. 31, p. 1419.

Notice in quo warranto.
Vol. 31, p. 1420.

Replevin, addition to affidavit.
Vol. 31, p. 1421.

Undertaking by plaintiff's agent.
Vol. 31, p. 1421.

Mailing notice of replevin.
Vol. 31, p. 1421.

Coroner inserted.
Vol. 31, p. 1422.

Set-off extended.
Vol. 31, p. 1422.

Surveyor's office. Jurisdiction extended.
Vol. 31, p. 1424.

Jurisdiction of Commissioners repealed.
Vol. 31, p. 1424.
Certification of subdivisions.
Vol. 31, p. 1425.
Addition.

Vol. 31, p. 1427.

Alleys, regulation.
Vol. 31, p. 1425.

Division of excess or deficiency in number of feet.
Vol. 31, p. 1425.

Amend section 1535 so that it will read as follows:

"SEC. 1535. PLAINTIFF'S OFFICIAL CHARACTER, HOW DENIED.—If either party wishes to deny the right of any other party to claim as executor, or as trustee, or in other representative capacity, or as a corporation, he shall deny the same specially under oath, unless for cause shown he obtain leave of the court to make such denial without oath."

Amend section 1537 by adding at the end thereof the following paragraph:

"When a foreign corporation shall transact business in the District without having any place of business or resident agent therein, service upon any officer or agent of such corporation in the District shall be effectual as to suits growing out of contracts entered into or to be performed, in whole or in part, in the District of Columbia or growing out of any tort heretofore or hereafter committed in the said District."

Amend section 1542 by striking out in the second line thereof the word "clerk" and inserting in lieu thereof the word "court."

Amend section 1551 by adding at the end thereof the words "between the parties."

Amend section 1552 so that it will read as follows:

"SEC. 1552. UNDERTAKING.—The plaintiff shall at the same time enter into an undertaking by himself or his agent with surety, approved by the clerk, to abide by and perform the judgment of the court in the premises."

Amend section 1554 by inserting in the third line thereof after the word "court" the words "subject to the provisions of section one hundred and eight hereof as to mailing notice."

Amend section 1557 by inserting in the second line thereof after the word "marshal" the words "or coroner."

Amend section 1563 by inserting in the second line thereof after the word "action" the words "or between any of the several defendants and the plaintiff."

Amend section 1574 so that it will read as follows:

"SEC. 1574. OFFICE.—The office of the surveyor of the District shall be the legal office of record of the plats and subdivisions of all private property in the District of Columbia and of all property belonging to the District of Columbia. And the copies of all records of the division of squares and lots made between the public and the original proprietors and all plats, papers, books, maps, and records now in the office of the surveyor shall remain therein."

Strike out section 1576.

Amend section 1582, in line 6, by striking out all after the word "expressed" and inserting in lieu thereof the following:

"And whether said lots or parcels conform to the general orders of the Commissioners of the District of Columbia made under existing law or under authority of section sixteen hundred and one of this code; and if upon such examination he shall find the plat correct he shall certify the same under his hand and seal to the said Commissioners with such remarks as appear to him necessary; but no such plat or subdivision shall be admitted to record in the office of the surveyor without an order to that effect, indorsed thereon by said Commissioners."

Amend section 1584, lines 2 and 3, by striking out the words "to the public or subject to the uses declared by the person making such subdivision."

Amend section 1585 so that it will read as follows:

"SEC. 1585. DEFICIENCY OR EXCESS IN NUMBER OF FEET.—Whenever the surveyor shall lay off any lot, or any parts into which a square or lot may be subdivided, as provided in this chapter, he shall measure the whole of that front of the square on which said lot or part lies,

and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall, except in that portion of the city of Washington included within the limits of what formerly constituted the city of Georgetown, apportion such excess or deficiency among the lots or pieces on that front agreeably to their respective dimensions; and in that portion of the city of Washington included within the limits of what formerly constituted the city of Georgetown he shall allow such excess or charge such deficiency to the highest numbered original lot on that front of the square, or apportion such excess or deficiency among any lots into which such highest numbered original lot may have been subdivided: *Provided*, That wherever in the former city of Georgetown a square or block of land is intersected by the division line between two original additions to said city, the excess or deficiency found between the street lines and said division line shall be applied to the highest numbered original lot on each side of said division line, or apportioned among any lots into which such highest numbered original lot may have been subdivided."

Proviso.
Georgetown squares

Amend section 1589, line 2, by striking out the words "when requested," and in lines 3 and 4, by striking out the words "when the same shall be level with the street or surface of the ground."

Adjusting lines of buildings.
Vol. 31, p. 1426.

Amend section 1600 by inserting in the second line thereof after the word "plats" the words "books, maps."

Verbal addition.
Vol. 31, p. 1427.

Amend section 1606 by striking out in the second and third lines thereof the words "delivered to the petitioners, who shall file the same" and insert in lieu thereof the word "filed."

Filing alley plats.
Vol. 31, p. 1428.

Amend section 1607 by striking out in the fourteenth and fifteenth lines thereof the words "attached to a plat of said square and delivered to the petitioners, who shall file the same" and inserting in lieu thereof the word "filed;" also by adding at the end of said section the words "the expense of the recording provided for by this and the preceding section shall be advanced by the petitioner to the Commissioners under such regulations as they may prescribe."

Recording expenses.
Vol. 31, p. 1429.

Amend section 1609 by striking out in the eleventh line thereof the word "kept" and inserting in lieu thereof the word "recorded."

Verbal change.
Vol. 31, p. 1430.

Strike out section 1624.

Amend section 1628 so that it will read as follows:

Perpetuities stricken out.
Vol. 31, p. 1433.

"SEC. 1628. AFTER-ACQUIRED REAL ESTATE.—Any will executed after January seventeenth, eighteen hundred and eighty-seven, and before the first day of January, nineteen hundred and two, devising real estate, from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will, shall be deemed, taken, and held to operate as a valid devise of all such property; and any will hereafter executed which shall by words of general import devise all the estate or all the real estate of the testator shall be deemed, taken, and held to operate as a valid devise of any real estate acquired by said testator after the execution of such will, unless it shall appear therefrom that it was not the intention of the testator to devise such after-acquired property."

Disposal of after-acquired estate by will.
Vol. 31, p. 1433.
Term defined, and form modified.

Amend section 1633 so that it will read as follows:

"SEC. 1633. GENERAL DEVISE OF ALL PROPERTY.—Every devise and bequest purporting to be of all real or personal property, or both, belonging to the testator shall be construed to include also all property of either or both kinds, respectively, over which he has a general power of appointment, unless the contrary intention shall appear in the will or codicil containing such devise or bequest."

Devise of all property.
Effect.
Vol. 31, p. 1434.

Following section 1635 insert the following additional section:

SEC. 1635a. It shall be lawful for any person in whose possession or custody a will or codicil shall be after the death of the testator or testatrix, to open and read the same in the presence of any near rela-

Opening will before delivery to probate court.
Vol. 31, p. 1434.

tives of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter to deliver such will or codicil to the supreme court of the District of Columbia, holding a special term as a probate court, or to the register of wills, until due proceedings may be had for proving the same, or until it be demanded by an executor or other person authorized to demand it, for the purpose of having it proved according to law.

Acts not repealed.
Vol. 31, p. 1435.

Vestry, etc.

Amend section 1636 by adding at the end of the paragraph numbered "Eighth" the following paragraph:

"Ninth. Acts and parts of acts relating to the organization and powers of vestries, trustees, or other governing bodies of any religious denomination."

At the end of chapter sixty, entitled "Repeal provisions," and following section 1642, insert the following section:

SEC. 1643. That nothing herein contained shall be held to affect the term of office of any judicial or other officer holding office when this code goes into effect and operation, except when, as in the case of the present justices of the peace and constables, a contrary intention is manifested.

Approved, June 30, 1902.

Terms of present of-
ficers not affected.
Vol. 31, p. 1436.
Exception.

June 30, 1902.

[Public, No. 207.]

CHAP. 1330.—An Act Confirming in the State of South Dakota title to a section of land heretofore granted to said State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of the State of South Dakota to the section of land described in section three of chapter twelve hundred and fifty-seven of the Act of Congress approved October first, anno Domini eighteen hundred and ninety, be, and is hereby, confirmed and made absolute in the said State freed from the conditions therein imposed; the proceeds thereof, if sold, to be used in aid of the militia of the State of South Dakota.

Approved, June 30, 1902.

South Dakota.
Title to State camp
and parade ground
confirmed.
Vol. 26, p. 647.

June 30, 1902.

[Public, No. 208.]

CHAP. 1331.—An Act To prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for, delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such

Consular Service.
Consuls accepting
from foreign States
appointments as ad-
ministrators, etc.,
must give bond.
Secretary of State
to approve bond.

Proceedings
breach of trust.

in