Public Law 89-183

AN ACT

September 14, 1965
[H. R. 4465]

To enact Part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations", codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general and permanent laws of the District of Columbia relating to wills and the probate of wills, descent and distribution, administration of decedents' estates, certain fiduciary relations, including provisions relating to guardians and wards, gifts to minors, and fiduciaries generally, and the mentally ill, are revised, codified, and enacted as Part III of the District of Columbia Code, "Decedents' Estates and Fiduciary Relations", and may be cited "D.C. Code § —", as follows:

D.C. Code, Part III, Decedents' Estates and Fiduciary Relations.

PART III

DECEDENTS' ESTATES AND FIDUCIARY RELATIONS

TITLE 18—WILLS AND PROBATE OF WILLS

CHAPTER 1—GENERAL PROVISIONS

§ 18–101. Definitions

As used in this title, unless the context requires a different meaning:

words importing the singular include the plural, and words importing the plural include the singular;

words importing the masculine gender include all genders;

the present tense includes the future as well as the present;

"District Court" means the United States District Court for the District of Columbia; and

"Probate Court" and "court", respectively, mean the United States District Court for the District of Columbia in the exercise of its probate jurisdiction.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

§ 18–102. Capacity to make a will

A will, testament, or codicil is not valid for any purpose unless the person making it is:

(1) if a male, at least 21 years of age; or

(2) if a female, at least 18 years of age—

and, at the time of executing or acknowledging it as provided by this chapter, of sound and disposing mind and capable of executing a valid deed or contract.

§ 18–103. Execution of written will; attestation

A will or testament, other than a will executed in the manner provided by section 18–107, is void unless it is:

(1) in writing and signed by the testator, or by another person in his presence and by his express direction; and

(2) attested and subscribed in the presence of the testator, by at least two credible witnesses.

§ 18–104. Devises, legacies, etc., to attesting witnesses

(a) A beneficial devise, legacy, estate, interest, gift, or power of appointment of or affecting real or personal estate, given or made to an attesting witness to a will or codicil is void as to him and persons claiming under him, except as provided by subsections (b) and (c) of this section.

(b) Where an interested witness to a will or codicil, referred to in subsection (a) of this section, would be entitled to a share of the estate of the testator in case the will or codicil were not established, he or persons claiming under him shall take such portion of the devise or bequest made to him in the will or codicil as does not exceed the share of the estate which would be distributed to him or persons claiming under him in case of intestacy.

(c) The voidance provided for by subsection (a) of this section does not apply to charges on real estate for the payment of debts.

(d) Notwithstanding subsection (a) of this section, an interested witness referred to therein, whether an heir at law or not, is not disqualified as a competent witness to the execution of the will or codicil by reason of his interest.

§ 18–105. Retention or demand of void devise or legacy by attesting witness prohibited

A person to whom a beneficial devise, legacy, estate, interest, gift, or power of appointment is given or made in a will or codicil, which is void under section 18–103, may not, in any manner or under any color or pretense whatsoever:

(1) demand or take possession of or receive any profits or benefit of or from the devise, legacy estate, interest, gift, or power of appointment so given or made; or

(2) demand, receive, or accept from another person the beneficial devise, legacy estate, interest, gift, or power of appointment or any satisfaction or compensation therefor.

§ 18–106. Creditors as competent witnesses

A mere charge in a will or codicil on the estate of a testator for the payment of debts does not disqualify a creditor from being a competent witness to the will or codicil.

§ 18–107. Nuncupative wills

A nuncupative will made after January 1, 1902, is not valid in the District of Columbia except that a person in actual military or naval service or a mariner at sea may dispose of his personal property by word of mouth, if:

(1) his oral disposition of the property is proved by at least two witnesses who were present at the making thereof and were

requested by the testator to bear witness that the disposition was his last will; and

(2) the will is made during the time of the last illness of the deceased; and

(3) the substance of the will is reduced to writing within 10 days after it was made.

§ 18–108. Execution of power by will

An appointment made by will in the exercise of a power is not valid unless it is so executed that it would be valid for the disposition of the property to which the power applies if it belonged to the testator.

§ 18–109. Revocation of wills; revival

(a) A will or codicil, or a part thereof, may not be revoked, except by implication of law, otherwise than by

(1) a later will, codicil, or other writing declaring the revocation, executed as provided by section 18–103 or 18–107; or

(2) burning, tearing, cancelling, or obliterating the will or codicil, or the part thereof, with the intention of revoking it, by the testator himself, or by a person in his presence and by his express direction and consent.

(b) A will or codicil, or a part thereof, after it is revoked, may not be revived otherwise than by its re-execution, or by a codicil executed as provided in the case of wills, and then only to the extent to which an intention to revive is shown.

§ 18–110. Opening will before delivery to Probate Court

A person having possession or custody of a testamentary instrument may, after the death of the testator, open and read it in the presence of near relatives of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter may deliver the will or codicil to the Probate Court or the Register of Wills, until proceedings may be held for the purpose of proving it or other action is taken thereon.

§ 18–111. Withholding will

Penalty.

Whoever, having possession of a testamentary instrument, willfully neglects, for the period of 90 days after the death of the testator becomes known to him, to deliver it to the Probate Court, or to the Register of Wills, or to an executor named in the instrument, shall be fined not more than $500.

§ 18–112. Taking and carrying away, or destroying, mutilating, or secreting will

Penalty.

Whoever, during the life or after the death of the testator, for a fraudulent purpose, takes and carries away, or destroys, mutilates, or secretes, a testamentary instrument, shall be imprisoned not more than five years.

CHAPTER 3—DEVISES AND BEQUESTS

Sec.

§ 18–301. Estates disposable by will

The real and personal estate of a person, which may pass by deed or gift, or which would, in case of the owner's dying intestate, descend to or devolve upon his heirs or other legal representatives, may be

disposed of, transferred, and passed by his last will, testament, or codicil, in accordance with this Part.

§ 18–302. Devises or bequests for religious purposes

A devise or bequest of real or personal property to a minister, priest, rabbi, public teacher, or preacher of the gospel, as such, or to a religious sect, order, or denomination, or to or for the support, use, or benefit thereof, or in trust therefor, is not valid unless it is made at least 30 days before the death of the testator.

§ 18–303. General devise and bequest of all property

A devise and bequest purporting to be of all real or personal property, or both, belonging to the testator, includes also all property of either or both kinds, respectively, over which he has a general power of appointment, unless a contrary intention appears in the testamentary instrument containing the devise or bequest.

§ 18–304. Devise of land to include leaseholds

A devise of the land of a testator, or of his land in any place, or in the occupation of a person named or otherwise described in a general manner, includes his leasehold estates or those to which the descriptions extend, as well as freehold estates, unless a contrary intention appears in the testamentary instrument containing the devise.

§ 18–305. After-acquired real property

(a) A will executed after January 17, 1887, and before January 1, 1902, devising real property, from which it appears that it was the intention of the testator to devise property acquired after the execution of the will, operates as a valid devise of all after-acquired real property.

(b) A will executed after January 1, 1902, which by words of general import devises all the estate or all the property of the testator, operates as a valid devise of real property acquired by the testator after the execution of the will, unless it appears therefrom that it was not the intention of the testator to devise the after-acquired real property.

§ 18–306. "Pour over" trusts

(a) BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, EXISTING TRUSTS.—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustees under, or in accordance with the terms of, a written inter vivos trust, including an unfunded life insurance trust, although the settlor has reserved rights of ownership in the insurance contracts, which has been executed and is in existence prior to or contemporaneously with the execution of the will or codicil and is identified in the will or codicil, without regard to the size or character of the corpus of the trust, or whether the settlor is the testator or a third person.

The devise or bequest is not invalid because the trust is subject to amendment or modification or may be terminated or revoked after the will or codicil is executed, whether by the settlor or any other person or persons, nor because the trust instrument or an amendment thereto was not executed in the manner required by law for wills or codicils.

Unless the will or codicil otherwise provides:

(1) the devise or bequest is not invalid because the trust was amended or modified after the will or codicil was executed, and the devise or bequest shall be given effect in accordance with the terms of the trust as they appear in writing on the date of death of the testator, including any amendment or modification;

(2) property passing under the devise or bequest passes directly to the trustees of the inter vivos trust and becomes a part

of the assets of the trust, and is not deemed to be held under a separate testamentary trust;

(3) an entire revocation of the trust prior to the death of the testator invalidates the devise or bequest even though the revocation was not effected in the manner provided by law for the revocation of wills and codicils;

(4) a termination of the trust, except by way of revocation, in accordance with the terms of the trust or by its exhaustion or by operation of law or otherwise does not invalidate the devise or bequest.

(b) BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, TESTAMENTARY TRUSTS.—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustees under, or in accordance with the terms of, a testamentary trust established under another valid will or codicil. The devise or bequest is not invalid because the testamentary trust or the will or codicil establishing the testamentary trust was not in existence when the will or codicil containing the devise or bequest was executed, if the testator of the will or codicil establishing the testamentary trust predeceases the testator of the will or codicil containing the devise or bequest, and the will or codicil establishing the testamentary trust is admitted to probate.

Unless the will otherwise provides:

(1) property passing under the devise or bequest is deemed to pass directly to the trustees of the testamentary trust and becomes a part of the assets of the trust, and is not deemed to be held under a separate testamentary trust;

(2) a termination of the trust in accordance with the terms of the trust or by its exhaustion or by operation of law or otherwise does not invalidate the devise or bequest.

(c) This section applies to a devise or bequest made by a testator living on December 5, 1963, or born subsequent thereto, without regard to the date of execution of the will or codicil containing the devise or bequest or of the trust instrument, or an amendment thereto.

(d) This section does not affect the validity, as existing before December 5, 1963, of:

(1) a devise or bequest made by a testator who died prior to December 5, 1963; or

(2) a devise or bequest which does not come within this section.

§ 18–307. Advancement as satisfaction of devise or bequest

An advancement or a provision for an advancement to a person is a satisfaction, in whole or in part, of a devise or bequest to that person contained in a previous will if it would be so deemed in case the devisee or legatee were the child of the testator; and, whether he is a child or not, it shall be so deemed where it appears from parol or other evidence to be so intended.

§ 18–308. Death of devisee or legatee; lapsed or void devises or bequests

Unless a different disposition is made or required by the will, if a devisee or legatee dies before the testator, leaving issue who survive the testator, the issue shall take the estate devised or bequeathed as the devisee or legatee would have done if he had survived the testator. Unless a contrary intention appears by the will, the property comprised in a devise or bequest in a will that fails or is void or is otherwise incapable of taking effect, shall be deemed included in the residuary devise or bequest, if any, contained in the will.

CHAPTER 5—PROBATE OF WILLS

Sec.
18–501. Notice of petition for probate.
18–502. Notice to nonresidents and unfound residents.
18–503. Notice to unknown kin or heirs at law.
18–504. Probate; waiver of notice; proof of execution.
18–505. Proof of wills; testimony; witnesses outside District.
18–506. Appearance of persons not cited.
18–507. Admission to probate.
18–508. Caveat; will not to be probated while issues pending.
18–509. Caveat; time for filing.
18–510. Prior will not to be probated pending issues.
18–511. Guardian ad litem.
18–512. Plenary proceedings.
18–513. Trial of issues; jury; notice; service; absent parties; judgment.
18–514. Wills filed prior to June 8, 1898, may be probated as of real estate.

§ 18–501. Notice of petition for probate

(a) Upon the filing of a petition for probate of a will, the notice provided by this section and sections 18–502 and 18–503, shall be issued to each person who would be entitled to or interested in the estate of the testator if the will had not been executed, to appear in the Probate Court on a date named in the notice, if he has cause to show why the prayer of the petition should not be granted.

(b) The notice may be by a citation in which the return date named is not earlier than 10 days after the filing of the petition. The United States marshal or deputy marshal shall serve the citation in the District of Columbia not less than 5 days before the return day named in the citation.

§ 18–502. Notice to nonresidents and unfound residents

(a) Where a person entitled to notice under section 18–501(a) is a nonresident of the District of Columbia or is a resident of the District who has been returned "Not to be found" under subsection (b) of that section, the notice may be by a citation in which the return date named is not less than 20 days after the filing of the petition. The citation shall be served not less than 10 days before the return date named therein and only by a person not less than 18 years of age, who is not a party to or otherwise interested in the estate of the decedent. The return, showing the time and place of service, shall be made under oath in the District of Columbia, unless the person making the service is a sheriff or deputy sheriff, or a marshal or deputy marshal, authorized to serve process where service is made.

(b) When there is proof by the petition for probate or by other affidavit that any or all of the persons, interested as described by section 18–501(a), are nonresidents of the District of Columbia, or when any of them has been returned "Not to be found" under subsection (b) of that section, the notice may be by a publication in which the return date named is not less than 30 days after the date of the first appearance of the publication. The notice shall be published once in each of three successive weeks in a newspaper of general circulation in the District of Columbia. A copy of the published notice shall be mailed to the last-known address of each person referred to in this subsection who is not shown to have been returned served personally under section 18–501(b) or subsection (a) of this section. The court may by general rule prescribe the form of the notice by publication, and may order such other publication as the case requires.

§ 18–503. Notice to unknown kin or heirs at law

(a) When it appears to the satisfaction of the court that all or any of the next of kin or heirs at law of the deceased are unknown, they may be proceeded against and described in the publication of notice provided for by section 18–502(b) as "the unknown next of kin,"

or "the unknown heirs at law," as the case may be, of the deceased, and the publication of the notice under that designation is as effectual against them as if known and their names were specifically set forth in the order of publication.

(b) If a will was admitted to probate prior to June 30, 1902, upon publication against unknown next of kin or heirs, a person interested may file a petition for further probate of the will, alleging that the next of kin or heirs at law 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. Upon the publication being made, as required by the court, a decree may be made confirming the previous probate. The decree is as effectual as if the unknown next of kin or heirs at law were named in the order of publication.

§ 18–504. Probate; waiver of notice; proof of execution

When the notice prescribed by sections 18–501 to 18–503 has been completed or if all parties interested adversely to the will have waived the notice and consent that the will be admitted to probate and record, the court shall proceed, if a caveat is not filed, to take the proofs, or to consider the proofs theretofore taken, of the execution of the will. All the witnesses to the will who are within the District of Columbia and competent to testify shall be produced and examined or the absence of any of them satisfactorily accounted for. A will may not be admitted to probate and record except upon formal proof of its proper execution.

§ 18–505. Proof of wills; testimony; witnesses outside District

(a) When a will contains a devise of real estate, and an attesting witness thereto residing in the District of Columbia is unable to attend the court, the Register of Wills may, with the will, attend upon the witness and take his testimony. When the testimony of resident attesting witnesses to the will has been taken, and other attesting witnesses reside out of the District or are temporarily absent from the District, but are within the United States, it is sufficient, for the purpose of proving the will, to prove the signatures of the nonresident and temporarily absent witnesses.

(b) When the attesting witnesses to a will mentioned in subsection (a) of this section are out of the District as specified in that subsection, or if one or more are within the United States and one or more are in a foreign country, it is sufficient, for the purpose of proving the will, to take the testimony of any one or all of them within the United States, as the Probate Court determines, and to prove the signatures of those whose testimony is not required to be taken.

(c) If all the attesting witnesses to a will mentioned in subsection (a) of this section are out of the United States, it is sufficient, for the purpose of proving the will, to take the testimony of such of them as the court requires, and to prove the signatures of the others.

(d) The Federal Rules of Civil Procedure apply to the taking and use of testimony of out-of-District witnesses as provided by this section. The original will or codicil shall be sent with the notice or order of appointment or commission, or letters rogatory, and exhibited to the witnesses. 28 USC app.

(e) A notice of the time and place of taking testimony need not be given unless probate is opposed.

§ 18–506. Appearance of persons not cited

A person, although not cited, who is interested in sustaining or defeating a will, may appear and support or oppose the application to admit it to probate.

§ 18–507. Admission to probate

When, upon hearing the proofs, the court is of the opinion that the will was duly executed and the testator was competent to execute it, and a caveat is not filed against the admission of the will to probate, the court shall decree that the will be admitted to probate and record.

§ 18–508. Caveat; will not to be probated while issues pending

If, prior to or upon the hearing of an application to admit a will to probate, a party in interest files a verified caveat in opposition, setting forth facts inconsistent with the validity of the will, the will may not be admitted to probate until the issues raised by the caveat are determined, as directed by this chapter.

§ 18–509. Caveat; time for filing

After a will has been admitted to probate, a person in interest may, within six months from the date of the order of probate, file a verified caveat to the will, praying that the probate thereof be revoked.

§ 18–510. Prior will not to be probated pending issues

While issues raised by a caveat are pending, either for trial or on appeal, a prior will may not be admitted to probate.

§ 18–511. Guardian ad litem

When a party interested as specified by this chapter is an infant or of unsound mind, the court shall appoint a guardian ad litem to represent him at the hearing of the application to admit the will to probate, with authority to file a caveat, as he may be advised, in behalf of the interested party.

§ 18–512. Plenary proceedings

In all cases of controversy the court may direct a plenary proceeding to be had, by bill or petition, to which there shall be answer under oath, which may be compelled by the usual process, and all the depositions shall be taken down in writing and filed; or, if either party requires it, the court shall direct an issue to be framed for trial by a jury.

§ 18–513. Trial of issues; jury; notice; service; absent parties; judgment

(a) When a caveat is filed, issues shall be framed under the direction of the court for trial by a jury, except that, if all persons interested are sui juris and before the court, and give written consent to trial without a jury, the issues may be tried and determined by the court. When the issues are to be tried by a jury, they are triable in the Probate Court by petit jurors drawn for regular service in the District Court.

(b) At least 10 days prior to the time of trial of the issues as to a will, each heir at law or next of kin of the decedent, or both together, as the case requires, and each person claiming under the will in question or other instrument on file purporting to be a will of the decedent, shall be served with a copy of the issues and a notification of the time and place of the trial. Before the trial, the court shall appoint a guardian ad litem for each of them who is an infant or of unsound mind.

(c) If, as to a party in interest, the notification provided for by subsection (b) of this section is returned "Not to be found", the court shall assign a new day for the trial, and shall order publication, at least twice a week for a period of not less than four weeks, of the substance of the issues and of the date fixed for the trial thereof, in a newspaper of general circulation in the District of Columbia, and may order such further publication as the case requires. Personal service upon absent parties is not essential to the jurisdiction of the court. From time to

time, the court may prescribe and revise rules for service personally upon the party outside the District of Columbia of a copy of the issues and of the notification.

(d) The proceeding for impaneling a jury for the trial of the issues as to a will is the same as in civil actions. Subject to the right of appeal and to such revision as the common law provides, the verdict of the jury and the judgment of the court thereupon, or the judgment of the court without a jury, as the case may be, is res judicata as to all persons. The validity of the judgment may not be impeached or examined collaterally.

§ 18–514. Wills filed prior to June 8, 1898, may be probated as of real estate

A person interested under a will filed in the office of the Register of Wills for the District of Columbia prior to June 8, 1898, may offer the will for probate as a will of real estate, whereupon such proceedings shall be had as this Code authorizes in regard to wills offered for probate after that date.

TITLE 19—DESCENT AND DISTRIBUTION

CHAPTER 1—RIGHTS OF SURVIVING SPOUSE AND CHILDREN

§ 19–101. Family allowance; construction; penalties

(a) Upon the death of a person leaving a surviving spouse, the spouse is entitled to an allowance out of the personal estate of the decedent of the sum of $500 for the personal use of himself and of minor children. The allowance shall be paid in money, or in specific property at its fair value, as the surviving spouse may elect. It is exempt from all debts and obligations of the decedent, and is subject only to the payment of funeral expenses not exceeding $200.

(b) When there is no surviving spouse, the surviving minor children, if any, are entitled to the allowance provided for by subsection (a) of this section. This allowance is payable, in the discretion of the Probate Court, to the person having custody of the children, or to such other person as the court designates. The person to whom the allowance is paid shall use it solely for the care and maintenance of the children.

(c) The allowance provided for by this section is in addition to the respective shares of the surviving spouse and children.

(d) This section applies to estates of all persons dying after June 24, 1949; and if there is any conflict or inconsistency between this section and other provisions of this Part or any other law, this section controls.

(e) Whoever, with respect to the family allowance authorized by this section:

(1) makes a false affidavit; or

(2) willfully violates an order of the Probate Court; or

(3) willfully violates a provision of this section—

shall be fined not more than $500 for each offense.

§ 19–102. Dower; quarantine; curtesy abolished

(a) The widow of a deceased man, with respect to parties who intermarried prior to November 29, 1957, or the widow or widower of a deceased person dying after March 15, 1962, is entitled to dower and its incidents as the rights thereto were known at common law with respect to widows, including the use, during her or his natural life, of one-third part of all the lands on which the deceased spouse was seized of an estate of inheritance at any time during the marriage. The surviving spouse entitled to dower under this section may remain in the chief dwelling house of the decedent 40 days after the death, without being liable for rent therefor, within which period the dower of the surviving spouse, if not previously assigned to her or him, shall be so assigned. In the meantime, the surviving spouse may have reasonable sustenance out of the estate of the decedent.

(b) The right of dower and its incidents provided for by subsection (a) of this section entitles the widow or widower to lands held by the deceased spouse at any time during the marriage, whether by legal or equitable title, and whether held by the decedent at the time of death, or not, but the right does not operate to the prejudice of a claim for the purchase money of the lands or other lien thereon.

(c) The right of dower provided for by this section does not attach to lands held by two or more persons as joint tenants while the joint tenancy exists. A husband may not claim a right of dower in land which his wife, during the coverture, conveyed or transferred to another person by her sole deed prior to November 29, 1957.

(d) With respect to the real estate of a wife dying after November 29, 1957, there is no estate by the curtesy.

§ 19–103. Forfeiture of dower by desertion and adultery

(a) A person who voluntarily abandons or deserts his or her spouse and lives with another person with whom he or she commits adultery, and who is convicted of the adultery by a court having jurisdiction, forfeits the right to dower, and is forever barred of an action to demand it.

(b) Subsection (a) of this section does not apply if the aggrieved spouse willingly, and without coercion, pardons the offending spouse and permits the resumption of cohabitation.

§ 19–104. Absent or incompetent spouse

The spouse of a person who is insane, and has been so adjudicated by a court of competent jurisdiction and the adjudication remains in

force, or who has been absent or unheard of for seven years, may grant and convey by a separate deed, whether it is absolute or by way of lease or mortgage, as fully as if he were unmarried, any real property acquired by him since the adjudication or since the beginning of the absence.

§ 19–105. Jointure before marriage as bar to dower

(a) Where real estate is conveyed to persons who intend to marry, or to one of them alone, or to a person and his heirs and assigns, to the use of persons who intend to marry, or to the use of one of them alone, for the purpose of creating for the latter person mentioned in either case a freehold estate for that person's life at least, and with his assent before the marriage, to take effect in possession and profits immediately upon the death of the other, the jointure bars his right or claim of dower in all the real estate of the spouse. The assent of the person for whose benefit the estate is created is evidenced by that person's becoming a party to the conveyance by which it is settled, or, if he is a minor, by his joining with the father or guardian thereof in the conveyance.

(b) The jointure referred to in subsection (a) of this section is not a bar to dower unless it is expressly made and declared to be in satisfaction of the whole dower, and not of any particular part of it.

§ 19–106. Jointure after marriage; election

If, after persons intermarry, real estate is given or assured for jointure of one of them, in lieu of dower, the person for whose benefit the settlement is made, if he survives the other spouse, shall elect to take the jointure or to claim the dower to which he is entitled under section 19–102.

§ 19–107. Effect of acts of one spouse

A judgment or decree confessed or recovered against one spouse, and any laches, default, covin, forfeiture, or deed or conveyance of one spouse without the assent of the other, evidenced by his acknowledgment thereof in the manner required by law to pass the contingent right of dower, does not prejudice the right of the other spouse to dower, nor preclude him from the recovery thereof.

§ 19–108. Recovery of dower withheld; damages

When, in an action brought for the purpose, a surviving spouse recovers dower in lands from the estate of the deceased spouse, the surviving spouse may also, in the discretion of the court, recover in the same action damages for the withholding of the dower.

§ 19–109. Recovery of dower obtained by default or collusion; damages

If, during the infancy of an heir of a deceased spouse, or of any other person entitled to the lands of the deceased spouse, the surviving spouse, not having a right of dower, recovers dower by the default or collusion of the guardian of the infant, the infant is not prejudiced thereby, and when he comes of full age he has a right of action against the surviving spouse to recover the lands so wrongfully awarded for dower, with damages in the discretion of the court; but, if it is established in an action brought under this section that the surviving spouse is entitled to the dower, he shall have judgment so declaring, and may, in the discretion of the court, recover damages from the heir or other person.

§ 19–110. Assignment by guardian; rights of heir

A guardian of a minor heir has the right of assignment or admeasurement of dower; but the heir, when he comes of full age, is not barred by such an assignment if it was wrongfully made pursuant to collusion between the guardian and the tenant in dower, and may have the dower properly assigned or admeasured according to law.

§ 19–111. Reendowment upon eviction from jointure

A spouse who is lawfully evicted from lands settled upon him as jointure in lieu of dower, or from a part thereof, is entitled to dower to the extent or value of the lands from which he was evicted.

§ 19–112. Devise or bequest to spouse

Subject to section 19–114, and unless it is otherwise expressed in the will, a devise of real estate or an interest therein, or a bequest of personal estate or an interest therein, to the surviving spouse, bars his or her share in the decedent's estate, and his or her dower rights.

§ 19–113. Renunciation of devises and bequests; election; time limitations; renunciation or election by guardian or fiduciary; maximum rights; effect of no devise or bequest or if nothing passes under either; antenuptial or postnuptial agreements

(a) Subject to section 19–114, a surviving spouse is, by a devise or bequest specified in section 19–112, barred of any statutory rights or interest he has in the real and personal estate of the deceased spouse or dower rights, as the case may be, unless, within six months after the will of the deceased spouse is admitted to probate, he files in the Probate Court a written renunciation to the following effect:

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

(b) In similar manner, where the deceased spouse dies intestate of real estate, and letters of administration are issued with respect to the estate, the surviving spouse is barred of dower rights, unless, within six months after the letters of administration have been issued with respect to the estate of the deceased spouse, he files in the Probate Court a written renunciation of his legal share of the intestate real estate to the following effect:

"I, A B, widow [or surviving husband] of _____ deceased, in lieu of my legal share of the real estate of which my deceased spouse died intestate, elect to take dower in all the real estate of my deceased spouse to which that right is applicable."

(c) If, during the period of six months specified by subsection (a) or (b) of this section, a suit is instituted to construe the will of the deceased spouse, the period of six months for the filing of the renunciation or election commences to run from the date when the suit is finally determined. A renunciation or election may be made in behalf of a spouse unable to act for himself by reason of infancy, incompetency, or inability to manage his property, by the guardian or other fiduciary acting for the spouse when so authorized by the court having

jurisdiction of the person of the spouse. The time for renunciation by a spouse may be extended before its expiration by an order of the Probate Court for successive periods of not more than six months each upon petition showing reasonable cause and on notice given to the personal representative and to the other persons herein referred to in such manner as the Probate Court directs.

(d) Where a decedent has not made a devise or bequest to the spouse, or nothing passes by a purported devise or bequest, the surviving spouse is entitled to his legal share of the real and personal estate of the deceased spouse without filing a written renunciation, but may, instead, elect to take dower as provided by subsection (b) of this section.

(e) The legal share of a surviving spouse under subsection (a) or (d) of this section is such share or interest in the real or personal property of the deceased spouse, including dower if elected in lieu of the legal share in the real estate, as he would have taken if the deceased spouse had died intestate, not to exceed one-half of the net estate bequeathed and devised by the will, or, if dower is elected, one-half of the net personal property bequeathed and dower in the real estate devised.

(f) A valid antenuptial or postnuptial agreement entered into by the spouses determines the rights of the surviving spouse in the real and personal estate of the deceased spouse and the administration thereof, but a spouse may accept the benefits of a devise or bequest made to him by the deceased spouse.

§ 19–114. Rights of surviving spouse if there is no renunciation

A surviving spouse who does not renounce as provided by section 19–113 is entitled to the benefit of all provisions in his favor in the will of the deceased spouse and shall share, in accordance with sections 19–301, 19–302, 19–303, 19–304, and 20–1901, in any estate of the deceased spouse undisposed of by the will.

CHAPTER 3—INTESTATES' ESTATES

Sec.

§ 19–301. Course of descents generally

(a) The real estate in the District of Columbia, of a deceased person, male or female, if not devised, shall descend in fee simple, and the surplus of the personal estate of a deceased resident of the District, if not bequeathed, shall be distributed, to the surviving spouse, children, and other persons in the manner provided by this chapter. The

heirs specified by this subsection take the real estate as tenants in common in the same proportions as they take the surplus personal estate as provided by this chapter.

(b) Subject to the right of dower, the real estate specified by subsection (a) of this section is liable, when the personal estate is insufficient, for the payment of the intestate's funeral expenses, debts, costs of administration, and estate, inheritance, and succession taxes in the same manner and to the same extent as the personal estate of the intestate. When the real estate is sold under a decree of a court having jurisdiction over it, the consent of the surviving spouse to the sale, is not required unless the surviving spouse elects to take dower.

§ 19–302. When surviving spouse entitled to whole

When the intestate leaves a surviving spouse and no child, parent, grandchild, brother, or sister, or the child of a brother or sister of the intestate, the surviving spouse is entitled to the whole.

§ 19–303. When surviving spouse entitled to one-third

When the intestate leaves a surviving spouse and a child, or a descendant of a child, the surviving spouse is entitled to one-third.

§ 19–304. When surviving spouse entitled to one-half

When the intestate leaves a surviving spouse and no child or descendant of the intestate, but a father or mother, or brother or sister, or child of a brother or sister, the surviving spouse is entitled to one-half.

§ 19–305. Distribution of surplus after payment to surviving spouse

The surplus, above the share of the surviving spouse, or the whole surplus, when there is no surviving spouse, descends and is distributed as provided by this chapter and by section 19–701.

§ 19–306. Children to share equally

When the intestate leaves children and no other descendants, the surplus is divided equally among them.

§ 19–307. Grandchildren's share

(a) Subject to subsection (b) of this section, and to section 19–319, when the intestate leaves a child and a child of a deceased child, the child of the deceased child takes such share as his deceased parent would, if living, be entitled to, and every other descendant in existence at the death of the intestate stands in the place of his deceased ancestor.

(b) Those in equal degree claiming in the place of an ancestor take equal shares.

§ 19–308. Share of father and mother

When the intestate leaves no child, or descendant, the whole is divided equally between the father and mother or their survivors.

§ 19–309. Share of brother or sister or their descendants

When the intestate leaves a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father or mother, the brother, sister, or child or descendant of a brother or sister is entitled to the whole.

§ 19–310. Brothers and sisters to share equally

Each brother and sister of the intestate is entitled to an equal share, and the children or descendants of a brother or sister of the intestate, stand in the place of their deceased parents respectively.

§ 19–311. Share of collateral relations

After children, descendants, parents, brothers, and sisters of the deceased and their descendants, all collateral relations in equal degree share, and representation among the collaterals is not allowed.

§ 19–312. Share of grandfather and grandmother

The grandparents, or such of them as survive, share alike where there are no collaterals.

§ 19–313. Death of distributee before distribution

When a person entitled to distribution dies before the distribution is made, his share goes to his estate or legal representatives.

§ 19–314. Share of posthumous children

A right in the inheritance to real or personal property does not accrue to or vest in a person other than the children of the intestate and their descendants, unless the person is in being and capable in law to take as heir or distributee at the time of the intestate's death; but a child or descendant of the intestate born after the death of the intestate has the same right of inheritance as if born before his death.

§ 19–315. No distinction between whole- and half-blood

There is no distinction between the kindred of the whole- and the half-blood.

§ 19–316. Share of illegitimate children; their issue; mother

The illegitimate children of a female and the issue of illegitimate children of a female are capable to take real and personal estate by inheritance from their mother, or from each other, or from the descendants of each other, as the case may be, in like manner as if born in lawful wedlock.

When an illegitimate child of a female dies leaving no descendants, or brothers or sisters, or descendants of brothers or sisters, the mother of the illegitimate child is entitled to the real and personal estate of the illegitimate child, and if the mother is dead, the heirs or distributees of the mother share in like manner as if the illegitimate child had been born in lawful wedlock.

§ 19–317. Trust estates.

When a trustee is seized of the naked legal estate in real estate in fee simple, and dies intestate thereof, the legal estate descends according to section 19–301 to the persons who would inherit the beneficial estate if it were vested in them.

§ 19–318. Antenuptial children

When a man has a child by a woman whom he afterwards marries, the child, if acknowledged by the man, is, in virtue of the marriage and acknowledgment, legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

§ 19–319. Advancements

(a) If a child or descendant has been advanced by the intestate during the intestate's lifetime, by settlement or portion, real estate or personal estate, the value thereof is reckoned for the purposes of descent and distribution as part of the estate of the intestate descendible and to be divided among his heirs or distributed to his distributees. Where the advancement is equal to or greater than a share, the child or descendant is excluded from any further share in the estate of the intestate and is not liable to refund any part of the amount so advanced; but the surviving spouse has no advantage by bringing the advancement into reckoning. Where the advancement is less than a share, the child or descendant receives so much, only, of the per-

sonal estate, and inherits so much, only, of the real estate, of the intestate, as is sufficient to make all the shares of all the children in the whole property, including the advancement, equal. The value of real or personal estate so advanced shall be estimated according to the worth thereof when given. Maintenance or education of a child or descendant, or giving him money or real estate, without a view to a portion or settlement in life, is not an advancement.

(b) Where an advancement to be adjusted, as provided by subsection (a) of this section, consisted of real estate, the adjustment shall be made out of the real estate descendible to the heirs. Where the advancement was in personal estate, the adjustment shall be made out of the surplus of the personal estate to be distributed to the distributees. Where either species of estate is insufficient to enable the adjustment to be fully made, the deficiency shall be adjusted out of the other.

§ 19–320. Felonious homicide as barring inheritance; insurance policies; bona fide purchasers

(a) A person convicted of felonious homicide of another person, by way of murder or manslaughter, takes no estate or interest in property of any kind from that other person by way of:

(1) inheritance, distribution, devise, or bequest; or

(2) remainder, reversion, or executory devise dependent upon the death of the other person.

The estate, interest, or property to which the person so convicted would have succeeded or would have taken in any way from or after the death of the decedent goes, instead, as if the person so convicted had died before the decedent.

(b) Policies of insurance directly or indirectly procured by a person convicted as specified by subsection (a) of this section, for his own benefit or payable to him upon the life of the person killed by him, are void.

(c) This section does not affect the rights of bona fide purchasers of property specified by subsection (a) of this section, for value and without notice.

§ 19–321. Descent through alien ancestor no bar

In making title by descent it is no bar to a party claiming as heir that an ancestor, whether living or dead, through whom he derives his descent from the intestate, is or has been an alien.

CHAPTER 5—SIMULTANEOUS DEATHS—UNIFORM LAW

Sec.

§ 19–501. No sufficient evidence of survivorship

Where the title to property or the devolution thereof depends upon priority of death and there is not sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise by this chapter.

§ 19–502. Survival of beneficiaries

Where property is so disposed of that the right of a beneficiary to succeed to any interest therein is conditional upon his surviving another person, and both persons die, and there is not sufficient evidence

that the two have died otherwise than simultaneously, the beneficiary is deemed not to have survived. Where there is not sufficient evidence that two or more beneficiaries have died otherwise than simultaneously and property has been disposed of in such a way that at the time of their death each would have been entitled to the property if he had survived the others, the property shall be divided into as many equal portions as there were beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each of the beneficiaries had survived.

§ 19–503. Joint tenants or tenants by the entirety

Where there is not sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed, or descend as the case may be, one-half as if one had survived and one-half as if the other had survived. Where there are more than two joint tenants and all have so died the property thus distributed or descended shall be in the proportion that one bears to the whole number of joint tenants.

The term "joint tenants" includes owners of property held under circumstances which entitled one or more to the whole of the property on the death of the others.

§ 19–504. Insurance policies

When the insured and the beneficiary in a policy of life or accident insurance have died and there is not sufficient evidence that they have died otherwise than simultaneously, the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

§ 19–505. Chapter does not apply if decedent provides otherwise

This chapter does not apply in the case of wills, living trusts, deeds, or contracts of insurance, or any other situation where provision is made for distribution of property different from the provisions of this chapter, or where provision is made for a presumption as to survivorship which results in a distribution of property different from that here provided.

§ 19–506. Short title; effective date; chapter not retroactive; construction

(a) This chapter may be cited as the "District of Columbia Uniform Simultaneous Death Act". It is in effect in the District of Columbia as of March 28, 1958, and it does not apply to the distribution of property of a person who died before that date.

(b) Where there is a conflict or inconsistency between a provision of this chapter and other provisions of this Part or other law, the provision of this chapter controls.

CHAPTER 7—ESCHEAT

Sec.
19–701. Escheatment generally.

§ 19–701. Escheatment generally

Where there is no surviving spouse or relations of the intestate within the fifth degree, reckoned by counting down from the common ancestor to the more remote, the surplus of real and personal property escheats to the District of Columbia to be used by the Commissioners of the District of Columbia for the benefit of the poor.

TITLE 20—ADMINISTRATION OF DECEDENTS' ESTATES

CHAPTER 1—GENERAL PROVISIONS

§ 20–101. Definitions

The definitions in section 18–101 apply to this title.

CHAPTER 3—EXECUTORS AND ADMINISTRATORS

SUBCHAPTER I—EXECUTORS

SUBCHAPTER II—ADMINISTRATORS

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO EXECUTORS AND ADMINISTRATORS

Subchapter I—Executors

§ 20–301. Letters testamentary; oath; corporations

(a) When a will or codicil respecting real or personal property has been authenticated and admitted to probate, letters testamentary on the will or codicil shall be issued to the executor named therein, if he:

(1) is legally competent and will accept the trust;

(2) executes the bond required by section 20–302; and

(3) takes, subscribes, and files an oath that he will administer the estate of the deceased according to law and and will give a just account of his administration when lawfully called to account.

(b) The conditions of this section as to bond and oath do not apply to corporations authorized under the District of Columbia laws to act as executors.

§ 20–302. Bond of executor

Before letters testamentary are issued to an executor, other than a local corporation authorized by the laws of the District of Columbia to act as an executor, named in a will or codicil, he shall execute a bond to the United States, with security to be approved by the court, in such penalty as the court requires, with a condition that he will administer according to law and to the will of the testator all his goods, chattels, rights, credits, and the proceeds of all his real estate that may be sold for the payment of his debts or legacies, which, at any time, come to his possession or to the possession of another person for him, and in all other respects faithfully perform the trusts reposed in him.

§ 20–303. Bonds for debts only; removal of executor for waste

(a) Where a testator, by last will and testament, requests that his executor be not required to give bond for the performance of his duty, the bond required of the executor shall be in such penalty as the court considers sufficient to secure the payment of the debts due by the testator, of not more than double the value of the personal estate. Where the bond is less than this sum the court may increase it to require an additional bond if the court deems the bond as given to be insufficient to secure the payment of the debts of the testator.

(b) If a party interested makes it appear to the court that an executor who has given a bond only as is provided for by this section is wasting the assets of the estate, or that the assets are in danger of being lost, wasted, or misappropriated, the court may remove the executor or require him to give additional bond with security in a penalty sufficient to secure the interests of all the creditors, distributees, and legatees entitled to take the estate. On his failure to give bond as required, his letters may be revoked and he shall deliver forthwith to the substituted executor all the assets of his testator in his possession or under his control.

§ 20–304. Special bond of executor

(a) When the executor is the residuary legatee of the personal estate of the testator, or if the residuary legatee of full age notifies his consent to the court, he may, instead of the bond prescribed by section 20–302 or 20–303, give bond with security approved by the court, in a penalty prescribed by the court, conditioned to pay all the debts and just claims against the testator, all damages which may be recovered against him as executor, and all legacies bequeathed by the will. In this case, he may not be required to file an inventory or render an account.

(b) If the executor gives a special bond as provided by this section, he is personally answerable for the full amount of all debts, claims, and damages that may be recovered against him as executor as if he were sued in his own right, and a legatee may recover the full amount of his legacy in a suit on the executor's bond, and the giving of the bond shall be considered an assent to the legacy. The sureties on the bond are not liable for a greater amount than the penalty thereof.

§ 20–305. Joint or separate bonds of co-executors

Where two or more persons are appointed executors, the court may take a separate bond with security from each of them or a joint bond with security from all of them together.

§ 20–306. Failure to qualify; letters of administration with the will annexed

Where the sole executor named in the will was present at the probate of the will, and does not, within 20 days thereafter, file a bond as required by this subchapter, and qualify as executor by taking the oath required by section 20–301, letters of administration with the will annexed may be granted as if an executor had not been named.

§ 20–307. Absent executor; summons; notice

Where the sole executor named in the will was not present at the probate of the will, but is within the District, a summons may be issued to him, either at the instance of a person interested or ex officio by the Register of Wills, requiring him to appear and file his bond as required by law within 5 days after service of the summons. If he is not found in the District of Columbia, notice shall be given to him by publication to appear within 10 days after publication of notice, and on his failure to appear and give his bond and qualify by taking the prescribed oath, letters of administration with the will annexed may be granted as if an executor had not been named.

§ 20–308. Summons to each of several executors

Where there is more than one executor named in a will, there may be the same proceeding with respect to each of them as if he were the sole executor, and any circumstances under which letters of administration with the will annexed may be granted on failure of a sole-named executor authorize the granting of letters testamentary to one or more of the executors on failure of one or more of the others. Any

circumstances under which letters of administration with the will annexed may be granted on failure of a sole-named executor authorize the granting of the letters of administration on failure of all the executors named to appear and qualify as provided by this subchapter.

§ 20–309. Renunciation

If an executor named in a will files or transmits to the Probate Court an attested renunciation of his executorship, there shall be the same proceeding with respect to granting letters testmentary or of administration with the will annexed as if the party so renouncing had not been named in the will.

§ 20–310. Disqualification of executor

Where a person named as executor is disqualified from serving, letters testamentary or of administration with the will annexed may be granted as if he had not been named as executor.

§ 20–311. No power to act without letters

Where letters testamentary are granted to one or more of the executors named in a will on failure of the rest, an executor not named in the letters may not, in any manner, interfere with the administration. Where letters of administration with the will annexed are granted, an executor named in the will may not, in any manner, interfere with the administration. An executor named in a will may not, before letters testamentary are granted to him, dispose of any part of the estate of the deceased or interfere therewith, further than is necessary to collect and preserve it.

§ 20–312. Forms of letters of testamentary

The following is the form of letters testamentary to be issued under the seal of the Probate Court:

District of Columbia:

The United States of America.

To all persons to whom these presents come, greeting:

The last will and testament of ————, of ————, deceased, in due form of law, has been exhibited, proved, and recorded in the office of the Register of Wills of the District of Columbia, a copy of which is annexed to these presents, and administration of all the goods, chattels, and credits of the deceased is hereby granted unto ————, the executor appointed by the will.

Witness [A B], the Chief Judge of the United States District Court for the District of Columbia, this ———— day of ————.

Test: [C D], Register of Wills.

§ 20–313. Executor of executor

The executor of an executor, as such, is not entitled to administration de bonis non on the estate of the first deceased.

Subchapter II—Administrators

§ 20–331. Granting of letters of administration

On the death of a person leaving real or personal estate in the District of Columbia, the Probate Court may grant letters of administration on his estate, on the application of a person interested, and on proof satisfactory to the court that the decedent died intestate.

§ 20–332. Oath and bond of administrator

(a) Before an administrator, other than a local corporation authorized by the laws of the District of Columbia to act as administrator, enters upon his duties, he shall:

(1) take and subscribe an oath similar to that prescribed for executors; and

(2) file in the Probate Court his bond to the United States, with security approved by the court, in such penalty as the court requires, with condition to administer according to law all the money, goods, chattels, rights, and credits of the deceased, and in all other respects perform the trust reposed in him.

(b) If the court orders the sale of the decedent's real estate, the administrator, other than a local corporation authorized by the laws of the District of Columbia to act as administrator, shall give a like bond conditioned to administer the proceeds from the real estate that may be sold for the payment of the decedent's debts which come into his possession or to the possession of another person for him.

§ 20–333. Special bond in intestacy

(a) Where the person appointed as administrator is entitled to the residue of the estate after the payment of the debts, he may, instead of the bond prescribed by section 20–332, execute a bond, with security approved by the court, in such penalty as the court considers sufficient, conditioned for the payment of all debts and claims against the deceased, and all damages which may be recovered against him as administrator; and if the administrator files the written consent of those entitled to the residue and they are all of full age, the court may direct that only the special bond provided by this section be given. In this case, the administrator is not required to return inventory or account.

(b) When the administrator gives a special bond as provided by this section, he is personally answerable for all debts, claims, and damages which may be recovered against him, in like manner as the executor who gives a similar bond as provided by section 20–304. The sureties on the bond are not liable for a greater amount than the penalty thereof.

§ 20–334. Persons entitled to administer; order of preference

(a) The Probate Court may grant letters of administration of the estate of a person dying intestate to one or more of the following persons, according to the order of preference indicated:

(1) where there is a surviving spouse and a child or children, to the surviving spouse or to the child, or one or more of the children qualified to act as administrator;

(2) where there is a surviving spouse and no child, the surviving spouse shall be preferred, and, next to the surviving spouse, a grandchild shall be preferred;

(3) where there is no surviving spouse, or child, or grandchild to act, the father shall be preferred; and, where there is no father, the mother shall be preferred;

(4) where there is no surviving spouse, or child, or grandchild, or father, or mother to act, brothers and sisters shall be preferred; and, where there is no brother or sister, the next of kin shall be preferred;

(5) males shall be preferred to females in equal degree;

(6) relations of the whole blood shall be preferred to those of the half-blood in equal degree; and relations of the half-blood shall be preferred to those of the whole blood in a remoter degree;

(7) relations descending shall be preferred to relations ascending, in the collateral line; for example, a nephew shall be preferred to an uncle;

(8) a person may not be preferred in the ascending line beyond a father or mother, or in the descending line below a grandchild;

(9) a femme sole shall be preferred to a married woman in equal degree;

(10) relations on the part of the father shall be preferred to those on the part of the mother, in equal degree.

(b) Where a person described in subsection (a) of this section is incompetent to serve, administration shall be granted as if he or she were not living.

(c) Where there are not relations of the intestate, or those entitled to letters of administration decline to appear and apply for them, after proper summons or notice, administration may be granted to the largest creditor applying therefor. When creditors neglect to apply, the court may exercise its discretion in granting administration.

§ 20–335. Notice of application

Upon an application for letters of administration, such notice thereof shall be given, by publication or otherwise, as the rules of the court require.

§ 20–336. Declining administration

If a person entitled to administration declines it in writing, the court shall proceed as if he or she were not entitled to it.

§ 20–337. Form of letters of administration

The following is the form of letters of administration to be issued under the seal of the Probate Court:

District of Columbia:

The United States of America.

To all persons to whom these presents come, greeting:

Administration of the goods, chattels, and credits of ————, late of ———— deceased, is hereby granted unto ————, of ————.

Witness [A B], the Chief Judge of the United States District Court for the District of Columbia.

Test: [C D], Register of Wills.

§ 20–338. Administrator with the will annexed; preference

Where a will admitted to probate does not appoint an executor, or the executor therein appointed has died or renounced the executorship, or is incompetent to serve, administration shall be granted with the will annexed to the person who would have been entitled to administration in case of the intestacy of the deceased testator. A residuary legatee named in the will, shall be, in an appointment under this section, preferred to all, except a surviving spouse. The condition of the bond of the administrator so appointed and the oath to be taken by him and his duties and liabilities are the same as if he had been appointed executor in the will and had received letters testamentary.

§ 20–339. Administrator de bonis non; form of letters; duties

If an executor or administrator dies before the administration of an estate is completed, the court may exercise its discretion in granting letters of administration de bonis non or de bonis non cum testamento annexo, as the case requires, giving preference to the person who would be entitled in the order provided by section 20–334, if he applies for the letters. The form of the letters is the same as in the case of an original administration, except that it shall be confined to the property of the deceased not already administered. The authority shall be, under the court's direction, to administer all property herein described as assets and not distributed or delivered or retained by the executor or former administrators.

Subchapter III—Miscellaneous Provisions Relating to Executors and Administrators

§ 20–351. Competency to serve as executor or administrator; determination

(a) Letters testamentary or of administration may not be granted to a person who:

(1) has been convicted of an infamous offense; or
(2) is an insane person, as defined by section 21–501; or
(3) under conservatorship as defined in section 21–1501; or
(4) is under 18 years of age; or
(5) is an alien.

(b) The Probate Court shall determine all questions as to the disqualification, on any of the grounds specified by subsection (a) of this section, of persons claiming to be entitled to letters testamentary or of administration, after such notice to them as the court directs.

§ 20–352. Persons between 18 and 21 years of age

When letters testamentary or of administration are granted to a person above 18, but under 21, years of age, the bond executed by him for the faithful performance of his duties is as binding as if he were of full age.

§ 20–353. Application for letters; contents; bond; sale of real estate

When a person applies to the Probate Court for letters testamentary or of administration, he shall set forth, under oath, as fully as possible, all the personal and real estate left by the decedent and the amount of his debts as far as can be ascertained. The penalty of the bond required of him, except in the cases provided for by sections 20–303, 20–304, and 20–333, shall be sufficient to secure the proper application of all the personal estate of the testator or intestate. If it becomes necessary to sell the real estate of the decedent, in part or in whole, the executor or administrator shall give such additional bond, with approved security, as the court directs, to secure the proper application of the proceeds arising from the sale. Where an executor is empowered by the will to sell the real estate of the testator, for any purpose, he shall account for the proceeds in the court.

§ 20–354. Will proved after letters of administration granted; revocation; pending actions; judgments; accounting; liability

(a) Where administration is granted, and, afterwards, a will disposing of the estate of the deceased is proved according to law, and letters testamentary are issued thereon, the letters testamentary constitute a revocation of the letters of administration. The executor obtaining letters may prosecute civil actions commenced by the administrator and obtain judgment in his own name, and may defend suits commenced against the administrator. The executor shall have the benefit of all judgments obtained by the administrator, and is bound by all judgments obtained against the administrator to the extent of assets received by the executor, unless the judgments were obtained by fraud.

The administrator, without delay, shall account for and deliver to the executor all personal estate and proceeds of realty sold in his possession, belonging to the deceased, in default of which his bond may be sued upon by the executor or administrator with the will annexed.

(b) The administrator may not be held to answer for acts lawfully done by him, in good faith and in ignorance of the will, before

an actual or implied revocation of his letters. When distribution of the estate, or part of it, has been lawfully made by him, the distributees, and their personal representatives, and not the administrator, are answerable for the property so distributed, or its value, to the persons entitled to it.

§ 20–355. Will declared invalid after distribution; liability

When a will is adjudged invalid in an action begun after lawful distribution of the estate, or a part of it, by the executor, in good faith and without his knowledge of the invalidity of the will, and without notice to him that the action was intended, the distributees of the property, and their personal representatives, and not the executor, are answerable for the property so distributed, or its value, to the persons entitled to it.

§ 20–356. Removal of co-executor or co-administrator for negligence or misconduct; complaint; recovery of loss or damage

If a joint executor or administrator apprehends that he is in danger of suffering by the negligence or misconduct in the administration or the improper use or misapplication of the assets of the estate by a co-executor or co-administrator, he may make complaint to the court. Upon adjudging the complaint to be well founded, the court may revoke the letters of the executor or administrator so complained of and compel the delivery and surrender to the remaining executor or administrator of the assets, books, papers, and evidences of debt, of the estate in the possession or control of the person whose letters have been revoked. The remaining executors or administrators may recover, in a civil action, for loss or damage they may suffer through the executor or administrator whose letters have been revoked.

§ 20–357. Additional bond; failure to provide; revocation; delivery of assets

Where the Probate Court is satisfied that the bond already given by an executor or administrator is insufficient, it may require the executor or administrator to file an additional bond, and on his failure to do so may revoke his letters. Upon the revocation of letters under this section, the executor or administrator whose letters are so revoked shall forthwith deliver to any substituted executor or administrator all the assets of his testator or intestate in his possession or control.

§ 20–358. Counter security; application of surety; delivery of property; inventory; duties and liabilities of surety

(a) If a surety of an executor or administrator apprehends that he is in danger of suffering from the suretyship, he may apply for relief to the Probate Court. The court may call upon the party to give counter security, to be approved by the court. If the party so called on does not, within a fixed reasonable time, give counter security, the court may order the property remaining in his hands as executor or administrator to be delivered up to the surety, and the court may enforce the delivery by process. Without delay, the executor or administrator shall return an inventory of the property delivered to the surety. Under the immediate order of the court, the surety shall sell, distribute, and deliver up the property contained in the inventory, as the case requires, as if the surety were the executor or administrator.

(b) To prevent a double administration and consequent inconvenience to creditors and other persons interested in the estate, the executor or administrator specified by subsection (a) of this section shall continue to discharge his trust, unless the court revokes his letters for a just cause, and he shall be answerable for the property in the same

manner as if it were not, on his default, delivered to the surety. The executor or administrator may sue the surety and recover damages if he suffers from the misconduct of the surety, in diminishing any part of the property, without obtaining an allowance therefor from the court. The surety shall bring into court, to be deposited with the Register of Wills, the money arising from the sale of any property as provided by this section, to be applied according to this Part.

§ 20–359. Accounting by representative of deceased executor or administrator; enforcement

(a) On the application of an administrator de bonis non the court may order the executor or the administrator of a deceased executor or administrator to deliver over to him all the personal property that was in the hands of the deceased executor or administrator, as such, and also all the money, bonds, notes, accounts, and evidences of debt that the deceased executor or administrator may have taken, received, and held at the time of his death, including the proceeds of sale of either personal or real estate made by the deceased executor or administrator, which shall be deemed unadministered assets.

(b) If an executor or administrator of a deceased executor or administrator fails to comply, by a day named, with an order issued under subsection (a) of this section, the court may enforce its order by attachment against him, and may direct that his bond, or the bond of the deceased executor or administrator, or both, be sued upon for the use of the administrator de bonis non.

§ 20–360. Executor of his own wrong

Whoever, without authority of law, takes, receives, or injuriously interferes with personal property of a deceased person who died intestate, is liable, as an executor of his own wrong:

(1) to the persons aggrieved; and

(2) to the rightful administrator for the full value of the personal property taken or received by him and for all damages caused to the estate by his acts.

He may not retain or deduct any part of the estate, except for funeral expenses or debts of the deceased or other charges which rightful executors or administrators might have been compelled to pay.

§ 20–361. Liability of executor or administrator of deceased executor or administrator for waste or conversion

The executor or administrator of a person who, as executor, either of right or of his own wrong, or as administrator, wasted or converted to his own use any part of the estate of a deceased person, is liable and chargeable in the same manner as his testator or intestate would have been, if living.

§ 20–362. Investment of funds

Where, under the provisions of a will, it is necessary for an executor or an administrator with the will annexed to retain in his hands the personal estate, or a part thereof, after all just claims are discharged, as in a case where money or another thing is directed to be paid at a distant period or upon a contingency, he shall apply to the Probate Court for a decree or directions relating thereto. The court may decree or direct:

(1) what part of the personal estate shall be retained or appropriated for the purpose and in what manner it shall be disposed of;

(2) in what manner the legacy or benefit shall be secured to the person entitled thereto at a future period or upon the happening of a contingency;

(3) how the necessary part of the personal estate to be appropriated for the purpose shall be prevented from being unproductive; and

(4) how the necessary part of the personal estate to be appropriated for the purpose shall be applied, agreeably to the intent of the will or the construction of law, should the contingency not take place.

§ 20–363. Continuing decedent's business; petition and affidavits; accounting; debts as expenses of administration

(a) The Probate Court may authorize a fiduciary accountable to it to continue a business of the decedent until further order of the court and may order the discontinuance of the business at any time.

(b) An order under subsection (a) of this section authorizing the continuance of a business may not be entered until after the fiduciary has filed a petition under oath, supported by the affidavits of two reputable persons familiar with the decedent's business, setting forth:

(1) the appraised value of the business;

(2) whether the decedent conducted the business at a profit or loss; and

(3) the estimated amount of the monthly expenses necessary to be incurred in order to continue the business.

(c) A fiduciary who is given an authorization to conduct the decedent's business shall file with the Register of Wills monthly statements showing:

(1) receipts and disbursements;

(2) debts contracted, and obligations incurred; and

(3) the profit or loss.

(d) Debts contracted and obligations incurred in continuing a business of the decedent constitute an expense of administration of the estate.

§ 20–364. Recordation of executor's and administrator's bond; copies to interested parties; actions on bonds

(a) The Register of Wills shall record in his office every bond executed by an executor or administrator. The Register of Wills shall deliver, on demand, to a person conceiving himself to be interested in the administration of the estate, a copy of the bond, under his hand and seal. Upon this copy, an action may be maintained, in the name of the United States, for the use of the party interested. In the action, judgment may be recovered for the damage actually sustained.

(b) In the manner provided by subsection (a) of this section, an administrator appointed in the place of an executor or administrator who has resigned, or has been removed, or whose letters have been revoked, may maintain an action against the former executor or administrator, and his sureties, on his administration bond, for loss and damage to the estate resulting from this breach of duty.

(c) A creditor may not maintain an action on a testamentary or administration bond for a claim against the testator or intestate:

(1) until, when practicable, an action has been commenced against the executor or administrator of the deceased and:

(A) a summons issued in the action has been returned "Not to be found"; or

(B) a writ of fieri facias or of attachment, issued on a judgment against the executor or administrator, has been returned "nulla bona";

or

(2) until, in the judgment of the court before whom the action may be tried, there is such apparent insolvency of the

executor or administrator or insufficiency of his effects as to leave the creditor without remedy except by action on the bond.

§ 20–365. Service on nonresident executor or administrator; failure to give power of attorney

Before original or ancillary letters testamentary or of administration are issued, the person designated, if a nonresident of the District of Columbia, shall file in the office of the Register of Wills an irrevocable power of attorney designating the Register of Wills and his successors in office as the person upon whom all notices and process issued by a competent court in the District may be served, with like effect as personal service, in relation to all suits, matters, causes, or things affecting or pertaining to the estate in which the letters are to be issued. The Register of Wills shall forthwith forward by registered or certified mail to the address of the executor or administrator, which shall be stated in the power of attorney, all notices and process served upon the Register under this section.

If the person fails to file the power of attorney within 10 days after the entry of the order of appointment, the order shall stand revoked, and he shall forfeit all rights to the office.

§ 20–366. Resignation; petition; accounting; liability

Where a person, after having accepted the office of executor or administrator, desires to resign the office, he may file his petition to that effect, accompanied by a full and particular account, under oath, of his receipts and disbursements, if any. The court shall thereupon direct such notice as it deems proper to be given of the application, and, if cause is not shown to the contrary, may release and discharge him from his office and enter such order as to costs and commissions and impose such terms in other respects as the nature of the case requires. The executor or administrator is not, by the discharge, released from liability for past acts, defaults, or omissions of duty.

CHAPTER 5—COLLECTORS

Sec.

§ 20–501. Letters of collection, or ad colligendum

(a) Letters of collection, or ad colligendum, may be granted to one or more persons, when:

(1) there is a contest in relation to a will; or
(2) the executor is absent from the District of Columbia; or
(3) there is a delay in the executor's qualifying; or
(4) there is other sufficient cause.

(b) The form of letters of collection is as follows:

To all persons to whom these presents come, greeting:

Whereas ————, of ————, deceased, had, as is said, at his decease, personal property within the District of Columbia, administration whereof can not immediately be granted, but which, if speedy care be not taken, may be lost, destroyed, or diminished, to the end that the same may be preserved for those who may appear to have a legal right or interest therein, we do hereby request and authorize ————, of ————, to secure and collect the property, wheresoever the same may be, in the District, whether goods, chattels, debts, or credits, and to make a true inventory thereof and exhibit it with all

convenient speed, with an account of his collections, into the office of the Register of Wills.

Witness [A B], the Chief Judge of the United States District Court for the District of Columbia.

Test: [C D], Register of Wills.

§ 20–502. Oath and bond of collector; form

(a) Before letters are issued to a collector other than a local corporation authorized under the laws of the District of Columbia to act as collector, he shall take and subscribe the following oath:

"I, ————, do swear that I will well and truly discharge the office of collector of the personal estate of ————, deceased, according to the tenor of the letters granted me by the Probate Court of the District of Columbia and the directions of law, to the best of my knowledge, so help me God.".

(b) The collector shall also, before letters are issued to him, execute a bond to the United States, in a penalty and with security to be approved by the court, with the following condition: "The condition of the above obligation is such that if the above bounden ———— shall well and honestly discharge the office of collector of the personal estate of ————, deceased, in the District of Columbia, and shall make or cause to be made a true and perfect inventory or inventories of such of the personal estate, and debts as come to his possession or knowledge and make return of them to the Probate Court of the District, and shall also deliver to the person or persons who shall be authorized by the court to receive them such of the goods, chattels, personal estate, and debts as shall come to his possession, except such as shall be allowed for by the court, then the obligation shall be void; it shall otherwise be in full force at law.".

§ 20–503. Service on nonresident collector; failure to give power of attorney

Before original or ancillary letters of collection are issued, the person designated, if a nonresident of the District of Columbia, shall file in the office of the Register of Wills an irrevocable power of attorney designating the Register of Wills and his successors in office as the person upon whom all notices and process issued by a competent court in the District may be served, with like effect as personal service, in relation to suits, matters, causes, or things affecting or pertaining to the estate in which the letters are to be issued. The Register of Wills shall forthwith forward by registered or certified mail to the address of the collector, which shall be stated in the power of attorney, all notices or process served upon the Register under this section.

If the person fails to file the power of attorney within 10 days after the entry of the order of appointment, the order shall stand revoked, and he shall forfeit all rights to the office.

§ 20–504. Duties of collector; liability; commission; additional bond requirements if real estate to be possessed

(a) The collector shall collect the personal estate of the deceased, including the debts due him, and cause them to be appraised, and return an inventory thereof, as an administrator is required to do, and may, under the authority of the court, sell perishable articles and bring suits for debts or other property, as an administrator may do, and shall account for the money recovered. The collector may, if authorized by the court, take possession of, hold, manage, conserve, and control all real estate affected by the will in dispute, and shall discharge, pendente lite, all the duties of an administrator, including the payment of debts. He is liable to an action by a creditor of the deceased and is entitled to the protection of all provisions of law expressly relating to executors and administrators.

(b) The collector may be allowed a commission not exceeding 10 per centum on the personal property, debts due the estate, and rentals from real estate actually collected by him.

(c) Where the collector is authorized by the court to take possession of the real estate affected by the will or wills in dispute, the letters of collection shall so expressly specify, and his bond as collector, in addition to the several matters set forth in section 20–502, shall specifically include the faithful performance of his duties with respect to the real estate.

§ 20–505. Removal of co-collector for negligence or misconduct; complaint; recovery of loss or damage

If a joint collector apprehends that he is in danger of suffering by the negligence or misconduct by a co-collector in the administration or the improper use or misapplication of the assets of the estate, he may apply to the court for relief. Upon adjudging the complaint to be well founded, the court may revoke the powers and authority of the collector so complained of and compel the delivery and surrender to the remaining collector of the assets, books, papers, and evidences of debt, of the estate that may be in the possession or control of the person so dismissed from the administration. The remaining collectors may recover, in a civil action, for any loss or damage they may suffer through the collector whose powers have been revoked.

§ 20–506. Cessation of powers

On the granting of letters testamentary or of administration the power of a collector cease. He shall deliver, on demand, all the property and money of the decedent in his hands and excepted by section 20–504, to the person obtaining the letters, and the latter may be permitted to prosecute suits commenced by the collector as if they had been begun by him, and may also defend suits brought against the collector by a creditor of the deceased.

§ 20–507. Liability of collector for refusing to deliver estate

If a collector neglects or refuses to deliver over the property and estate to the executor or administrator, the court may, by citation and attachment, compel him to do so, and the executor or administrator may also proceed, by civil action, to recover the value of the assets from him and his sureties by action on his bond.

CHAPTER 7—INVENTORY OF ASSETS

Sec.

§ 20–701. Inventory; when made; contents; exceptions

An executor or administrator who has not filed a special bond provided for by sections 20–304 and 20–333, or a collector shall, within two months after his appointment, or such longer time as the court allows, make and return, upon oath, into court a true inventory of all the personal estate of the deceased which are by law to be administered and which have come to his possession or knowledge. Where the court deems it proper, it may also order him to include in the inventory all the real estate of the deceased.

§ 20–702. Appraisers

On the granting of letters testamentary or of administration or letters of collection, a warrant, except in the cases provided by sections 20–304 and 20–333, shall issue to two suitable persons not interested in the estate, to appraise the estate of the deceased, known to them or shown to them by the executor, administrator, or collector. They shall severally take and subscribe an oath well and truly, without partiality or prejudice, to value the personal estate and, if so directed, the real estate, of the deceased, as far as these items and properties come to their knowledge, to the best of their skill and judgment.

§ 20–703. Death of appraisers; failure to act

If an appraiser dies, or refuses or neglects to act, another person may be appointed in his stead.

§ 20–704. Appraisement; notice; return

The executor, administrator, collector or appraisers shall give notice to the persons immediately interested in the administration, or at least two of them, if they are numerous, of the time and place of making the appraisement. Thereupon, they shall proceed at that time and place to value the property and estate, setting down each article or item separately, with the value thereof, in dollars and cents. When the appraisement is completed, they shall certify it under their hands and seals, and return it with the inventory.

§ 20–705. Contents of inventory

The inventory shall contain a particular statement of all other securities for the payment of moneys belonging to the deceased, and of all other debts and accounts due him, which are known to the executor, administrator, or collector, who shall designate those debts which he considers good, as distinguished from those which he considers desperate or doubtful, and also an account of all moneys belonging to the deceased which come to his hands. When, after an inventory is returned, assets not therein included come to the knowledge of the executor, administrator, or collector, an additional inventory and appraisement shall be promptly prepared and filed in the same manner.

§ 20–706. Exceptions to inventory

There shall be excepted from the inventory the wearing apparel of the deceased, family pictures, the family Bible, and schoolbooks used in the family, and provisions for the support of the family, on hand at the time of the decedent's death. Where the decedent was the head of a family, or a householder, the property exempt under sections 15–501 to 15–503 shall so continue exempt from all claims against the decedent, and shall be distributed by the court to such members of the family or household as in the judgment of the court the exigencies of the particular case require. 77 Stat. 529.

§ 20–707. Collector's inventory

If an inventory is returned by a collector the executor or administrator thereafter administering shall, within two months after his appointment, return either a new inventory in place of the collector's inventory or an acknowledgment in writing that he has received from the collector the articles contained in the first inventory, and consents to be answerable for it, as if the inventory had been made out by him as executor or administrator, unless it appears that he has been prevented from making the return by the improper detention of the personal estate of the deceased by the collector.

§ 20–708. Co-executor or co-administrator may file inventory if others neglect to do so

Where there is more than one executor or administrator, any one or more of them, on the neglect of the others, may, if authorized by the court, return an inventory.

CHAPTER 9—ASSETS OF ESTATE

Sec.

§ 20–901. Assets to be included in inventory and administered

(a) The inventory required by chapter 7 of this title shall include:

(1) leases for years;

(2) estates for the life of other persons;

(3) all goods, wares, merchandise, utensils, and furniture, and things annexed to the freehold which may be removed without prejudice thereto;

(4) the growing crop on the land of the deceased; and

(5) every other species of personal property, except the clothing of the widow and minor children of the deceased and personal ornaments suitable to their station, and except the property exempted by section 20–706.

(b) The items specified by subsection (a) of this section, except those excluded from the inventory by clause (5) thereof, together with the proceeds of real estate sold for the payment of debts, constitute assets to be administered by an executor or administrator.

§ 20–902. Discharge or bequest of debt or demand not valid against creditors; disposition

A discharge or bequest in a will, of a debt or demand of a testator is not valid as against the creditors of the deceased, but constitutes only as a specific bequest of the debt or demand, and the amount thereof shall be included in the inventory of the effects of the deceased and included as an asset for the payment of his debts, if necessary for that purpose, and, if not so necessary, shall be paid in the same manner and proportion as other specific legacies.

§ 20–903. Claims of testator against executor not discharged; disposition; liability of surety

The naming of a person as executor in a will is not a discharge or bequest of a just claim which the testator had against him. The claim shall be included among the credits and effects of the deceased in the inventory, and the executor is liable for it, as for so much money in his hands, at the time the debt or demand becomes due. He shall apply and distribute it, in the payment of debts and legacies and among the next of kin, as part of the personal estate of the deceased. However, the sureties of the executor are not liable where the claim against the executor would have been uncollectible if another person had been executor.

§ 20–904. Failure of executor to include claims of testator against executor in inventory; remedy

If an executor fails to include a claim which the testator had against him in the list of debts due the deceased, a person interested in the administration may allege the failure by petition to the Probate Court. The court, with the consent of the parties, may decide the matter, or it may be referred by the parties, with the court's approval; or at the instance of either party the court may direct an issue to be tried by a jury. If the claim in any such proceedings is decided to be a just claim of the decedent against the executor, the executor shall be charged with the amount thereof as provided by section 20–903.

§ 20–905. Debt due by administrator or collector

In like manner as provided by section 20–903, an administrator or collector shall include a claim against himself, and on his including it, or failure to do so, there shall be the same proceeding as described in section 20–903 or 20–904 with regard to an executor. The rule provided by section 20–903 applies to his sureties.

CHAPTER 11—SALE OF ASSETS

Sec.

§ 20–1101. Sale of personal estate

Where an executor or administrator does not have money sufficient to discharge the just debts of and claims against the decedent, the Probate Court shall, on his application, made after the return of an inventory, direct a sale of the personal property contained therein, or of such part as the court considers proper, and in such manner and on such terms as the court directs. The court may direct a sale if it deems it advantageous to the persons interested in the administration, on the application of any of them.

§ 20–1102. Order for sale

An executor not so authorized by the will, or an administrator, may not sell property of his decedent without an order of the Probate Court. A sale made without a previous order authorizing it is void and does not pass title to the purchaser. If an executor or administrator sells, pledges, or disposes of property without a previous order, his letters may be revoked and an administrator appointed, who shall immediately recover possession of the property; and the removed executor or administrator may be proceeded against by attachment. Where there are two or more executors or administrators, and a sale, pledge, or disposition of property has been made without the consent of all, the revocation extends only to the persons so offending, and

the remaining executors or administrators may discharge the duties of their office and institute proceedings for the recovery of the property and attachment as provided by this section.

§ 20–1103. Sale of real estate directed in will; procedure; failure to act

Where a testator has directed his real estate to be sold for the payment of his debts or legacies, the executor may sell and convey it, and shall account for the proceeds of the sale to the Probate Court in the same manner as for the proceeds of personal estate. Such a sale is not valid unless it is ratified by the court after notice given by publication according to the practice in equity. If the executor refuses or declines to act, or dies without executing the power vested in him, the court, on the application of a person interested, may appoint an administrator de bonis non with the will annexed to execute the power in the same manner in which the executor appointed by the will might have done.

§ 20–1104. Power of co-executors to sell real estate under will

Where a power to sell lands, tenements, or other hereditaments is given by a will to executors as such, and a person named as executor refuses, after the death of the testator, to act or accept the trust, sales under the power made by the executors who qualify and accept the trust are as effectual in law as if the other executors had joined in the sale.

§ 20–1105. Survivor of several trustees

Where two or more trustees are appointed by the will to execute a trust, or are empowered to sell, dispose of, or convey lands or other property devised to them jointly, upon the death of any one or more of them the survivors may execute the trust or power. If one of the trustees, in writing, signed by him and attested by a witness, relinquishes or disclaims the trust or refuses to act under the will, and delivers the writing to the Probate Court for record, his right to act ceases, and the remaining trustees appointed by the will may execute the trusts of the will and make sales and execute conveyances and other acts necessary for that purpose.

§ 20–1106. Authority of court regarding sales of realty; responsibility for proceeds; restrictions on sales; auditor's report

The Probate Court has plenary authority to administer the real estate situated in the District of Columbia of decedents as far as may be necessary for the payment of funeral expenses, debts, costs of administration, and estate, inheritance and succession taxes, and legacies, and to distribute among those entitled thereto the surplus proceeds of sales of real estate made in the course of the administration. The bonds of executors and administrators are responsible for the proceeds of sale of real estate sold by them under the order of the court for purposes of administration. A sale of real estate may not be made unless it is required for the purposes of paying the above-mentioned charges and such legacies as are chargeable upon the real estate, or until the auditor of the court has ascertained and reported those debts and legacies, the deficiency of personal assets, and the real estate necessary to be sold for the payment of the charges and legacies. Objections to the report may be filed, heard and determined as provided by rules of court.

§ 20–1107. Bond to prevent sale of real estate

An order for the sale of real estate may not be granted if a person interested in the estate gives bond to the United States, with security to be approved by the Probate Court, conditioned to pay all the debts, or legacies, or both, as the case may be, that shall eventually be found due, and the costs of administration.

§ 20–1108. Sale of real estate to satisfy debts and legacies

Where the Probate Court is satisfied, upon a report of the auditor, that it is necessary to sell the real estate, or a part thereof, it shall authorize the executor or administrator to sell the property, or so much thereof as may be necessary for the payment of the debts or legacies, or both, on such terms as the court directs. Any surplus of the proceeds of the sale, after payment of debts and legacies and costs of administration, is deemed real estate, and shall be distributed among the heirs or devisees as their interests may appear.

§ 20–1109. Sale of property subject to dower

Where there is a surviving spouse entitled to dower in the real estate of the decedent, the Probate Court, before authorizing a sale of the real estate, shall issue a commission to one or more suitable persons to set off and assign the dower out of the estate, and the dower shall be so assigned. If the court finds that the surviving spouse's dower cannot be set off without injury to the property, if he consents thereto by answer to the petition, the real estate may be sold free of the dower, and the surviving spouse shall receive out of the proceeds a commutation of dower according to the practice in equity.

§ 20–1110. Appointment of trustee to sell real estate; bond

When a person dies having devised real estate to be sold, without having appointed a trustee to sell the property, or if the person so appointed neglects or refuses to execute the trust, or dies before the execution of the trust, the United States District Court for the District of Columbia may, on the application of a person interested, appoint a trustee to sell and convey the property and apply the proceeds of sale to the purposes intended. Where a trustee is appointed by last will to execute a trust, and a person interested in the execution of the trust makes it appear that it is necessary for the safety of those interested therein that the trustee should give bond and security for the due execution of the trust, the Court may order and direct that a bond be given by the trustee by a day named, and on failure of the trustee to give the bond, with security to be approved by the court as directed, the court may displace the trustee and appoint another in his stead, who shall give the bond. The bond shall be given to the United States and may be sued on for the use of a person interested.

§ 20–1111. Proceeding by creditors to have real estate sold

When a person dies leaving real estate in possession, remainder, or reversion, and not leaving personal estate sufficient to pay his debts, the Court, on a suit instituted by any of his creditors, may decree that all the real estate left by the person, or so much thereof as may be necessary, be sold to pay the charges mentioned in section 20–1106. This section applies whether the heirs or devisees are residents or nonresidents, are of full age or infants, and are of sound mind or are insane, and also where the deceased left no heirs or it is not known whether he left heirs or devisees or the heirs or devisees are uknown. Where there are no known heirs the United States attorney for the District of Columbia shall be notified of the suit and appear therein.

CHAPTER 13—CLAIMS OF CREDITORS

§ 20–1301. Debts to be proved

An executor or administrator may not discharge a claim against his decedent, otherwise than at his own risk, unless it is first passed by the Probate Court or is proved according to the rules prescribed by this chapter.

§ 20–1302. Judgment or decree; voucher or proof

The voucher or proof of a judgment or decree shall be a short copy thereof under seal, attested by the clerk of the court where it was obtained, who shall certify that the judgment or decree has not been satisfied. There shall likewise be a certificate of a person authorized to administer oaths, indorsed on or annexed to a statement of the debt due on the judgment or decree, that the creditor or his agent since the death of the deceased has taken before him the following oath: "That the creditor has not received any part of the sum for which the judgment or decree was passed except such part (if any) as is credited". Where the creditor on the judgment or decree is an assignee of the person who obtained it, the oath shall continue, as follows: "and that to the best of his knowledge or belief no other person has received any part of the sum except such part (if any) as is credited". An assignee shall also produce the assignment under the hand of the assignor. Where there is more than one assignment, each assignment shall be produced under the hand of the party assigning.

§ 20–1303. Bond, note, check, protested bill of exchange; original or copy of instrument to constitute voucher

In case of a specialty, bond, note, check, or protested bill of exchange, the vouchers shall be the instrument of writing itself, or a proved copy in case it is lost, with a certificate of the oath taken as prescribed by section 20–1302 since the death of the decedent and indorsed on or annexed to the instrument, or a statement of the claim "that no part

of the money intended to be secured by the instrument has been received or any security or satisfaction given for it except what (if any) is credited.".

§ 20–1304. Proof by assignee

Where the creditor in an instrument specified by section 20–1303 is an assignee, the creditor or agent shall take and subscribe the same oath, according to the best of his knowledge and belief, with respect to any payments prior to the time of the assignment.

§ 20–1305. Proof of commercial papers

Where the claim consists of a bill of exchange or other commercial paper, the protest or whatever would be required, if the deceased were alive, is necessary to justify an executor or administrator in making payment or distribution.

§ 20–1306. Claims for rent

Where the claim is for rent, there shall be produced the lease itself, or the deposition of a credible witness, or an acknowledgment in writing of the deceased, establishing the contract and the time which has elapsed during which rent was chargeable, and a statement of the sum due for the rent, with an oath of the creditor or agent indorsed thereon "that no part of the sum due for the rent or any security or satisfaction for the same has been received except what (if any) is credited.".

The proof of a claim for rent in arrears, in order to render the claim a preferred claim, shall be the proofs and vouchers for rent specified by this section, and proof that the claim is such that an attachment therefor might be levied on the deceased's goods and chattels in the hands of the administrator. The preference given for rent does not impair the landlord's right of attachment where he believes it proper to exercise the right.

§ 20–1307. Open account

The vouchers or proofs of a claim on open account shall be a certificate of an oath taken by the creditor or agent since the death of the decedent, indorsed on or annexed to the account, that the account as stated is just and true, and that he, the creditor, or any one for him, has not received any part of the money stated to be due or any security or satisfaction for it except what (if any) is credited.

§ 20–1308. Claims outside of District

When an affidavit or deposition to prove claims has been taken out of the District of Columbia, it is valid if taken and certified by a notary public as provided by this chapter, or by a person there authorized to administer oaths, and certified to be such under the seal of the clerk of a court of record, or by an officer having official cognizance of the fact, and the oath shall be as available as if taken before an officer authorized to administer oaths within the District of Columbia. The additional certificate specified by this section is not required as to notaries public within the United States or a place under the jurisdiction thereof when the seal of the notary is attached.

§ 20–1309. Executor's or administrator's claim to be under oath

Where a creditor is an executor or an administrator his claim may not be received, although vouched and approved as provided by this chapter, unless he makes oath, to be certified as provided by this chapter, "that it does not appear from any book or writing of his decedent that any part of the claim has been discharged except what (if any) is credited, and that to the best of the deponent's knowledge and belief no part of the claim has been discharged and no security or satisfaction given for it except what (if any) is credited.".

§ 20–1310. Plea of limitations within discretion of executor or administrator

An executor or administrator is not required to avail himself of the statute of limitations to bar what he supposes to be a just claim.

§ 20–1311. Claims may be rejected and disputed

An executor or administrator is not required to discharge a claim of which vouchers and proofs have been exhibited as provided by this chapter, but may reject and at law dispute the claim where he has reason to believe that the deceased never owed the debt, or had discharged it, or a part thereof, or had a claim in bar.

§ 20–1312. Passing of claims not conclusive

An order made by the Probate Court that an account or claim will pass when paid is not valid to establish the claim or account. Where the executor or administrator thinks fit to contest it, the account or claim does not derive validity from the order, but shall be proved in the same manner as if the order had not been made.

§ 20–1313. Payment of claims

An executor or administrator shall, within thirteen months from the date of his letters, or within such further time, not exceeding four months, as the Probate Court allows on his making oath that he has reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased, discharge all the claims known to him or pay each claimant his just proportion of the money then in his hands, retaining as directed by this chapter. Also, he shall, once in every six months after the first distribution, make a distribution of the money which has since come to his hands until he has fully administered, and on failure his administration bond may be sued upon.

§ 20–1314. Notice of distribution

When an executor or administrator is to make payment or distribution among the creditors of his decedent, he may give notice three successive weeks previously in a convenient newspaper of the time and place for making it. If a creditor does not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all interest on the claim or proportionable part ceases from that time. The executor or administrator shall at any time thereafter, on demand, pay the claims, or a proportionable part, to the party, his agent, or duly authorized attorney. When the executor or administrator proceeds to make an additional payment or dividend he may advertise as provided by this section, and interest ceases as also provided by this section. If, at the time for the making of an additional dividend, a just claim, established as directed by this chapter, is exhibited, the creditor is entitled to such sum as will place him on an equal footing with those who have already received a dividend.

§ 20–1315. Retaining for claims

An executor or administrator shall pay all just claims against his decedent exhibited to him, or a just proportionable part thereof, according to the assets. Where a claim is known to him, although it is not exhibited, he shall retain the assets, or a just proportionable part, for the benefit of the creditor. Where an executor or administrator has actual knowledge of a claim which has not been exhibited or passed he shall give notice in writing to the creditor, requiring the claim to be either exhibited or passed, as provided by this chapter, within 30 days if the creditor is a resident of the District of Columbia, and within 90 days if he is a nonresident. After the expiration of that period, and

after the expiration of the period for distribution provided by section 20–1313, the executor or administrator may not be required to retain any part of the estate for the benefit of the creditor, unless in the meantime the claim has been so exhibited or passed.

§ 20–1316. Executor or administrator to withhold amount claimed pending litigation

Where an action is commenced against an executor or administrator for the recovery of a larger debt or damages than he considers due, so that it cannot be ascertained before verdict, the executor or administrator may retain such sum to meet the debt or damages as the Probate Court allows. Where more than enough is allowed, the party shall afterwards account for it, but a sum may not be retained on account of the further debt or damages when the court is satisfied that there will be money sufficient coming in after the dividend to meet the damages, or a just proportion thereof, regard being had to other claims.

§ 20–1317. Claims of executors and administrators to be passed by Court

An executor or administrator may not be allowed to retain for his own claim against the decedent, unless the claim is passed by the Probate Court. Such a claim stands on an equal footing with other claims of the same nature.

§ 20–1318. Period during which creditors may file suit after claim is contested

If a claim is exhibited against an executor or administrator which he considers his duty to dispute or reject, he may retain in his hands assets proportioned to the amount of the claim, which assets shall be liable to other claims, or to be delivered up or distributed in case the claim is not established. If, on a claim exhibited and disputed, the creditor or claimant does not, within three months after the dispute or rejection, commence a suit for recovery, he is forever barred. On a dividend to be made three months after the dispute or rejection and failure to bring suit, the executor or administrator may proceed to pay or distribute as if he had no knowledge or notice of the claim or as if it did not exist. If the claim is sued upon within the three-month period, it may be ascertained by verdict or otherwise, and the court shall proceed as directed by this chapter, regard being had to the rules laid down by this chapter as to the notice to be given by the executor or administrator and distribution or payment shall be made after the notice.

§ 20–1319. Executor or administrator not responsible for claims made after distribution

When all the assets have been paid away, delivered, or distributed as directed by this chapter, and afterwards a claim is exhibited of which the executor or administrator has no knowledge or notice by the exhibition of the claim legally authenticated, as required by this chapter, he is not answerable for it. When he is sued for a claim and makes it appear to the court in which suit is brought that he has so paid away, delivered, or distributed, and the plaintiff cannot prove that the defendant had notice as herein specified before the payment, delivery, or distribution, the court, although the amount of the claim against the deceased may be ascertained, may not give judgment until the plaintiff is able to show further assets coming into the defendant's hands; but if the plaintiff proves notice, as herein specified, of the claim against the defendant, judgment may be immediately given for such sum as the plaintiff ought to have received at the dividend, and fieri facias may issue and have effect, and further judgment may be given on the coming in of further assets.

§ 20–1320. Notice to creditors to file claims

An executor or administrator who, after six months from the date of his letters, pays away assets to the discharge of just claims is not answerable for any claim of which he had no knowledge or notice by an exhibition of the claim legally authenticated, if, at least three months before he makes distribution he causes to be inserted in as many newspapers as the Probate Court directs, a notice to the following effect: "This is to give notice that the subscriber, of ————, has obtained from the Probate Court of the District of Columbia letters testamentary (or of administration) on the personal estate of ————, late of ————, deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof legally authenticated, to the subscriber on or before the ———— day of ———— next; they may otherwise by law be excluded from all benefit of the estate.

"Given under my hand this ———— day of ————.".

§ 20–1321. Report and proof of notice

The executor or administrator may report to the court, with an affidavit of the proof thereof annexed, the fact of having given the notice specified by section 20–1320, and the court, on being satisfied that its order has been complied with and the notice has been given, shall indorse on the report its certificate that it has been proven to its satisfaction that the notice has been given as therein reported, and shall order the report and certificate to be recorded among the records of the court.

§ 20–1322. Report of notice as prima facie evidence; copy as legal evidence

The report and certificates specified by section 20–1321 are prima facie evidence of the giving of the notice as therein stated; and a copy of the report, certificate, and order, under the seal of the Register of Wills, is legal and competent evidence.

§ 20–1323. Docket of claims

The Register of Wills shall enter in a suitable book, to be provided by him for that purpose, all claims against a decedent as they are regularly passed by the Probate Court, giving the date of the passage, the name of the creditor, the character of the claim, whether on note or open account, bond, bill, obligation, judgment, or other evidence of debt, and the amount thereof; and the entry of a claim upon the docket constitutes notice to the executor or administrator of its existence.

§ 20–1324. Filed claim no evidence of correctness if disputed; filing as tolling limitations

A claim entered on the docket as provided by section 20–1323 does not afford evidence as to the justice or correctness of a debt therein entered when it is controverted by an executor or administrator in a suit instituted for the recovery of the debt; and it does not take a debt out of the operation of a defense of limitations.

§ 20–1325. Priorities

(a) The debts of the decedent shall be paid according to the following priority:

(1) funeral expenses, according to the condition and circumstances of the deceased, not exceeding $600;

(2) claims for rent in arrears for which an attachment might be levied by law;

(3) judgments and decrees of courts in the District of Columbia;

(4) all other just claims, which shall be on an equal footing, without priority.

(b) Where there are not sufficient assets to discharge all the judgments and decrees specified in item (3) of subsection (a) of this section, a proportionate dividend shall be made between the judgment and decree creditors.

(c) This section is subject to section 19–101 and chapter 21 of this title relating to the family allowance and the administration of small estates.

§ 20–1326. No claim to be noticed unless legally authenticated

An executor or administrator is not bound to discharge a claim against his decedent unless it is exhibited to him, legally authenticated, or unless the claim has been passed by the Probate Court and entered by the Register of Wills upon his docket.

§ 20–1327. Meeting of creditors

An executor or administrator may appoint a meeting of creditors on a day approved by the court, and passage of claims, payment, or distribution may be there made under the court's direction and control.

§ 20–1328. Distribution of residue

When it appears by the first or other account of an executor or administrator that all the claims against, or debts of, the decedent which have been known by or notified to him have been discharged or allowed for in his account, he shall deliver up and distribute the surplus or residue of the personal estate not disposed of by a will, as directed by chapters 3 and 7 of title 19, but his power and duty with respect to future assets do not cease. After the delivery he is not liable for debts afterwards notified to him, when he has advertised as directed by this chapter, unless assets afterwards come into his hands which are answerable for debts.

§ 20–1329. Creditor's rights against property of nonresident decedent; limitation

(a) On the death of a person not domiciled in the District of Columbia at the time of his death so much of his real and personal estate in the District of Columbia as may be necessary for the payment and discharge of just claims against him of creditors and persons domiciled in the District of Columbia are also the subject of administration under authority and direction of the Probate Court, irrespective of the personal estate of the decedent at his place of domicile or elsewhere.

(b) The prosecution of claims referred to by subsection (a) of this section shall be commenced within six months after the death of the decedent.

CHAPTER 15—SUITS

Sec.

§ 20–1501. Suits by and against executors and administrators

(a) Executors and administrators may commence and prosecute any civil action which the testator or intestate might have commenced and prosecuted, and may be sued in any civil action which might have been maintained against the deceased.

(b) In a civil action based on a tort claim, brought by or against an executor or administrator, the right of action conferred by this

section is limited to damages for personal injury. It does not include the right to recover for pain and suffering.

§ 20–1502. Judgments against executor or administrator; amount of damages; when assessed

(a) When the verdict of the jury in a suit against an executor or administrator is against the defendant, or he is willing to confess judgment, and the debt or damages which the deceased, if alive, ought to pay, is ascertained by verdict, or confession, or otherwise, the court shall assess the sum which the executor or administrator ought to pay, regard being had to the amount of assets in his hands and the debts due to other persons. When it appears to the court that there are assets to discharge all just claims against the deceased, the judgment shall be for the whole debt or damages found by the jury, or confessed, or otherwise ascertained, and costs. When it appears to the court that there are not sufficient assets to discharge all just claims against the deceased, the judgment shall be for such sum only as bears a just proportion to the amount of the debt or damages and costs, regard being had to the amount of all the just claims and of the assets.

(b) The court may not assess, as provided by subsection (a) of this section, and enter judgment against an executor or administrator until the time limited by law or by the court for the executor or administrator to pass his account has expired and the executor or administrator has made oath that he does not have assets to discharge all the just claims. The account settled by the Probate Court, in which the debt or damages sued for ought to be stated, is evidence to show the amount of assets and claims; and the court may, when the actual debt or damages are ascertained, refer the matter to an auditor to ascertain the sum for which judgment shall be given. When the judgment is for a sum inferior to the real actual or damage and costs, it shall also stipulate "that the plaintiff be entitled to such further sum as the court shall hereafter assess on discovery of further assets in the hands of the defendant". The court, at any time afterwards, when applied to by the plaintiff, on three days' notice to the defendant or his attorney, may assess and give judgment for such further proportionable sum as the plaintiff appears entitled to, regard being had as provided by this section to the amount of the debt and other claims. On a judgment entered as provided by this section a fieri facias may issue against the defendant, and either his own goods or the goods of the deceased may be thereupon taken and sold. The executor or administrator shall discharge the judgment or put it on a footing with other just claims, and on failure his bond may be sued upon by the plaintiff.

§ 20–1503. Concealment of assets by strangers

When an executor, administrator, or collector believes that a person is concealing any part of his decedent's estate, he may file a petition in the court alleging the concealment, and the court may compel an answer thereto on oath. When the court is satisfied, upon an examination of the whole case, that the party charged has concealed any part of the estate of the deceased, it may order the delivery thereof to the executor, administrator, or collector, and may enforce obedience to the order in the same manner in which orders of the court may be enforced.

§ 20–1504. Concealment by executor or administrator

If a person interested in a decedent's estate by petition alleges that the executor, administrator, or collector has concealed or has in his hands and has omitted to return in the inventory or list of debts any part of his decedent's assets, and the court finally adjudges and decrees in favor of the allegations of the petition, in whole or in part,

it shall order an additional inventory or list of debts, as the case may be, to be returned by the executor, administrator, or collector, and appraisement to be made accordingly, to comprehend the assets omitted. The court may compel obedience to the order, and, if it is not complied with, revoke the letters and order the bond of the executor, administrator, or collector to be put in suit.

§ 20–1505. Suits by foreign executors and administrators

A person to whom letters testamentary or of administration have been granted by the proper authority in any of the United States or the territories thereof may maintain a suit or action and prosecute and recover a claim in the District of Columbia in the same manner as if the letters had been granted to him in the District. The letters, or a copy thereof certified under the seal of the authority granting them, are sufficient evidence to prove the granting of the letters, and that the person has administration. The Probate Court of the District of Columbia may, however, upon the petition of any one interested, require from the person the security required by law in like cases from a resident administrator or executor, or the court may grant auxiliary or ancillary letters, if the case requires, to the same person or other persons.

§ 20–1506. Suits on bonds against heirs

A creditor by a bond which purports to bind the heirs of the obligor may not sue the heirs in respect of assets descended to them, but shall make his claim against the estate in the same manner as required of other creditors. Debts arising by specialty and by simple contract, without distinction, are payable primarily out of the personal estate, and, if that is insufficient, are payable equally and without preference out of the proceeds of the real estate.

CHAPTER 17—ACCOUNTS

Sec.

§ 20–1701. Time for rendering first account

An executor or administrator shall render to the Probate Court within twelve months from the date of his letters the first account of his administration, and may render the account six months after the date of his letters.

§ 20–1702. Subsequent accounts

When the first account of an executor or administrator does not show the estate which was on hand to be fully administered, the executor or administrator shall render other accounts from time to time until the estate is fully administered, under such rules as the court establishes.

§ 20–1703. Failure to account

If an executor or administrator fails 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 allows, his letters, on application of a person interested, may be revoked and administration granted at the discretion of the court.

§ 20–1704. Assets to be charged

In the account, the executor or administrator shall state, on one side, the assets which have come to his hands, according to the inventory returned to the court, or received and appraised after the inventory returned, and the sales made under the court's direction. The inventories shall show the articles of the estate, and the sales, the amount of their value, and where they have been sold. For articles so sold the executor or administrator shall be charged the price according to the return. When articles have been sold for credit and not yet paid for they shall be accounted for in a subsequent account, and all moneys received for debts due the decedent shall be included in the account.

§ 20–1705. Disbursements and allowances

On the other side of the account the executor or administrator shall state the disbursements made by him, and debts and allowances, as follows:

(1) funeral expenses, to be allowed at the discretion of the court, according to the condition and circumstances of the deceased, not exceeding $600, except that for special cause shown the court may make an additional allowance, not exceeding $400;

(2) the family allowance provided for by section 19–101;

(3) the debts of the deceased proved or passed as directed by this title, and paid or retained;

(4) the allowance for things lost, or which have perished without his fault, which allowance shall be according to the appraisement;

(5) the commissions of the executor or administrator, which shall be, at the discretion of the court, not under one per centum nor exceeding ten per centum on the amount of the inventories, excluding what is lost or has perished; and

(6) the allowance to the executor or administrator for his costs, attorney fees, and extraordinary expenses which the court considers proper to allow.

§ 20–1706. Bequests to executors

Where anything is bequeathed to an executor by way of compensation, an allowance of commission may not be made unless the compensation appears to the court to be insufficient. Where it is insufficient, it shall be reckoned in the commission to be allowed by the court.

§ 20–1707. Executor of deceased executor or administrator to render account

The executor or administrator of a deceased executor or administrator who dies before an account of his administration has been rendered shall render an account showing the amount of the assets received and the payment made by his decedent. The account so rendered shall, if found by the court to be correct, be admitted to record as other administration accounts.

§ 20–1708. Accounts of deceased executrix or administratrix

The husband of an executrix or administratrix who dies before a final account of her administration has been settled shall render an account, if required by the court, showing the amount of money and property received and of payments and disbursements made by the executrix or administratrix, or that may have been received or paid by him, and not before accounted for with the court. The account so rendered shall, if found by the court to be correct, be admitted to record as other administration accounts in cases where the executrix or administratrix rendered them in person. If the husband

refuses to render the account, the court may proceed against him by attachment, and may commit him until he renders the account.

§ 20–1709. Lost property

The Probate Court may make allowance to an executor, administrator, or collector for property of the decedent which has perished or been lost without the fault of the party. Profit may not be made and loss may not be sustained by an executor or administrator in the increase or decrease of the estate under his management. He shall return an inventory and account for the increase, and may be allowed for the decrease on the settlement of the final or other account.

§ 20–1710. Executor or administrator of deceased executor or administrator entitled to commission; accounts

The executor or administrator of a deceased executor or administrator shall return, on oath, to the court, on or before the day named as provided by section 20–359(b), a list of the bonds, notes, accounts, and money provided by subsection (a) of that section, and may retain out of the money such commission as the court allows, not exceeding ten per centum on the principal inventory. The personal estate and money turned over by him constitute assets in the hands of the administrator de bonis non, to be accounted for by him as such.

CHAPTER 19—DISTRIBUTION OF SURPLUS

Sec.

§ 20–1901. Distribution; when to be made

When the debts of an intestate, exhibited and proved, or notified and not barred, have been discharged or settled, or allowed to be retained for as directed by this title, the administrator shall make distribution of the surplus as provided by chapters 3 and 7 of Title 19.

§ 20–1902. Distribution of specific property

Where the surplus remaining in an administrator's hands after payment of all just debts exhibited and proved or notified and not barred, or after retaining for them, consists of specific property or articles mentioned in the inventory, the administrator, if he cannot satisfy the parties, may apply to the court to make distribution. The Probate Court may appoint a day for making distribution, and by summons call on the parties to appear, and, at the appointed time, proceed to distribute. If a majority in point of value neglect to appear, or, if appearing, object to the distribution of the articles, or if the court deems a sale of the articles or any part of them more advantageous, it shall order a sale accordingly, and the rules provided by this title relative to a sale by order of the court shall be observed.

§ 20–1903. Distribution of specific articles; how to be made

When a distribution of specific articles is to be made the court may appoint two disinterested persons, not in any way related to the parties concerned, to make the distribution among the persons entitled as to them seems proper; or when, in their opinion, upon a view of the articles, a distribution among the persons entitled could not be by them made which would operate equally, but a sale thereof would be more advantageous to the persons, they shall return to the court their opinion in writing. The court shall thereupon order a sale of the articles, upon reasonable notice, and cause the proceeds of the sale to be equally distributed among the parties entitled.

49–850 O–66—49

§ 20–1904. Partial distribution

When a person applies to the Probate Court by petition, and satisfies the court that he is in want of subsistence or greatly straitened in circumstances, and that it probably will not require more than one-half of the assets to discharge the debts, the court may direct the executor or administrator to deliver to the petitioner any part of what the court believes will be his distributive share, or any part of a legacy or bequest in money not exceeding one-third part, the petitioner giving bond, with security approved by the court, to the executor or administrator for returning the part so delivered, or an equivalent, with interest, when so directed by the court. The court may determine in a summary way on the petition, after summons against the executor or administrator duly returned "summoned" or "non est".

§ 20–1905. Distribution of specific bequests

The court, in like manner as provided by section 20–1904, on a petition by a person in circumstances as described in that section, to whom a specific legacy or bequest has been made, being satisfied that the assets, exclusive of all specific legacies, will not be nearly exhausted by debts, may direct the executor or administrator with the will annexed to deliver to the petitioner the specific legacy or bequest on his giving bond as provided by section 20–1904.

§ 20–1906. Bequest to female

When a bequest of personal property or money is made to a female and directed by the will to be paid on her attaining to full, mature, or to a lawful age, the female is entitled to receive and demand the personal property or money on arriving at the age of 18 years or on being married.

§ 20–1907. Meeting of legatees or next of kin

An administrator may appoint a meeting of persons entitled to distributive shares or legacies or a residue, on a day approved by the court, and payment or distribution may be made at the meeting under the court's direction and control.

CHAPTER 21—ADMINISTRATION OF SMALL ESTATES

Sec.

§ 20–2101. Petition for distribution of small estate; order

(a) When a person dies, leaving a small estate consisting only of personal property of a value not in excess of $500, the surviving spouse or minor children entitled to the family allowance authorized by section 19–101 may file in the Probate Court a petition, under oath, declaring:

(1) the time and place of decedent's death;

(2) the known next of kin;

(3) the known assets and by whom they are held;

(4) that the petitioner has made a diligent search to discover all assets of the deceased;

(5) the amount of the funeral expenses and to whom they are due; and

(6) that the assets do not exceed $500 in value.

The minor children shall act through the person having their custody or a next friend.

(b) When the Probate Court is satisfied that the allegations in a petition filed under subsection (a) of this section are true, it shall enter a final order:

(1) declaring that formal administration is not necessary and that probate of a will is not required;

(2) fixing the amount of funeral expenses allowable and specifying to whom they are due and out of what property they are to be paid;

(3) vesting title to the remainder of the property in the surviving spouse or minor children, as the case may be, in satisfaction of the family allowance; and

(4) directing the persons having possession of the property to pay over, transfer, and deliver it as allotted.

The Probate Court may also authorize in the order, or by further order, the sale of any of the property as the exigencies of the situation require.

§ 20–2102. Waiver of administration; notice to creditors; final order

(a) When a person dies intestate, leaving a small estate consisting only of personal property of a value not in excess of $500, and there is no surviving spouse or minor child, the person entitled to be preferred in the appointment of an administrator may file in the Probate Court a petition, under oath, declaring:

(1) the time and place of the decedent's death;

(2) the known next of kin;

(3) that diligent search has been made for a will and none has been found;

(4) the known creditors, together with the amount of each claim, including contingent and disputed claims;

(5) the amount of the funeral expenses;

(6) the known assets and by whom they are held;

(7) that the petitioner has made a diligent search to discover all assets and debts of the deceased;

(8) that the assets do not exceed $500 in value; and

(9) that there are no known legal proceedings pending in which the decedent is a party.

(b) When the Probate Court is satisfied that the allegations in a petition filed under subsection (a) of this section are true, it shall enter a preliminary order declaring that formal administration is not necessary, and instructing the petitioner to publish once, in substantially the usual form, notice to creditors to exhibit their claims, duly authenticated, within 30 days after the notice. The notice shall be inserted in one newspaper of general circulation in the District of Columbia as the court directs.

(c) When a preliminary order has been entered and the notice has been published, as provided by subsection (b) of this section, and the time provided in the notice has expired, the petitioner shall file, under oath, a statement, with the usual proof of publication attached, that the notice has been published, and that the time has expired, and listing all then known creditors, including contingent and disputed claims, and the amount of each claim.

(d) When the Probate Court is satisfied that the statement filed under subsection (c) of this section is true, and after hearing and disposing of any objections filed in the court by persons interested in the estate, it shall enter a final order:

(1) directing the petitioner to pay from the estate all the claims, in the order of priority provided by law;

(2) authorizing a person having possession of any property of the estate to transfer, pay over, and deliver it in accordance with the petitioner's directions; and

(3) decreeing that, after the Register of Wills certifies upon the final order that he has seen the vouchers for the payment of the claims and is satisfied that the claims, as well as the fees provided for by this chapter, have been paid, the remaining balance of the estate, if any, shall be vested:

(A) in the adult surviving children, equally; or

(B) if there is no adult surviving child, then in those persons who would be entitled to the remaining balance of the estate under chapter 3 of Title 19.

The share of a minor is payable, in the discretion of the court, to the person having custody of the minor or to such other person as the court designates, to be used solely for the care and maintenance of the minor.

(e) The court may also provide in its final order issued under subsection (d) of this section for the sale of any property, upon such terms as it deems advisable, and for the distribution of the proceeds in accordance with the order.

§ 20–2103. Exemptions from liability

In the absence of fraud, a person who pays over, transfers, or delivers property pursuant to a final order entered under section 20–2101, or pursuant to the directions of a petitioner acting under authority of a final order under section 20–2102, is not liable for the application thereof, and he, or a person who receives any property pursuant to a final order entered under section 20–2101, or pursuant to the directions of a petitioner acting under authority of a final order under section 20–2102, is not responsible for any claims on account of the payment, transfer, delivery, or receipt of the property. The property distributed pursuant to a final order in either case becomes the absolute property of the respective distributees thereof.

§ 20–2104. Waiver of bond and commissions

A petitioner under this chapter is not required to be represented by an attorney, or to give bond, and he may not receive a commission for performing services under this chapter.

§ 20–2105. Forms to be furnished; fees

The Register of Wills shall prepare, and make available, forms whereby the petition and final order under section 20–2101, and the petition, preliminary order, the statement, the final order, and the certificate of payment under section 20–2102, shall constitute in each case one connected instrument. In lieu of all other fees, costs, or charges, the Register of Wills shall receive a fee of $5 for all services administered under this chapter, including the taking of affidavits, plus a fee of 25 cents for each certified copy of the instruments.

§ 20–2106. Discovery of additional property

The discovery of additional property of the decedent, after the filing of a petition in either case provided for by this chapter, shall be reported by the petitioner to the Probate Court as soon as discovered by him. The existence of the additional property does not invalidate any proceedings under this chapter except when the additional property is discovered before the entry of the final order provided for, and either (1) is real estate, or (2) increases the total value of the estate to more than $500. In either case a final order may not be entered under this chapter, and the court shall require regular administration. When additional personal property is discovered after entry of the final order, which does not increase the value of the total estate to more

than $500, the additional property may be distributed pursuant to a new petition. In all other cases the additional property may not be distributed under this chapter.

§ 20–2107. Penalties for false affidavits and other violations

Whoever makes a false affidavit under this chapter, or willfully violates an order of the Probate Court under this chapter, shall be fined not more than $500 for each offense.

§ 20–2108. Application of chapter

This chapter applies to estates of persons dying after June 24, 1949; and where there is a conflict or inconsistency between this chapter and any other law, this chapter governs.

CHAPTER 23—ESTATES OF ABSENTEES AND ABSCONDERS

Sec.

§ 20–2301. Petition for appointment of receiver, where absentees interested in property; United States attorney as party

(a) If a person entitled to or having an interest in property in the District of Columbia has disappeared or absconded from the District of Columbia, and it is not known where he is, or if he, having a wife or minor child, dependent to any extent upon him for support, has disappeared or absconded without making sufficient provision for the support, and it is not known where he is, or if his whereabouts is known and he has been without the District of Columbia continuously for two years or longer, a person who would under the law of the District of Columbia be entitled to administer upon the estate of the absentee if he were deceased, or, if no one is known to be so entitled, any suitable person, or the wife, or someone in her or the minor's behalf, may file a petition, under oath, in the United States District Court for the District of Columbia, stating:

(1) the name, age, occupation, and last known residence or address of the absentee;

(2) the date and circumstances of the disappearance or absconding; and

(3) the names and residences of other persons, whether members of the absentee's family or otherwise, of whom inquiry may be made.

The petition shall also contain a schedule of the property, real and personal, of the absentee, as far as known, within the District of Columbia, and pray that the property be taken possession of, and a receiver be appointed under this chapter.

(b) The United States attorney for the District of Columbia shall be made a party to a petition filed under subsection (a) of this section, and shall be given notice of all subsequent proceedings under this chapter.

§ 20–2302. Warrant to United States marshal; fees of marshal

Upon the filing of a petition under section 20–2301, the court may issue a warrant directed to the United States marshal for the District of Columbia, commanding him to take possession of the property named in the schedule and hold it subject to the order of the court, and make return of the warrant as soon as may be, with a statement of his actions thereon and a schedule of the property so taken. The marshal shall post a copy of the warrant upon each parcel of land named in the schedule and cause so much of the warrant as relates to land to be recorded with the recorder of deeds of the District of Columbia. He shall receive such fees for serving the warrant as the court allows, but not more than those established by law for similar service upon a writ of attachment. If the petition is dismissed, the fees and the cost of publishing and serving the notice provided for by this chapter shall be paid by the petitioner; but if a receiver is appointed, they shall be paid by the receiver and allowed in his account.

§ 20–2303. Notice of hearing to absentee and interested parties

Upon the return of the warrant issued under section 20–2302, the court may issue a notice reciting the substance of the petition, the warrant, and the marshal's return, which shall be addressed to the absentee and to all persons who claim of record an interest in the property, or who are known to petitioner to claim an interest in the property, and to all whom it may concern, citing them to appear at a time and place named and show cause why a receiver of the property named in the marshal's schedule should not be appointed and the property held and disposed of under this chapter.

§ 20–2304. Time of hearing; publication and posting of notice

The return day of the notice issued under section 20–2303 shall be not less than 30 nor more than 60 days after its date unless otherwise ordered by the court. The court shall order the notice to be published not less than once in each of three successive weeks in one or more newspapers within the District of Columbia, and a copy to be posted in a conspicuous place and upon each parcel of land named in the marshal's schedule, and a copy to be mailed to the last known address of the absentee. The court may order other and further notice to be given within or without the District of Columbia.

§ 20–2305. Appointment of receiver; bond; finding of date of disappearance

The absentee or a person who claims an interest in any of the property may appear and show cause why the prayer of the petition filed under section 20–2301 should not be granted. The court may, after hearing, dismiss the petition and order the property in possession of the marshal to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the marshal and named in his schedule. When a receiver is appointed, the court shall find and record the date of the disappearance or absconding of the absentee. The receiver shall give bond to the court in such sum and with such conditions as the court orders, with a corporate surety thereon approved by the court.

§ 20–2306. Transfer of property to receiver; schedule of property

After the approval of the bond required by section 20–2305, the court may order the marshal to transfer and deliver to the receiver the possession of the property under the warrant provided by section 20–2302, and the receiver shall file in the court a schedule of the property received by him.

§ 20–2307. Possession, by receiver, of additional property; collection of debts

Upon petition of a receiver appointed under section 20–2305, the court may direct him to take possession of any additional property within the District of Columbia which belongs to the absentee and to demand and collect all debts due the absentee from any person within the District of Columbia, and hold the property and moneys collected as if they had been transferred and delivered to him by the marshal.

§ 20–2308. Procedure where absentee left only debts due him; appointment of receiver

When the absentee has left no corporeal property within the District of Columbia, but there are debts and obligations due or owing to him from persons within the District of Columbia, a petition may be filed, as provided by section 20–2301, stating the nature and amount of the debts and obligations, as far as known, and praying that a receiver thereof be appointed. The court may thereupon issue a notice as provided by section 20–2303, without issuing a warrant, and may, upon the return of the notice and after a summary hearing, dismiss the petition or appoint a receiver and direct him to demand and collect the debts and obligations specified in the petition. The receiver shall give bond as provided by section 20–2305, and shall hold the proceeds of the debts and obligations and all property received by him, and distribute them as hereafter provided by this chapter. The court may confer upon the receiver such further authority as may be conferred under section 20–2307.

§ 20–2309. Care, custody, sale of property

The court may make orders for the care, custody, leasing, and investing of property and its proceeds in the possession of a receiver appointed under this chapter. After the appointment of a receiver, upon his petition and after notice, the court may order all or part of the property, including the rights of the absentee in land, to be mortgaged, or sold at public or private sale, to supply money for payments authorized by this chapter or for reinvestment approved by the court.

§ 20–2310. Support of absentee's wife and minor children

The court may order the property held by the receiver under this chapter, or its proceeds acquired by mortgage, lease, or sale, to be applied in payment of charges incurred or that may be incurred in the support and maintenance of the absentee's wife and minor children, and to the discharge of debts and claims for alimony proved against the absentee.

§ 20–2311. Receiver may adjust claims of or against estate

The court may authorize a receiver appointed under this chapter to adjust by arbitration or compromise demands in favor of or against the estate of the absentee.

§ 20–2312. Compensation of receiver; interest of absentee in property to cease after fourteen years

A receiver appointed under this chapter shall be allowed such compensation and disbursements as the court orders, to be paid out of the property or proceeds. If within 14 years after the date of the disappearance and absconding as found and recorded by the court, the absentee appears, or an administrator, executor, assignee in insolvency, or trustee in bankruptcy of the absentee is appointed, the receiver shall account for, deliver, and pay over to him the remainder of the property. If the absentee does not appear and claim the property within the 14-year period specified, all his right, title, and interest in the property, real or personal, or the proceeds thereof shall cease, and no action may be brought by him on account thereof.

§ 20–2313. Distribution after fourteen years as if absentee had died intestate

When, at the expiration of the 14-year period specified by section 20–2312, the property has not been accounted for, delivered, or paid over under section 20–2312, the court shall order the distribution of the remainder to the persons to whom, and in the shares and proportions in which, it would have been distributed if the absentee had died intestate within the District of Columbia on the day 14 years after the date of the disappearance or absconding as found and recorded by the court.

§ 20–2314. Time for distribution and accounting when receiver not appointed within thirteen years

When a receiver is appointed more than 13 years after the date found by the court under section 20–2305, the time limited for accounting for, or fixed for distributing, the property or its proceeds, or for barring actions relative thereto, is one year after the date of his appointment instead of the 14 years provided by sections 20–2312 and 20–2313; except that the time limited for accounting for, or fixed for distributing, any additional property or its proceeds within the District of Columbia coming into the possession of the receiver during the one year period, or for barring actions relative thereto, is one year after the date possession is taken by the receiver.

§ 20–2315. Construction with other laws

77 Stat. 522.

This chapter does not modify sections 14–701 and 14–702.

TITLE 21—FIDUCIARY RELATIONS AND THE MENTALLY ILL

CHAPTER 1—GUARDIANSHIP OF INFANTS

SUBCHAPTER I—APPOINTMENT OF GUARDIAN; BOND

SUBCHAPTER II—PROPERTY OF INFANTS

SUBCHAPTER III—INDIGENT BOYS

Subchapter I—Appointment of Guardian; Bond

§ 21–101. Natural guardians of the person

(a) The father and mother are the natural guardians of the person of their minor children. When either dies or is incapable of acting, the natural guardianship of the person devolves upon the other.

(b) This section does not affect the power of a court of competent jurisdiction to appoint another person guardian of the children when it appears to the court that the welfare of the children requires it.

§ 21–102. Testamentary guardians of the person

When one parent is dead, the other, whether of full age or not, may, by last will and testament, appoint a guardian of the person to have the care, custody, and tuition of his infant child, other than a married female; and if the person so appointed refuses the trust, the Probate Court may appoint another person in his place.

§ 21–103. Appointment of guardians of the person by court; limitation of number of wards

(a) When an infant has neither a natural nor testamentary guardian, a guardian of the person may be appointed by the Probate Court in its own discretion or on the application of a next friend of the infant.

(b) Only trust companies may act as guardian of the person for more than five infants at one time, unless the infants are members of one family.

§ 21–104. Termination of guardianship of the person

A natural guardianship or an appointive guardianship of the person of an infant ceases, in the case of a male infant when he becomes 21 years of age, and in the case of a female infant when she becomes 18 years of age or marries.

§ 21–105. Appointment by deed or will for child inheriting from parent

(a) In case of the death of either parent from whom his or her minor children inherit or take by devise or bequest, the parent may by deed or last will and testament appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

(b) This section does not limit or affect the power of a court of competent jurisdiction to appoint another person guardian of the children when it appears to the court that the welfare of the children requires it.

§ 21–106. Guardian of estate

(a) Subject to sections 21–101 to 21–104, when land descends or is devised to an infant under 21 years of age, or the infant is entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will, or acquires real or personal property by gift or purchase, the Probate Court may appoint a guardian of the infant's estate; and if there is a guardian of the person of the infant the guardian of the estate so appointed may be the same or a different person.

(b) The appointment may be made at any time after the probate of the will or the grant of administration when the infant is entitled as a devisee, legatee, or next of kin.

(c) Only trust companies may act as guardian of the estate of more than five infants at one time, unless the infants are entitled to shares of the same estate.

§ 21–107. Preferences in appointment of guardian of estate

In appointing a guardian of the estate of an infant, unless said infant be over 14 years of age as hereinafter directed in section 21–108, the court shall give preference to—

(1) the father, if living; or

(2) if he is dead, then to the mother, if living; or

(3) if the infant is a married female, to her husband—

when in the judgment of the court the parent or husband is a suitable person to have the management of the infant's estate.

§ 21–108. Selection of guardian by infant

(a) When a guardian, either of the person or the estate, of an infant is appointed, the infant shall, if practicable, be brought before the court, and, if over 14 years of age, shall be entitled to select and nominate his or her guardian.

(b) When a guardian has been appointed before the infant has attained the age of 14 years, the infant, upon arriving at that age, may select a new guardian, notwithstanding the appointment before made.

(c) The court shall pass upon the character and competency of the guardian selected by the infant, and the guardian shall be:

(1) required to give bond as in other cases;

(2) subject to the control of the court; and

(3) under the same obligations and discharge the same duties—

as if selected by the court.

(d) When, after a guardian of the estate has been appointed, the infant selects a new guardian upon arriving at the age of 14 years, and the new selection is approved by the court, and the person selected is duly appointed and qualified, the guardian previously appointed shall settle his final account and turn over his ward's estate to the newly appointed guardian.

§ 21–109. Husband as guardian of estate

When a female infant to whom a guardian of her estate has been appointed marries, she may select her husband as the guardian of her estate, with the approval of the court; and after he is duly appointed and qualified by giving bond, as is required in other cases, the powers of the guardian previously appointed shall cease, and he shall settle his final account and turn over his ward's estate to her husband, according to the order and directions of the court.

§ 21–110. Service on nonresident guardian; failure to give power of attorney

Before original or ancillary letters of guardianship are issued, the person designated, if a nonresident of the District of Columbia, shall file in the office of the Register of Wills an irrevocable power of attorney designating the Register of Wills and his successors in office as the person upon whom all notices and process issued by a competent court in the District may be served, with like effect as personal service, in relation to all suits, matters, causes, or things affecting or pertaining to the estate in which the letters are to be issued. The Register of Wills shall forthwith forward by registered or certified mail to the address of the guardian, which shall be stated in the power of attorney, all notices or process served upon the Register under this section.

If the person fails to file the power of attorney within 10 days after the entry of the order of appointment, the order shall stand revoked, and he shall forfeit all rights to the office.

§ 21–111. Ancillary guardian of estate of nonresident infant

When an infant residing outside the District of Columbia is entitled to property or to maintain an action in the District of Columbia, a general guardian or committee of his estate, appointed by a court of competent jurisdiction in the State or territory where the infant resides, or a person at the request of the guardian or committee, may petition the court for ancillary letters as guardian or committee. The petition shall be under oath, accompanied by certified copies of as much of the record and proceedings as shows the appointment of the guardian or committee and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority conferred. The court may thereupon issue to the guardian or committee ancillary letters as such guardian or committee, without citation, or may cite such persons as it believes proper to show cause why the application should be refused; and the court shall require the security required by law in like cases from a resident guardian or committee.

§ 21–112. Suits by ancillary guardian

(a) Upon the granting of ancillary letters, the guardian may institute and prosecute to judgment any action in the courts of the District of Columbia, take possession of all property of his ward, and collect and receive all moneys belonging and due to him therein, give full receipt and acquittances for debts, and release all claims, liens, and mortgages belonging to the ward, on property in the District of Columbia, in the same manner as if his authority had been originally conferred by the United States District Court for the District of Columbia.

(b) The guardian shall give security for the costs which may accrue in an action brought by him, in the same manner as other nonresidents bringing suit in the courts of the District.

§ 21–113. Enjoining husband, parents, or testamentary guardian from interfering with minor's estate

On application of a friend of an infant entitled to real or personal estate, or in the exercise of its own discretion, the court may enjoin a parent or husband or testamentary guardian from interfering with the infant's estate without being appointed and giving bond as guardian of the estate.

§ 21–114. Bond from parents of child entitled to property

When an infant whose father or mother is living becomes entitled to property, the Probate Court may require the father or mother, as guardian, to give bond and security to account for the property, and on his or her failure or refusal so to do may appoint another person guardian, who shall give bond as in other cases.

§ 21–115. Bond of guardian of estate

A guardian appointed by the court, other than a corporation authorized to act as guardian, and a testamentary guardian, unless otherwise directed by the will making the appointment, before entering upon or taking possession of or interfering with the estate of the infant, shall execute a bond to the United States in such penalty and with such surety as the court approves, to be recorded and to be liable to be sued upon for the use of a person interested, with the condition that if he, as guardian, faithfully accounts to the court, as required by law, for the management of the property and estate of the infant under his care, and delivers up the property agreeably to the order of the court or the directions of law, and in all respects performs the duty of guardian according to law, then the obligation shall cease; it shall otherwise remain in full force.

§ 21–116. One bond for several wards

When a person is guardian to a number of persons entitled to shares of the same estate the court may accept one bond instead of separate bonds for each ward, and the bond shall be liable to be sued upon for the use of all or any of the wards as fully as separate bonds might be.

§ 21–117. Additional bond

The court may at any time require a guardian to give bond or additional bond, when the interests of the infant require it, and on his failure or refusal so to do, may revoke his appointment and appoint another guardian in his place, and require the estate of the infant to be forthwith delivered to the newly appointed guardian, and may direct the latter to bring suit upon the bond of his predecessor.

§ 21–118. Counter security; petition by surety

If a surety of a guardian by petition sets forth that he apprehends himself to be in danger of loss in consequence of his suretyship, and

prays the court to be relieved, the court, after summoning the guardian to answer the petition, may require him to give counter security to indemnify his original surety or to deliver his ward's estate into the hands of the surety or of another person. In either case, the court shall require sufficient security for the proper management and application of the estate to be given by the person into whose hands the estate is delivered, and make such other order as seems just.

§ 21–119. Allowances made before bond given

An allowance made to a guardian for the clothing, support, maintenance, education or other expenses incurred for the ward or his estate, before the guardian gives bond or is appointed, has the same effect in law as if made subsequently to the appointment of the guardian and his giving bond.

§ 21–120. Settlement of actions involving minor children; appointment of guardian of estate

(a) A person entitled to maintain or defend an action on behalf of a minor child, including an action relating to real estate, is competent to settle an action so brought and, upon settlement thereof or upon satisfaction of a judgment obtained therein, is competent to give a full acquittance and release of all liability in connection with the action, but such a settlement is not valid unless approved by a judge of the court in which the action is pending.

(b) A person may not receive money or other property on behalf of a minor in settlement of an action brought on behalf of or against the minor or in satisfaction of a judgment in the action, where, after deduction of fees, costs and all other expenses incident to the matter, the net value of the money and property due the minor exceeds $3,000, before he is appointed by a court of competent jurisdiction as guardian of the estate of the minor to receive the money or property, and qualifies as such.

Subchapter II—Property of Infants

§ 21–141. Possession of property

On the execution of his bond, a guardian is entitled to an order of the court directing the real and personal estate of the ward to be delivered into his possession, and all legacies and distributive shares to which the ward is entitled to be paid or delivered to him when they are properly payable or distributable according to law.

§ 21–142. Inventory

Within three months after the execution and approval of his bond, a guardian shall return to the court, under oath, an inventory of the real and personal estate of his ward and of the probable annual income thereof, and the court may direct the estate to be appraised and the annual income thereof to be ascertained by two competent persons, to be appointed by the court, who shall report their appraisement and finding under oath.

§ 21–143. Duties; accounts; maintenance and education; sales; compensation

A guardian shall manage the estate for the best interests of the ward, and once in each year, or oftener if required, he shall settle an account of his trust under oath. He shall account for all profit and increase of his ward's estate and the annual value thereof, and shall be allowed credit for taxes, repairs, improvements, expenses, and commissions, and he is not answerable for any loss or decrease sustained without his fault. The court shall determine the amounts to be expended annually in the maintenance and education of the infant, re-

gard being had to his future condition and prospects in life; and if it deems it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of the principal and sell it or part thereof, under the court's order, as provided by this subchapter; but a guardian may not sell any property of his ward without an order of the court previously had therefor. The court shall allow a reasonable compensation for services rendered by the guardian not exceeding a commission of five per centum of the amounts collected, if and when disbursed.

§ 21–144. Property subject to liens

When an infant is entitled to real or personal estate in the District of Columbia which is liable to a mortgage, trust, or lien, or is in any way charged with the payment of money, the court may decree in the case as if the infant were of full age.

§ 21–145. Property subject to executory contract

When an infant is:

(1) entitled to real or personal estate in the District of Columbia bound by executory contract entered into by the person from whom the infant derived title; or

(2) claims a right or interest in property under such a contract—

the court may decree the execution of the contract or enter a just and proper decree, as if the parties were of full age.

§ 21–146. Contract for sale by adult in behalf of himself and infant

When a contract is made for the sale of real estate by persons interested therein jointly or in common with an infant, for and in behalf of all the persons so interested, which the court, upon a hearing and examination of the circumstances, considers to be for the interest and advantage both of the infant and of the other persons interested therein to be confirmed, the court may confirm the contract and order a deed to be executed according to it. Sales and deeds made in pursuance of the order are sufficient in law to transfer the estate and interest of the infant in the real estate.

§ 21–147. Sale of infant's principal for maintenance or education

When it appears, upon the verified petition of a guardian, or in case of his refusal to act, a next friend of an infant, and the appearance and answer of the infant by guardian to be appointed by the court, and proof by deposition of one or more disinterested witnesses, that a sale of the principal of the infant's estate, or of a part thereof, whether real or personal, is necessary for his maintenance or education, regard being had to his condition and prospects in life, the Probate Court may decree the sale on terms which to it seem proper.

§ 21–148. Sale or exchange of real estate; proceedings

When a guardian or, in case of his refusal to act, a next friend, deems that the interests of the ward will be promoted by a sale of his freehold or leasehold estate in lands, for the purpose of reinvesting the proceeds in other property or securities, or by an exchange of the property for other property, he may file a verified petition in the court, setting forth all the estate of the ward, real and personal, and all the facts which, in his opinion, tend to show whether the ward's interest will be promoted by the sale or exchange.

§ 21–149. Parties

The infant, together with those who would succeed to the estate if he were dead, shall be made parties defendant in the proceeding provided by section 21–148; and the court shall appoint a fit and dis-

interested person to be guardian ad litem for the infant, who shall answer the petition under oath. The infant also, if above the age of 14 years, shall answer the petition in proper person, under oath.

§ 21–150. Proof

Every fact material to determine the propriety of a sale or exchange shall be clearly proved, in a proceeding brought pursuant to section 21–148, by disinterested witnesses, whose testimony shall be taken in writing in the presence of the guardian ad litem or upon interrogatories agreed upon by him.

§ 21–151. Decree of sale; costs

When, in a proceeding brought pursuant to section 21–148, the court is satisfied from the evidence that the interests of the infant require a sale or exchange, as prayed, and the rights of others will not be violated thereby, the sale or exchange may be decreed, and the costs of the suit shall be paid out of the infant's estate; otherwise they shall be paid by the complainant.

§ 21–152. Terms of sale; lien

A sale pursuant to a decree issued pursuant to section 21–151 may be made upon such terms as to cash and credit as the court directs, and a lien shall be retained on the property sold for the purchase money.

§ 21–153. Exchanges; appointment of trustees

In decreeing an exchange of an infant's estate for other property, pursuant to section 21–151, the court need not require equality or sameness in the quantity or character of the estate or interest, and the court may appoint trustees to execute the deeds necessary to carry the exchange into effect.

§ 21–154. Ratification of sales by court

A sale of property of an infant is not effectual to pass title to the property sold until it is reported to and ratified by the court.

§ 21–155. Sale or exchange of particular estate or remainder; application of income

Where an infant is entitled to a particular estate, as for life or years, and another person is entitled to an estate in remainder or reversion or by way of executory devise in the same property, or the other person is entitled to the particular estate and the infant is entitled in remainder or reversion or executory devise, the court may decree a sale or exchange as provided by sections 21–148 to 21–153, having reference solely to the interests of the infant, if the other person so interested consents to the sale or exchange and execute the conveyances necessary to carry it into effect. The court shall direct the annual income from the fund or property acquired by the sale or exchange to be applied according to the interests of the respective parties.

§ 21–156. Lease of infant's estate

Where it appears to the court that it will be to the advantage of the infant that his real estate be demised, the court shall decree that it be 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 directs. Where the infant is entitled to only a part of the estate, the decree demising the estate shall be made only if all the owners of the other interests assent.

§ 21–157. Mortgage of infant's estate

Where it appears to the court by proof that it would be for the advantage of the infant to raise money by mortgage for his maintenance or to improve his real property or to pay off charges, liens, or incumbrances thereon, the court may, on the application

of the guardian or of the infant by next friend, decree a conveyance of the property, by mortgage or deed of trust, to be executed by the guardian, on such terms as to the court seem expedient. This section also applies where the infant holds jointly or in common with other persons of full age or holds a portion of the estate, as a particular estate, for life or years or in remainder or reversion, if the other owners interested, all being of full age, consent to the decree and unite in the mortgage or deed of trust.

§ 21–158. Final account

On arrival of a ward at the age of 21 years the guardian shall exhibit a final account of his trust to the court, and shall, agreeably to the court's order, deliver up to the ward all the property of the ward in his hands and if he fails to do so, his bond may be sued upon in the name of the United States for the use of the party interested, and he may be attached.

Subchapter III—Indigent Boys

§ 21–181. Enlistment of indigent boys

The Probate Court may appoint guardians to indigent boys for the purpose of securing their enlistment in the naval or marine service of the United States, as provided by law, free of costs on account of the proceeding.

§ 21–182. Preparation of guardianship papers

The Register of Wills shall prepare papers in connection with appointment of guardians to enable indigent boys to enlist in the United States Navy as provided by law, without making a charge therefor.

District of Columbia Uniform Gifts to Minors Act.

CHAPTER 3—GIFTS TO MINORS—UNIFORM LAW

Sec.

§ 21–301. Definitions

As used in this chapter:

(1) "adult" means a person who has attained the age of twenty-one years;

(2) "bank" means a person or association of persons carrying on the business of banking, whether incorporated or not, in the District of Columbia;

(3) "broker" means a person who is lawfully engaged in the business of effecting transactions in securities for the account of others; a bank which effects such transactions; and one who is lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business;

(4) "court" means the United States District Court for the District of Columbia;

(5) "custodial property" means:

(A) securities, money, life insurance and annuity contracts under the supervision of the same custodian for the same minor as a consequence of gifts made to the minor in the manner prescribed by this chapter;

(B) the income from the custodial property; and

(C) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, or other disposition of securities, money, life insurance and annuity contracts, and income;

(6) "custodian" means a person so designated in the manner prescribed by this chapter;

(7) "guardian of a minor" means the general guardian, guardian, tutor, or curator of the minor's property, estate, or person;

(8) "issuer" means a person who places or authorizes the placing of his name, other than as a transfer agent, on a security to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of such a person;

(9) "legal representative" means the executor, administrator, general guardian, committee, conservator, tutor, or curator of a person's property or estate;

(10) "life insurance and annuity contracts" include only insurance and annuity contracts on the life of a minor or a member of the minor's family as defined by clauses (11) and (12);

(11) "member of a minor's family" includes a minor's parent, grandparent, brother, sister, uncle, and aunt, whether of the whole blood or the half blood, or by or through legal adoption;

(12) "minor" means a person who has not attained the age of 21 years;

(13) "security" means a note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate transferable, share, voting trust certificate, or, in general, an interest or instrument commonly known as a security, or a certificate of interest of participation in, a temporary or interim certificate, receipt, or certificate of deposit for, or a warrant or right to subscribe to or purchase, any of the foregoing; "security" does not include a security of which the donor is the issuer; a "security" is in "registered form" when it specifies a person entitled to it or to the right it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer;

(14) "transfer agent" means one who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrender securities;

(15) "trust company" means a bank authorized to exercise trust powers.

§ 21–302. Gifts of securities, money, life insurance, or annuity contracts to minors; manner of making

(a) An adult may, during his lifetime, make a gift of a security, money, life insurance or annuity contract to one who is a minor on the date of the gift, if the subject of the gift is a security:

(1) in registered form, by registering it in the name of the donor, another adult, or a trust company, followed, in substance, by the words: "as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act";

(2) not in registered form, by delivering it to an adult other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the designated custodian:

GIFT UNDER THE DISTRICT OF COLUMBIA UNIFORM GIFTS TO MINORS ACT

I, [name of donor], hereby deliver to [name of custodian] as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act, the following security(ies); [insert an appropriate description of the security or securities delivered sufficient to identify it or them].

[Signature of donor]

Dated: ---

[Name of custodian] hereby acknowledges receipt of the above described security(ies) as custodian for the above minor under the above Act.

[Signature of custodian]

Dated: ---

(3) Where the subject of the gift is a life insurance or annuity contract, the donor shall register the ownership of the contract in his own name or in the name of an adult member of the minor's family or in the name of a guardian of the minor, followed by the words "as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act", and the contract shall be delivered to the person in whose name it is thus registered as custodian. Where the contract is registered in the name of the donor as custodian, the registration of itself constitutes the delivery required by this section.

(4) Where the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult, or a bank with trust powers, followed, in substance, by the words: "as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act".

(b) A gift made in the manner prescribed by subsection (a) of this section may be made to only one minor.

(c) A donor who makes a gift to a minor as prescribed by subsection (a) of this section shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

§ 21–303. Gift irrevocable; rights and duties of guardian or custodian

(a) A gift made as prescribed by this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, money, life insurance or annuity contract given, but a guardian of the minor does not have a right, power, duty, or authority with respect to the custodial property, except as provided by this chapter.

(b) By making a gift in the manner prescribed by this chapter, the donor incorporates in his gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, broker, insurance company, or third person dealing with a custodian, the respective powers, rights, and immunities provided by this chapter.

§ 21–304. Custodian to be one person; rights, powers, and duties of custodian

(a) Only one person may be the custodian. He shall collect, hold, manage, invest, and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education, and benefit of the minor in the manner, at the times, and to the extent that the custodian in his discretion deems proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor, or of the minor if he has attained the age of 14 years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance, or education.

(d) To the extent that the custodial property is not so expended, the custodian shall:

(1) deliver or pay it over to the minor on his attaining the age of 21 years; or

(2) if the minor dies before attaining that age, thereupon deliver or pay it over to the estate of the minor.

(e) A custodian, notwithstanding statutes restricting investments by fiduciaries, may invest and reinvest the custodial property as would a prudent person of discretion and intelligence who is seeking a reasonable income and the preservation of capital, or he may, without liability to the minor or his estate, retain a security given to the minor in the manner prescribed by this chapter.

(f) A custodian may dispose of custodial property in the manner, at the times, for the prices, and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge, or mortgage of any property by or to the issuer, and to any other action by the issuer. He may execute and deliver all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) A custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed in substance, by the words: "as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act". He shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the same words. He shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) A custodian shall keep records of all transactions with respect to the custodial property, and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of 14 years.

(i) A custodian has, as powers in trust, with respect to the custodial property, in addition to the rights and powers provided by this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property.

(j) Where the subject of the gift is a life insurance or annuity contract, the custodian has all the incidents of ownership in the contract which he may hold as custodian to the same extent as if he were the owner thereof personally. The designated beneficiary of contract held by a custodian shall be the minor or, in the event of his death, the minor's estate.

§ 21–305. Compensation of custodian or guardian; bond; liability of custodian serving without compensation

(a) A custodian is entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties, but may act without compensation.

(b) Compensation for a guardian or custodian shall be according to:

(1) any direction of the donor when the gift is made, where it is not in excess of a statutory limitation of the District of Columbia for guardians or custodians;

(2) any statute of the District of Columbia applicable to custodians or guardians;

(3) any order of the court.

(c) A custodian may not be required to give a bond for the performance of his duties.

(d) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence, or from his failure to maintain the standard of prudence in investing the custodial property prescribed by this chapter.

§ 21–306. Exemption of third persons from liability

An issuer, transfer agent, bank, broker, insurance company, or other person acting on the instructions of or otherwise dealing with a person purporting to act as a donor or in the capacity of a custodian is not responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether a purchase, sale, or transfer to or by or other act of a person purporting to act in the capacity of custodian is in accordance with or authorized by this chapter, and is not obliged to inquire into the validity of propriety under this chapter of an instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, and is not bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

§ 21–307. Successor custodians; eligibility; rights, powers, and duties; manner of resignation; removal

(a) Only an adult, a guardian of the minor, or a trust company is eligible to become a successor custodian. A successor custodian has all the rights, powers, duties, and immunities of a custodian designated in the manner prescribed by this chapter.

(b) A custodian, other than the donor, may resign and designate his successor by:

(1) executing an instrument of resignation designating the successor custodian; and

(2) causing each security which is custodial property and in registered form and each life insurance or annuity contract to be registered in the name of the successor custodian followed, in sub-

stance, by the words: "as custodian for [name of minor] under the District of Columbia Uniform Gifts to Minors Act"; and

(3) delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian, each life insurance or annuity contract registered in the name of the successor custodian, and all other custodial property, together with any additional instruments required for the transfer thereof.

(c) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(d) When the person designated as custodian is not eligible, renounces or dies before the minor attains the age of 21 years, the guardian of the minor shall be successor custodian. When the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of 14 years, may petition the court for the designation of a successor custodian.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor, or the minor if he has attained the age of 14 years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(f) Upon the filing of a petition as provided by this section, the court shall grant an order, directed to those persons and returnable on such notice as the court requires, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

§ 21–308. Accounting by custodian or his legal representative

(a) A minor, if he has attained the age of 14 years, or the legal representative of a minor, an adult member of the minor's family, or a donor or his legal representative, may petition the court for an accounting by the custodian or his legal representative.

(b) The court, in a proceeding under this chapter or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

§ 21–309. Construction of chapter

The method for making gifts to minors provided by this chapter is not exclusive.

§ 21–310. Short title

This chapter may be cited as the "District of Columbia Uniform Gifts to Minors Act".

§ 21–311. Preservation of prior rights and liabilities; construction with other laws

This chapter does not affect rights and liabilities under the Act approved August 3, 1956 (chapter 947, 70 Stat. 1028), existing on December 31, 1962; nor does it supersede or modify the Internal Revenue Code of 1954, as amended (Title 26, United States Code), or the District of Columbia Income and Franchise Tax Act of 1947, as amended (subchapter II of chapter 15 of Title 47 of this Code).

68A Stat. 3.

61 Stat. 328. D.C. Code 47-1551 note.

CHAPTER 5—HOSPITALIZATION OF THE MENTALLY ILL

SUBCHAPTER I—DEFINITIONS; COMMISSION ON MENTAL HEALTH

SUBCHAPTER II—VOLUNTARY AND NONPROTESTING HOSPITALIZATION

SUBCHAPTER III—EMERGENCY HOSPITALIZATION

SUBCHAPTER IV—HOSPITALIZATION UNDER COURT ORDER

SUBCHAPTER V—RIGHT TO COMMUNICATION; EXERCISE OF OTHER RIGHTS

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

Subchapter I—Definitions; Commission on Mental Health

§ 21–501. Definitions

As used in the chapter:

"administrator" means a person in charge of a public or private hospital or his delegate;

"chief of service" means the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the hospital to which the patient has been admitted or such other member of the medical staff as the chief of service designates;

"Commission" means the Commission on Mental Health;

"court" means the United States District Court for the District of Columbia;

"mental illness" means a psychosis or other disease which substantially impairs the mental health of a person;

"mentally ill person" means a person who has a mental illness, but does not include a person committed to a private or public hospital in the District of Columbia by order of the court in a criminal proceeding;

"physician" means a person licensed under the laws of the District of Columbia to practice medicine, or a person who practices medicine in the employment of the Government of the United States or of the District of Columbia;

"private hospital" means a nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for a person suffering from a physical or mental illness; and

"public hospital" means a hospital or institution, or part thereof, in the District of Columbia, owned and operated by the Government of the United States or of the District of Columbia, equipped and qualified to provide inpatient care and treatment for persons suffering from physical or mental illness.

§ 21–502. Commission on Mental Health; composition; appointment and terms of members; organization; chairman; salaries

(a) The Commission on Mental Health is continued. The United States District Court for the District of Columbia shall appoint the members of the Commission, and the Commission shall be composed of nine members. One member shall be a member of the bar of the court, who has engaged in active practice of law in the District of Columbia for a period of at least five years prior to his appointment. He shall be the Chairman of the Commission and act as the administrative head of the Commission and its staff. He shall preside at all hearings and direct all of the proceedings before the Commission. He shall devote his entire time to the work of the Commission. Eight members of the Commission shall be physicians who have been practicing medicine in the District of Columbia and who have had not less than five years' experience in the diagnosis and treatment of mental illnesses.

(b) Appointment of members of the Commission shall be for terms of four years each, which shall be staggered as provided by section 2 of the Act approved June 8, 1938 (chapter 326, 52 Stat. 625), under which, except for the original four-year term of the lawyer-member, staggered terms of one year for two members, two years for two members, three years for two members, and four years for two members, were made. 78 Stat. 953, 954.

(c) The physician-members of the Commission shall serve on a part-time basis and shall be rotated by assignment of the Chief

Judge of the court, so that at any one time the Commission shall consist of the Chairman and two physician-members. Physician-members of the Commission may practice their profession during their tenure of office, but may not participate in the disposition of the case of a person in which they have rendered professional service or advice.

(d) The court shall also appoint an alternate lawyer-member of the Commission who shall have the same qualifications as the lawyer-member of the Commission and who shall serve on a part-time basis and act as Chairman in the absence of the permanent Chairman.

(e) The salaries of the members of the Commission and its employees shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended. The alternate Chairman shall be paid on a per diem basis at the same rate of compensation as fixed for the permanent Chairman.

63 Stat. 954. 5 USC 1071 note.

§ 21–503. Examinations and hearings; subpenas; witnesses; place

(a) The Commission shall examine alleged mentally ill persons, inquire into their affairs and the affairs of persons who may be legally liable for their support, and make reports and recommendations to the court.

(b) Except as otherwise provided by this chapter, the Commission may conduct its examinations and hearings either at the courthouse or elsewhere at its discretion. The court may issue subpenas at the request of the Commission returnable before the Commission, for the appearance of the alleged mentally ill person, witnesses, and persons who may be liable for his support. The Commission, or any of the members thereof, are competent and compellable witnesses at any trial, hearing, or other proceeding conducted pursuant to this chapter and the physician-patient privilege is not applicable.

Subchapter II—Voluntary and Nonprotesting Hospitalization

§ 21–511. Voluntary hospitalization

A person may apply to a public or private hospital in the District of Columbia for admission to the hospital as a voluntary patient for the purposes of observation, diagnosis, and care and treatment of a mental illness. Upon the request of such a person 18 years of age or over, or, in the case of a person under 18 years of age, of his spouse, parent, or legal guardian, the administrator of the public hospital to which application is made shall, if an examination by an admitting psychiatrist reveals the need for hospitalization, or the administrator of the private hospital to which application is made may, admit the person as a voluntary patient to the hospital for the purposes described by this section, in accordance with this chapter.

§ 21–512. Release of voluntary patients

(a) A voluntary patient admitted to a hospital pursuant to section 21–511 may, at any time, if he is 18 years of age or over, obtain his release from the hospital by filing a written request with the chief of service. Within a period of 48 hours after the receipt of the request, the chief of service shall release the patient making the request. A voluntary patient under 18 years of age, so admitted, may, at any time, obtain his release from the hospital in the same manner, upon the written request of his spouse, parent, or legal guardian.

(b) When the chief of service determines that a voluntary patient hospitalized pursuant to section 21–511 has recovered or that continued hospitalization of the patient is no longer beneficial to him, or advisable, the chief of service may release him from the hospital.

§ 21–513. Hospitalization of nonprotesting persons

A friend or relative of a person believed to be suffering from a mental illness may apply on behalf of that person to the admitting psychiatrist of a hospital by presenting the person, together with a referral from a practicing physician. For the purpose of examination and treatment, a private hospital may accept a person so presented and referred, and a public hospital shall accept a person so presented and referred, if, in the judgment of the admitting psychiatrist, the need for examination and treatment is indicated on the basis of the person's mental condition and the person signs a statement at the time of the admission stating that he does not object to hospitalization. The statement shall contain in simple, nontechnical language the fact that the person is to be hospitalized and a description of the right to release set out in section 21–514. The admitting psychiatrist may admit a person so presented, without referral from a practicing physician, if the need for an immediate admission is apparent to the admitting psychiatrist upon preliminary examination.

§ 21–514. Release of patients hospitalized under section 21–513

Unless proceedings for hospitalization under court order have been initiated under subchapter IV of this chapter, a hospital, upon the written request of a patient hospitalized pursuant to section 21–513, shall immediately release him.

Subchapter III—Emergency Hospitalization

§ 21–521. Detention of persons believed to be mentally ill; transportation and application to hospital

An accredited officer or agent of the Department of Public Health of the District of Columbia, or an officer authorized to make arrests in the District of Columbia, or the family physician of the person in question, who has reason to believe that a person is mentally ill and, because of the illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take the person into custody, transport him to a public or private hospital, and make application for his admission thereto for purposes of emergency observation and diagnosis. The application shall reveal the circumstances under which the person was taken into custody and the reasons therefor.

§ 21–522. Examination and admission to hospital; notice

Subject to the provisions of section 21–523, the administrator of a private hospital, may, and the administrator of a public hospital shall, admit and detain for purposes of emergency observation and diagnosis a person with respect to whom application is made under section 21–521, if the application is accompanied by a certificate of a psychiatrist on duty at the hospital stating that he has examined the person and is of the opinion that he has symptoms of a mental illness and, as a result thereof, is likely to injure himself or others unless he is immediately hospitalized. Not later than 24 hours after the admission pursuant to this subchapter of a person to a hospital, the administrator of the hospital shall serve notice of the admission, by registered mail, to the spouse, parent, or legal guardian of the person and to the Commission on Mental Health.

§ 21–523. Court order requirement for hospital detention beyond 48 hours; maximum period for observation

A person admitted to a hospital under section 21–522 may not be detained in the hospital for a period in excess of 48 hours from the time of his admission, unless the administrator of the hospital has, within that period, filed a written petition with the court for an order

authorizing the continued hospitalization of the person for emergency observation and diagnosis for a period not to exceed 7 days from the time the order is entered.

§ 21–524. Determination and order of court

(a) Within a period of 24 hours after the court receives a petition for hospitalization of a person for emergency observation and diagnosis, filed by the administrator of a hospital pursuant to section 21–523, the court shall:

(1) order the hospitalization; or

(2) order the person's immediate release.

(b) The court, in making its determination under this section, shall consider the written reports of the agent, officer, or physician who made the application under section 21–522, the certificate of the examining psychiatrist which accompanied it, and any other relevant information.

§ 21–525. Hearing by court

The court shall grant a hearing to a person whose continued hospitalization is ordered under section 21–524, if he requests the hearing. The hearing shall be held within 24 hours after receipt of the request.

§ 21–526. Extension of maximum periods of time

If the maximum period of time prescribed by section 21–512, 21–523, 21–524, or 21–525, during which an action or determination may or shall be taken, expires on a Saturday, Sunday, or legal holiday, the period may be extended to not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday.

§ 21–527. Examination and release of person; notice

The chief of service of a hospital in which a person is hospitalized under a court order entered pursuant to section 21–524 shall, within 48 hours after the order is entered, have the person examined by a physician. If the physician, after his examination, certifies that in his opinion the person is not mentally ill to the extent that he is likely to injure himself or others if not presently detained, the person shall be immediately released. The chief of service shall, within 48 hours after the examination has been completed, send a copy of the results thereof by certified or registered mail to the spouse, parents, attorney, legal guardian, or nearest known adult relative of the person examined.

§ 21–528. Detention of person pending judicial proceedings

Notwithstanding any other provision of this subchapter, the administrator of a hospital in which a person is hospitalized under this subchapter may, if judicial proceedings for his hospitalization have been commenced under subchapter IV of this chapter, detain the person in the hospital during the course of the judicial proceedings.

Subchapter IV—Hospitalization Under Court Order

§ 21–541. Petition to Commission; copy to person affected

(a) Proceedings for the judicial hospitalization of a person in the District of Columbia may be commenced by the filing of a petition with the Commission on Mental Health by his spouse, parent, or legal guardian, by a physician, by a duly accredited officer or agent of the Department of Public Health, or by an officer authorized to make arrests in the District of Columbia. The petition shall be accompanied by:

(1) a certificate of a physician stating that he has examined the person and is of the opinion that the person is mentally ill, and because of the illness is likely to injure himself or other persons if allowed to remain at liberty; or

(2) a sworn written statement by the petitioner that:

(A) the petitioner has good reason to believe that the person is mentally ill, and, because of the illness, is likely to injure himself or other persons if allowed to remain at liberty; and

(B) the person has refused to submit to examination by a physician.

(b) Within three days after the Commission receives a petition filed under subsection (a) of this section, the Commission shall send a copy of the petition by registered mail to the person with respect to whom it was filed.

§ 21–542. Hearing by Commission; presence and rights of person affected; hearing regarding liability

(a) The Commission shall promptly examine a person alleged to be mentally ill after the filing of a petition under section 21–541 and shall thereafter promptly hold a hearing on the issue of his mental illness. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the person named in such petition. In conducting the hearing, the Commission shall hear testimony of any person whose testimony may be relevant and shall receive all relevant evidence which may be offered. A person with respect to whom a hearing is held under this section may, in his discretion, be present at the hearing, to testify, and to present and cross-examine witnesses.

(b) The Commission shall also hold a hearing in order to determine liability under the provisions of section 21–586 for the expenses of hospitalization of the alleged mentally ill person, if it is determined that he is mentally ill and should be hospitalized as provided under this chapter. The hearing may be conducted separately from the hearing on the issue of mental illness. If conducted separately, it may be conducted by the Chairman of the Commission alone.

§ 21–543. Representation by counsel; compensation; recess

The alleged mentally ill person shall be represented by counsel in any proceeding before the Commission or the court, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. The counsel so appointed shall be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. The compensation shall be charged against the estate of the individual for whom the counsel was appointed, or against any unobligated funds of the Commission, as the court in its discretion directs. The Commission or the court, as the case may be, shall, at the request of the counsel so appointed, grant a recess in the proceeding to give the counsel an opportunity to prepare his case. A recess may not be granted for more than five days.

§ 21–544. Determinations of Commission; report to court; copy to person affected; right to jury trial

If the Commission finds, after a hearing under section 21–542, that the person with respect to whom the hearing was held is not mentally ill or if mentally ill, is not mentally ill to the extent that he is likely to injure himself or other persons if allowed to remain at liberty, the Commission shall immediately order his release and notify the court of that fact in writing. If the Commission finds, after the hearing, that the person with respect to whom the hearing was held is mentally ill, and because of the illness is likely to injure himself or other persons if allowed to remain at liberty, the Commission shall promptly report that fact, in writing, to the United States District Court for the District of Columbia. The report shall contain the Commission's find-

ings of fact, conclusions of law, and recommendations. A copy of the report of the Commission shall be served personally on the alleged mentally ill person and his attorney. An alleged mentally ill person with respect to whom the report is made has the right to demand a jury trial, and the Commission, orally and in writing, shall advise him of this right.

§ 21–545. Hearing and determination by court or jury; order; witnesses; jurors

(a) Upon the receipt by the court of a report referred to in section 21–544, the court shall promptly set the matter for hearing and shall cause a written notice of the time and place of the final hearing to be served personally upon the person with respect to whom the report was made and his attorney, together with notice that he has five days following the date on which he is so served within which to demand a jury trial. The demand may be made by the person or by anyone in his behalf. If a jury trial is demanded within the five-day period, it shall be accorded by the court with all reasonable speed. If a timely demand for jury trial is not made, the court shall determine the person's mental condition on the basis of the report of the Commission, or on such further evidence in addition to the report as the court requires.

(b) If the court or jury, as the case may be, finds that the person is not mentally ill, the court shall dismiss the petition and order his release. If the court or jury finds that the person is mentally ill and, because of that illness, is likely to injure himself or other persons if allowed to remain at liberty, the court may order his hospitalization for an indeterminate period, or order any other alternative course of treatment which the court believes will be in the best interests of the person or of the public. The Commission, or a member thereof, shall be competent and compellable witnesses at a hearing or jury trial held pursuant to this chapter. The jury to be used in any case where a jury trial is demanded under this chapter shall be impaneled, upon order of the court, from the jurors in attendance upon other branches of the court, who shall perform the services in addition to and as part of their duties in the court.

§ 21–546. Periodic requests for examination of hospitalized patient; procedure for examination and detention or release; petition to court

(a) A patient hospitalized pursuant to a court order obtained under section 21–545, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, may, upon the expiration of 90 days following the order and not more frequently than every 6 months thereafter, request, in writing, the chief of service of the hospital in which the patient is hospitalized, to have a current examination of his mental condition made by one or more physicians. If the request is timely it shall be granted. The patient may, at his own expense, have a duly qualified physician participate in the examination. In the case of such a patient who is indigent, the Department of Public Health shall, upon the written request of the patient, assist him in obtaining a duly qualified physician to participate in the examination in the patient's behalf. A physician so obtained by an indigent patient shall be compensated for his services out of any unobligated funds of Department of Public Health in an amount determined by it to be fair and reasonable. If the chief of service, after considering the reports of the physicians conducting the examination, determines that the patient is no longer mentally ill to the extent that he is likely to injure himself or other persons if not hospitalized, the chief of service shall order the immediate release of the patient. However, if the chief

of service, after considering the reports, determines that the patient continues to be mentally ill to the extent that he is likely to injure himself or other persons if not hospitalized, but one or more of the physicians participating in the examination reports that the patient is not mentally ill to that extent, the patient may petition the court for an order directing his release. The petition shall be accompanied by the reports of the physicians who conducted the examination of the patient.

§ 21–547. Judicial determination of petition filed under section 21–546; order; physicians as witnesses

In considering a petition filed under section 21–546, the court shall consider the testimony of the physicians who participated in the examination of the patient, and the reports of the physicians accompanying the petition. After considering the testimony and reports, the court shall either (1) reject the petition and order the continued hospitalization of the patient, or (2) order the chief of service to immediately release the patient. A physician participating in the examination shall be a competent and compellable witness at any trial or hearing held pursuant to this chapter.

§ 21–548. Periodic examinations by hospital authorities; release

The chief of service of a public or private hospital shall, as often as practicable, but not less often than every six months, examine or cause to be examined each patient admitted to a hospital pursuant to this subchapter and if he determines on the basis of the examination that the conditions which justified the involuntary hospitalization of the patient no longer exist, the chief of service shall immediately release the patient.

§ 21–549. Preservation of other rights to release

Sections 21–546 to 21–548 do not prohibit a person from exercising a right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus.

§ 21–550. Surety

The court in its discretion may require a petitioner under this subchapter to file an undertaking with surety to be approved by the court in such amount as the court deems proper, conditioned to save harmless the respondent by reason of costs incurred, including attorney's fees, if any, and damages suffered by the respondent, as a result of any action under this subchapter.

§ 21–551. Nonresidents

(a) If a person ordered committed to a public hospital by the court pursuant to section 21–545 is found by the Commission, subject to a review by the court, not to be a resident of the District of Columbia, and to be a resident of another place, he shall be transferred to the State of his residence if an appropriate institution of that State is willing to accept him. If the person is an indigent, the expense of transferring him, including the traveling expenses of necessary attendants, shall be borne by the District of Columbia.

"Resident of the District of Columbia."

(b) For the purposes of this section, "resident of the District of Columbia" means a person who has maintained his principal place of abode in the District of Columbia for more than one year immediately prior to the filing of the petition referred to in subsection (a) of section 21–541.

Subchapter V—Right to Communication; Exercise of Other Rights

§ 21–561. Mail privileges; censored mail; return to sender; visiting hours

(a) A person hospitalized in a public or private hospital pursuant to this chapter may:

(1) communicate by sealed mail or otherwise with an individual or official agency inside or outside the hospital; and

(2) receive uncensored mail from his attorney or personal physician.

(b) All incoming mail or communications other than mail or communications referred to in subsection (a) of this section may be read before being delivered to the patient, if the chief of service believes the action is necessary for the medical welfare of the patient who is the intended recipient. Mail or other communication which is not delivered to the patient for whom it is intended shall be immediately returned to the sender.

(c) This section does not prohibit the administrator from making reasonable rules regarding visitation hours and the use of telephone and telegraph facilities.

§ 21–562. Medical and psychiatric care and treatment; records

A person hospitalized in a public hospital for a mental illness shall, during his hospitalization, be entitled to medical and psychiatric care and treatment. The administrator of each public hospital shall keep records detailing all medical and psychiatric care and treatment received by a person hospitalized for a mental illness and the records shall be made available, upon that person's written authorization, to his attorney or personal physician. The records shall be preserved by the administrator until the person has been discharged from the hospital.

§ 21–563. Use of mechanical restraints; record of use

A mechanical restraint may not be applied to a patient hospitalized in a public or private hospital for a mental illness unless the use of restraint is prescribed by a physician. If so prescribed, the restraint shall be removed whenever the condition justifying its use no longer exists. A use of a mechanical restraint, together with the reasons therefor, shall be made a part of the medical record of the patient.

§ 21–564. Exercise of property and other rights; notice of inability; persons hospitalized prior to September 15, 1964

(a) A patient hospitalized pursuant to this chapter may not, by reason of the hospitalization, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license, unless the patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity. If the chief of service of the public or private hospital in which the patient is hospitalized is of the opinion that the patient is unable to exercise any of the rights referred to in this section, the chief of service shall immediately notify the patient and the patient's attorney, legal guardian, spouse, parents, or other nearest known adult relative, the United States District Court for the District of Columbia, the Commission on Mental Health, and the Board of Commissioners of the District of Columbia of that fact.

(b) A person in the District of Columbia who, by reason of a judicial decree ordering his hospitalization entered prior to September 15, 1964, is considered to be mentally incompetent and is denied the right to dispose of property, execute instruments, make purchases, enter into

contractual relationships, vote, or hold a driver's license solely by reason of the decree, shall, upon the expiration of the one-year period immediately following September 15, 1964, be deemed to have been restored to legal capacity unless, within the one-year period, affirmative action is commenced to have the person adjudicated mentally incompetent by a court of competent jurisdiction: *Provided, however,* That in those cases in which a committee has heretofore been appointed and the committeeship has not been terminated by court action, such committee shall continue to act under the supervision of the United States District Court for the District of Columbia under its equity powers.

§ 21–565. Statement of release and adjudication procedures and of other rights

Upon the admission of a person to a hospital under a provision of this chapter, the administrator shall deliver to him, and to his spouse, parents, or other nearest known adult relative, a written statement outlining in simple, nontechnical language all release procedures provided by this chapter, setting out all rights accorded to patients by this chapter, and describing procedures provided by law for adjudication of incompetency and appointment of trustees or committees for the hospitalized person.

Subchapter VI—Miscellaneous Provisions

§ 21–581. Proceedings instituted by Commissioners of the District of Columbia

(a) Proceedings instituted by the Commissioners of the District of Columbia to determine the mental condition of an alleged indigent mentally ill person or a person alleged to be mentally ill, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of subchapter IV of this chapter.

(b) The jury in proceedings instituted upon the petition of the Commissioners of the District of Columbia shall be impaneled by the United States marshal for the District, upon order of the court, from the jurors in attendance upon the District Court, who shall perform the services in addition to and as part of their duties in the District Court. When jurors are not in attendance upon the District Court the court may direct the marshal to impanel the jurors in attendance upon the Court of General Sessions, who shall perform the duties in addition to and as part of their duties in the Court of General Sessions, or the court may direct a special jury to be summoned for the inquisition.

§ 21–582. Petitions, applications, or certificates of physicians

(a) A petition, application, or certificate authorized under section 21–521 and subsection (a) of section 21–541 may not be considered if made by a physician who is related by blood or marriage to the alleged mentally ill person, or who is financially interested in the hospital in which the alleged mentally ill person is to be detained, or, except in the case of physicians employed by the United States or the District of Columbia, who are professionally or officially connected with the hospital.

(b) A petition, application, or certificate of a physician may not be considered unless it is based on personal observation and examination of the alleged mentally ill person made by the physician not more than 72 hours prior to the making of the petition, application, or certificate. The certificate shall set forth in detail the facts and reasons on which the physician based his opinions and conclusions.

§ 21–583. Physicians and psychiatrists as witnesses

A physician or psychiatrist making application or conducting an examination under this chapter is a competent and compellable witness at any trial, hearing or other proceeding conducted pursuant to this chapter and the physician-patient privilege is not applicable.

§ 21–584. Witness fees

Witnesses subpenaed under the provisions of this chapter shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

§ 21–585. Confinement in jail prohibited

A person apprehended, detained, or hospitalized under any provision of this chapter may not be confined in jail or in a penal or correctional institution.

§ 21–586. Financial responsibility for care of hospitalized persons; judicial enforcement

(a) The father, mother, husband, wife, and adult children of a mentally ill person, if of sufficient ability, and the estate of the mentally ill person, if the estate is sufficient for the purpose, shall pay the cost to the District of Columbia of the mentally ill person's maintenance, including treatment, in a hospital in which the person is hospitalized under this chapter. The Commission on Mental Health shall examine, under oath, the father, mother, husband, wife, and adult children of an alleged mentally ill person whenever those relatives live within the District of Columbia, and ascertain their ability or the ability of the estate to maintain or contribute toward the maintenance of the mentally ill person. The relatives or estate may not be required to pay more than the actual cost to the District of Columbia of maintenance of the alleged mentally ill person.

(b) If a person made liable by subsection (a) of this section for the maintenance of a mentally ill person fails so to provide or pay for the maintenance, the court shall issue to him a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of the patient. The citation shall be served at least 10 days before the hearing thereon. If, upon the hearing, it appears to the court that the mentally ill person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degree referred to in subsection (a) of this section who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by the relatives of such sums as it finds that they are reasonably able to pay and as may be necessary to provide for the maintenance and treatment of the mentally ill person. The order shall require the payment of the sums to the District of Columbia treasurer annually, semiannually, quarterly, or monthly as the court directs. The treasurer shall collect the sums due under this section, and turn them into the Treasury of the United States to the credit of the District of Columbia. The order may be enforced against any property of the mentally ill person or of the person liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.

§ 21–587. Veterans' Administration and military hospital facilities

This chapter does not require the admission of a person to a Veterans' Administration or military hospital facility unless the person is otherwise eligible for care and treatment in the facility.

§ 21–588. Forms

All applications and certificates for the hospitalization of a person in the District of Columbia under this chapter shall be made on forms approved by the Commission on Mental Health and furnished by it.

§ 21–589. Persons hospitalized prior to September 15, 1964

(a) Subject to subsection (b) of this section, the provisions of sections 21–546 to 21–551, subchapter V of this chapter and sections 21–585 and 21–588 apply to a person, who, on or after January 1, 1966, is a patient in a hospital in the District of Columbia by reason of having been declared insane or of unsound mind pursuant to a court order entered in a noncriminal proceeding prior to September 15, 1964.

(b) A request made by a patient referred to in subsection (a) of this section for an examination authorized by section 21–546 may be made on April 15, 1966, by the patient, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, and not more frequently than every six months thereafter.

§ 21–590. Discharge as cured; restoration to legal status

When a person adjudged to be of unsound mind in the District of Columbia who is committed to Saint Elizabeths Hospital, or any other institution, recovers his reason, and is discharged from the institution as cured, the Superintendent of Saint Elizabeths Hospital, or the official in charge of the institution where he has been under treatment and has been so discharged, shall immediately file with the clerk of the United States District Court for the District of Columbia his sworn statement that, in his opinion, the person was not of unsound mind at the time of his discharge. The statement is sufficient to authorize the court to order the person restored to his former legal status as a person of sound mind.

§ 21–591. Offenses and penalties

Whoever:

(1) without probable cause for believing a person to be mentally ill:

(A) causes or conspires with or assists another person to cause the hospitalization, under this chapter, of the person first referred to; or

(B) executes a petition, application, or certificate pursuant to this chapter, by which he secures or attempts to secure the apprehension, hospitalization, detention, or restraint of the person first referred to;

or

(2) causes or conspires with or assists another person to cause the denial to a person of a right accorded to him by this chapter; or

(3) being a physician or psychiatrist, knowingly makes a false certificate or application pursuant to this chapter as to the mental condition of a person—

shall be fined not more than $5,000 or imprisoned not more than three years, or both.

CHAPTER 7—PROPERTY OF MENTALLY ILL PERSONS

Sec.

§ 21–701. Definition

As used in this chapter, "mentally ill person" has the same meaning as that given to the term by section 21–501.

§ 21–702. Property subject to liens

Where a mentally ill person is entitled to real or personal estate in the District of Columbia which is liable to a mortgage, trust, or lien, or is in any way charged with the payment of money, the court may decree in the case as if the mentally ill person were of sound mind.

§ 21–703. Property subject to executory contract

Where a mentally ill person:

(1) is entitled to real or personal estate in the District of Columbia bound by an executory contract entered into by the person from whom he derived title; or

(2) claims a right or interest in property under such a contract—

the court in either case may decree the execution of the contract or enter a proper decree, as if the parties were of sound mind.

§ 21–704. Contract for sale by adult in behalf of himself and mentally ill person

When, upon a hearing and an examination of the circumstances, the court considers a contract for the sale of real estate by persons interested therein jointly or in common with a mentally ill person, to be for the interest and advantage both of the mentally ill person, and of the other persons interested therein, the court may confirm the contract and order a deed to be executed according to it. Sales and deeds made in pursuance of the order are sufficient in law to transfer the estate and interest of the mentally ill person in the real estate.

§ 21–705. Ancillary guardian of nonresident mentally ill person

When a mentally ill person residing outside the District of Columbia is entitled to property or to maintain an action in the District of Columbia, a general guardian or committee of his estate, appointed by a court of competent jurisdiction in the State or territory where the mentally ill person resides, or a person at the request of the guardian or committee, may petition the court for ancillary letters as guardian or committee. The petition shall be under oath, accompanied by certified copies of as much of the record and proceedings as shows the appointment of the guardian or committee and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority conferred. The court may thereupon issue to the guardian or committee ancillary letters as such guardian or committee, without citation, or may cite such persons as it believes proper to show cause why the application should be refused; and the court shall require the security required by law in like cases from a resident guardian or committee.

§ 21–706. Suits by ancillary guardian

(a) Upon the granting of ancillary letters, the guardian may institute and prosecute to judgment any action in the courts of the District of Columbia, take possession of all property of his ward, and collect and receive all moneys belonging and due to him therein, give full receipt and acquittances for debts, and release all claims, liens, and mortgages belonging to the ward, on property in the District of Columbia, in the same manner as if his authority had been originally conferred by the United States District Court for the District of Columbia.

(b) The guardian shall give security for the costs which may accrue in an action brought by him, in the same manner as other nonresidents bringing suit in the courts of the District.

CHAPTER 9—MENTALLY ILL PERSONS FOUND IN CERTAIN FEDERAL RESERVATIONS

Sec.

§ 21–901. Definition

As used in this chapter, "mentally ill person" has the same meaning as that given to the term by section 21–501.

§ 21–902. Commitments by special commissioners of certain district courts

(a) A United States commissioner specially designated by the United States District Court for the Eastern District of Virginia or by the United States District Court for the District of Maryland may commit to Saint Elizabeths Hospital, for observation and diagnosis, a person found in a place over which the United States has exclusive or concurrent jurisdiction in Arlington County, Fairfax County, Loudoun County or the city of Alexandria, in the State of Virginia, or in Montgomery County or Prince Georges County in the State of Maryland, who is alleged, and is believed by the commissioner, to be a mentally ill person. A United States commissioner specially designated by the United States District Court for the District of Columbia has like jurisdiction and authority in the case of any person temporarily detained in Saint Elizabeths Hospital, pursuant to section 21–903.

(b) A commitment provided for by subsection (a) of this section shall be for not more than 30 days and may be made only after a hearing before the commissioner upon:

(1) the testimony under oath of at least two witnesses as to their belief that the person is a mentally ill person; and

(2) the testimony under oath or affidavit of two physicians, at least one of whom is skilled in the treatment and diagnosis of nervous and mental disorders, that they have examined the alleged mentally ill person and believe him to be a mentally ill person and not fit to remain at liberty and go unrestrained, and that he should be in custody in a hospital for the treatment of mental or nervous disorders for his own safety and welfare and for the preservation of the peace and good order.

(c) The head of the agency of the United States in control of the place where a person is apprehended for a hearing pursuant to this section shall forthwith notify the spouse or a near relative or friend of the person so apprehended whose address is known to him or can by

reasonable inquiry be ascertained by him. In the case of a person described by section 21–907, the agency head shall notify the head of the department having jurisdiction over the service to which the person belongs.

(d) The agency of the United States in control of the place where a person is apprehended for a hearing pursuant to this section may employ physicians for the purpose and pay compensation for their services and pay expenses of witnesses in the proceedings out of funds available therefor. Physicians who are officers or employees of the United States or who are members of the armed forces of the United States may render the services without additional compensation.

§ 21–903. Apprehension by certain officials of persons believed to be mentally ill; proceedings

(a) An officer or employee of the United States authorized to make arrests, and a guard or watchman employed by the United States, may apprehend and detain a person whom he believes to be a mentally ill person and found in a place specified by section 21–902, and, except as provided by section 21–904, bring the person for a hearing before a United States commissioner for the district where the person was apprehended, and designated as provided by section 21–902. When an immediate hearing before a commissioner cannot be had, the officer or employee may take the person to Saint Elizabeths Hospital. The Superintendent of Saint Elizabeths Hospital may detain the person pending a hearing before a United States commissioner for the District of Columbia, designated as provided by section 21–902, for a period not exceeding 72 hours.

(b) The United States commissioner specified by subsection (a) of this section shall hold a hearing as promptly as practicable after the apprehension of a person pursuant to that subsection and in any event not later than 72 hours thereafter. The hearing shall be conducted at Saint Elizabeths Hospital if the Superintendent of the hospital certifies that in his opinion it would be prejudicial to the health of the person or unsafe to produce him at a hearing elsewhere. If, after a hearing at a place other than Saint Elizabeths Hospital, the commissioner commits a person to Saint Elizabeths Hospital, an officer, employee, guard, or watchman specified by subsection (a) of this section may transport the person to Saint Elizabeths Hospital in accordance with the order of the commissioner.

§ 21–904. Admission upon written application; right of release

A person in a place specified by section 21–902 may, upon his written application, be admitted for observation and diagnosis to Saint Elizabeths Hospital in the discretion of the Superintendent of the hospital for a period not exceeding 30 days. If, after admission to Saint Elizabeths Hospital, he expresses a desire for release from the hospital, he shall be released within 72 hours thereafter, unless proceedings for his adjudication as a mentally ill person have been instituted as provided for by section 21–906.

§ 21–905. Superintendent to receive persons committed or apprehended under sections 21–902 and 21–903

The Superintendent of Saint Elizabeths Hospital shall receive for observation and diagnosis a person apprehended or committed as

provided by sections 21–902 and 21–903 for the periods therein prescribed, unless the person is sooner discharged or returned to his home or to the State of his residence.

§ 21–906. Examinations; adjudications; laws applicable; expense of care and treatment

(a) The Superintendent of Saint Elizabeths Hospital shall promptly examine a person committed as provided by sections 21–902 and 21–903, and, if not found to be mentally ill, shall forthwith discharge him, or, if found to be mentally ill, shall return him to the State of his residence or to his relatives, if practicable.

(b) Proceedings for the adjudication of a person referred to by subsection (a) of this section, or of a person admitted to the hospital pursuant to section 21–904, as a mentally ill person, and for the appointment of a committee of his person or property, may be instituted in the United States District Court for the District of Columbia by the Secretary of Health, Education, and Welfare or by a party interested. The laws of the District of Columbia apply to the proceedings. This chapter does not impose upon the District of Columbia the expense of care and treatment of a person apprehended, detained, or committed under this chapter, unless the person is a resident of the District of Columbia as defined by subsection (b) of section 21–551.

§ 21–907. Transfer of military personnel

A person belonging to the armed forces arrested, apprehended, detained, or committed pursuant to this chapter shall, upon the request of the head of the department having jurisdiction over the service to which he belongs, be transferred forthwith to the custody of his service.

§ 21–908. Care in a Veterans' Administration facility

(a) If a person adjudicated to be a mentally ill person under this chapter is entitled to care and treatment in a Veterans' Administration facility, the United States District Court for the District of Columbia may commit him to the custody of the Administrator of Veterans' Affairs for placement in an available facility, or the Superintendent of Saint Elizabeths Hospital may transfer him to such a facility.

(b) This chapter does not limit, restrict, or deprive the courts of a State or the District of Columbia of jurisdiction to commit to the Veterans' Administration a mentally ill person entitled to care and treatment by the Veterans' Administration in accordance with the laws of the State or the District of Columbia.

§ 21–909. Payment of expenses of transfers

The Superintendent of Saint Elizabeths Hospital may arrange for and pay the expenses of the transfer of a person committed to his custody pursuant to this chapter or admitted to the hospital pursuant to section 21–904 to his relatives or to a hospital in the State of his residence, and, in connection with the transfer, may pay the transportation and expenses of attendants necessary to insure safe travel.

CHAPTER 11—COMMITMENT AND MAINTENANCE OF FEEBLE-MINDED PERSONS

§ 21–1101. Definitions

As used in this chapter:

"District Training School" means the institution established pursuant to section 32–601, and designated the "District Training School" by section 32–602, or any successor to that institution;

"feeble-minded person" means a person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs, or being taught to do so, and who requires supervision, control, and care for his own welfare, or for the welfare of others, or for the welfare of the community, and is not mentally ill to such an extent as to require his commitment to Saint Elizabeths Hospital, as provided by chapter 5 of this title or other laws with respect to the commitment and custody of mentally ill persons.

§ 21–1102. Persons received in District Training School; age limit

Subject to such regulations as the Department of Public Welfare adopts, and pursuant to this chapter and chapter 6 of Title 32, feeble-minded persons of not more than 45 years of age at the time of commitment shall be received into the District Training School.

§ 21–1103. Petition of District Court as to feeble-mindedness; contents; verification; notice; process

(a) When a person who is a resident of the District of Columbia is supposed to be feeble-minded, his guardian, or a relative, or a reputable citizen of the District of Columbia may file with the clerk

of the United States District Court for the District of Columbia a petition, in writing, setting forth:

(1) that the person named in the petition is feeble-minded;

(2) such other facts as are necessary to bring the person within the purview of this chapter;

(3) the name and address of any person actually supervising, caring for, or supporting the person, or that the name and address thereof are unknown to the petitioner;

(4) the name and address of any person legally chargeable with the supervision, care, or support of the person, or that the name and address thereof are unknown to the petitioner;

(5) the names and addresses of the parents or guardians, or that they are unknown to the petitioner; and

(6) whether or not the person has been examined by a qualified physician having personal knowledge of his condition.

The petition shall be verified by affidavit, which is sufficient if it states that it is based upon information and belief.

(b) On a petition filed pursuant to subsection (a) of this section, there shall be indorsed the names and addresses of witnesses known to the petitioner, by whom the truth of the allegations of the petition may be proved, as well as the name and address of a qualified physician, if any is known to the petitioner, having personal knowledge of the case.

(c) Persons named in a petition filed pursuant to this section or whose names are endorsed thereon shall be notified of the proceedings by summons issued by the clerk of the court. Process shall be issued against those persons mentioned in the petition whose names are unknown to the petitioner, by the designation "To all whom it may concern", and the designation and notice are sufficient to authorize the court to hear and determine the proceedings as though the parties had been summoned by their proper names.

§ 21–1104. Summons; contents; answer not required; return day; service

The summons prescribed by section 21–1103 shall require all persons upon whom it is served to appear personally at the time and place stated therein and to bring into court the alleged feeble-minded person. A written answer to the petition is not required, but the cause shall stand for hearing upon the petition on the return day of the summons. The summons shall be made returnable at any time within 20 days after the date thereof. Service of process upon any of the persons named in the petition or whose names are endorsed thereon is not necessary if they appear or are brought before the court personally without service of summons. The summons may be served by any officer authorized by law to serve processes of the District Court of the United States for the District of Columbia.

§ 21–1105. Appointment and qualifications of physicians; examination; certificate

Pursuant to the filing of a petition under section 21–1103, the court shall appoint two physicians, at least one of whom is skilled in the diagnosis and treatment of mental diseases, to make an examination of the alleged feeble-minded person to determine his mental and physical condition. Their certificate shall be filed with the court on or before the hearing on the petition. The persons so appointed may make such personal examination of him as will enable them to offer an opinion as to his physical and mental condition. A certificate may not be made by them until after the examination.

§ 21–1106. Warrant to take into custody; detention or temporary guardianship; place of detention

Pursuant to the filing of a petition under section 21–1103, or upon motion at any time thereafter, where it is made to appear to the court by evidence given under oath that it is for the best interest of the alleged feeble-minded person or of other persons or of the community that he be at once taken into custody, or that the service of summons will be ineffectual to secure his presence, a warrant may issue on the order of the court directing that he be taken into custody and brought before the court forthwith or at such time and place as the court appoints. Pending the hearing of the petition, the court may order the detention of the alleged feeble-minded person, or the placing of him under temporary guardianship of a suitable person, on the latter person's entering into a recognizance for his appearance, as the court deems proper. Pending the hearing of the petition, the alleged feeble-minded person may not be detained in a place provided for the detention of persons charged with or convicted of a criminal or quasi-criminal offense.

§ 21–1107. Hearing; continuances; character of proofs; jury trial

After the filing of a petition under section 21–1103 and pending the final disposition of the case, the court may continue the hearing from time to time. The court shall take proofs as to the financial circumstances of the alleged feeble-minded persons and of his relatives legally liable for his support, and as to the alleged condition of the person and his personal and family history, and shall fully investigate the facts before making an order. When a jury is not required, the court shall determine the question of whether the person is feeble-minded. If the court deems it necessary, or if the alleged feeble-minded person or a relative or a person with whom he resides so demands, a jury shall be summoned to determine the question of whether the person is feeble-minded. The jury shall be selected from the jurors in attendance upon the court or a special jury may be summoned to determine the question.

§ 21–1108. Dismissal and discharge, or placement in District Training School; controlling considerations

Where, at a hearing under section 21–1107, the court or the jury finds that the alleged feeble-minded person is not feeble-minded as defined by this chapter, the court shall order the petition dismissed and the person discharged. Where the court or the jury finds that the alleged feeble-minded person is feeble-minded and subject to be dealt with under this chapter, have regard to all the circumstances appearing at the hearing, the controlling factor throughout the proceedings being the welfare of the persons of the community, the court shall enter a decree directing that the feeble-minded person be placed in the District Training School. The decree so entered is binding upon all persons whom it may concern until rescinded or otherwise superseded or set aside.

§ 21–1109. Private and public patients; bond for support and maintenance; sufficiency and justification of sureties

(a) If, at the time of or before the making of an order for placement in the District Training School pursuant to section 21–1108, a bond in the penal sum of $1,000, executed by a surety company authorized to do business in the District of Columbia, or by two or more sureties to be approved by the court, running to the United States and conditioned for the payment of the support and maintenance of the person in the manner prescribed by law, is delivered to the court, together with the sum of $50 as an advance payment toward the support of

the patient, the court shall order the admission of the person as a private patient. If the bond and advance payment are not given, the court shall order the admission of the person as a public patient. The bond and advance payment, together with the order of admission and bond, shall be transmitted by the clerk of the court to the Superintendent of the District Training School. Until the bond and advance payment are delivered to the Superintendent, he shall admit the person to the institution only as a public patient.

(b) At the request of the Superintendent of the District Training School, the court shall require the sureties on the bond provided by subsection (a) of this section to justify their responsibility anew or order that a new bond be given in place of the original. The justification or new bond shall be transmitted to the superintendent. Unless it is delivered to the Superintendent within 30 days, the patient shall from the time of the request be regarded as a public patient.

§ 21–1110. Liability of estate of public patient for maintenance

When the court orders the admission of a person to the District Training School as a public patient, and it appears then or thereafter that the patient has an estate out of which the Government may be reimbursed for his maintenance, in whole or in part, the court shall order the payment out of the estate of the whole or such part of the cost of maintenance of the patient at the institution as it deems just, regard being had for the needs of those having a legal right to support out of the estate. The order shall remain in full force and effect unless modified by the court. Upon the death of the feeble-minded person while an inmate at the institution, or within five years after his discharge therefrom, his estate is liable to the District of Columbia for the cost of his maintenance at the institution, and the claim of the District of Columbia is a preferred claim.

§ 21–1111. Proceedings to charge relatives legally responsible for maintenance of public patient; collection of maintenance payments; enforcement of order; liability of decedent's estate

(a) When a court orders the admission of a person to the District Training School as a public patient and finds at any time that the patient does not have an estate out of which the District of Columbia may be fully reimbursed for his maintenance, a parent, spouse, and adult children of the feeble-minded person, if of sufficient financial ability, shall pay the cost to the District of Columbia of his maintenance at the institution. The Commissioners of the District of Columbia may petition the court, during the commitment of the feeble-minded person to the institution, to direct any of those relatives to pay the District of Columbia, in whole or in part, for his maintenance at the institution. They may not be required to pay more than the actual cost to the District of Columbia of his maintenance.

(b) When the court finds that a relative specified by subsection (a) of this section is able to pay for the maintenance of the feeble-minded person, in whole or in part, it may make an order requiring payment by him or all the relatives of such sums as it finds that he or they are reasonably able to pay and as may be necessary to provide for his maintenance. The order shall require the payment of the sums to the Finance Office of the Department of General Administration, or its successor, or its authorized representative or agency, of the District of Columbia, annually, semiannually, quarterly, or monthly, as the court directs. The Finance Office, or its successor, or its authorized representative or agency, as the case may be, shall collect the sums due under this section and section 21–1110, and turn them into the Treasury of the United States to the credit of the District of Columbia.

(c) If a relative made liable for the maintenance of the feeble-minded person fails to provide or pay for the maintenance, or his part thereof, in accordance with the order of the court, the court shall issue to him a citation to show cause why he should not be adjudged in contempt. The citation shall be served at least 10 days before the hearing thereon.

(d) An order issued under this session may be enforced against any property of a relative made liable for the maintenance of the feeble-minded person, in the same way as if it were an order for temporary alimony in a divorce case.

(e) Upon the death of a relative ordered by the court to pay for the maintenance of the feeble-minded person in whole or in part, the estate of the relative is liable to the District of Columbia for the unpaid amount due the District of Columbia under the order of court at the time of his death, and the claim of the District of Columbia is a preferred claim against his estate.

§ 21–1112. Public patients may become private patients by filing bond and paying advance

When a person is admitted to the District Training School as a public patient, and thereafter the bond and advance payment referred to in section 21–1109 are executed and delivered to the court, the court shall make an order changing the status of the person from a public to a private patient.

§ 21–1113. Restrictions on discharge; petition for discharge; causes for discharge; superintendent to be notified; notice of variation of order; denial on one petition not a bar to another

(a) A feeble-minded person admitted to the District Training School pursuant to an order of court may not be discharged therefrom except as provided by this section, but the right of petition for the writ of habeas corpus may not be abridged.

(b) After the admission of a feeble-minded person pursuant to an order of court provided by this chapter, a relative or friend of the feeble-minded person, or a reputable citizen, or the superintendent of the institution, or the Department of Public Welfare, may petition the court that entered the order of admission to discharge the feeble-minded person, or to vary the order of the court admitting him to the institution.

(c) When, on the hearing of a petition filed pursuant to subsection (b) of this section, the court is satisfied that the welfare of the feeble-minded person or of other persons or of the community requires his discharge or a variation of the order, it may enter an order of discharge or variation as it deems proper.

(d) Discharges and variations of orders may be ordered or made if:

(1) the person adjudged to be feeble-minded is not feeble-minded; or

(2) the person has so far improved as to be capable of caring for himself; or

(3) the relatives or friends of the feeble-minded person are able and willing to supervise, control, care for, and support him, and request his discharge, and, in the judgment of the Superintendent of the District Training School, evil consequences are not likely to follow the discharge.

(e) The enumeration of grounds of discharge or variation by subsection (d) of this section does not exclude other grounds of discharge or variation which the court deems adequate, having regard for the welfare of the person concerned or of other persons or of the community.

(f) On a petition for discharge or variation filed pursuant to this section, the court may discharge the feeble-minded person from all supervision, control, and care, or make such variation of the order as to maintenance as the court deems fit under all the circumstances appearing at the hearing of the petition.

(g) The Superintendent of the District Training School shall be notified of the time and place of hearing on a petition for discharge or variation filed pursuant to this section, as the court directs, and an order of discharge or variation may not be entered without giving the Superintendent a reasonable opportunity to be heard. The court may notify such other persons, relatives, and friends of the feeble-minded person as it deems proper, of the time and place of the hearing on the petition.

(h) A person may not be charged with any greater degree of financial responsibility for the support of a feeble-minded person by variation of the order as to maintenance without notice and a reasonable opportunity to be heard.

(i) The denial of one petition for discharge or variation is not a bar to another petition on the same or different ground filed within a reasonable time thereafter, the reasonable time to be determined by the court in its discretion, discouraging frequent, repeated, frivolous, ill-founded petitions for discharge or variation of a prior order.

§ 21–1114. Proceeding when child brought before juvenile court appears feeble-minded

When a child is brought before the juvenile court of the District of Columbia as a dependent or delinquent child, and it appears to the court, on the testimony of a physician or psychologist or other evidence, that the child is feeble-minded within the meaning of this chapter, the court may adjourn the proceedings and direct a suitable officer of the court or other suitable reputable person to file a petition under this chapter. The court may order that, pending the preparation, filing, and hearing of the petition, the child be detained in a place of safety, or be placed under the guardianship of a suitable person, if that person enters into a recognizance for his appearance.

§ 21–1115. Inquiry under this chapter if person convicted of offense

(a) On the conviction by a court of record of competent jurisdiction of a person of an offense, or of a violation of an ordinance which is in whole or in part a violation of a statute of the District of Columbia, the court when satisfied on the testimony of a physician or a psychologist or other evidence that the person is feeble-minded within the meaning of this chapter, may suspend sentence, or suspend the entering of an order sending the person to a jail, prison, or reformatory, or to a training or industrial school, and direct that a petition be filed pursuant to this chapter.

(b) When the court directs a petition to be filed pursuant to subsection (a) of this section, it may order that, pending the preparation, filing and hearing of the petition, the person be detained in a place of safety, or be placed under the guardianship of a suitable person, if that person enters into a recognizance for his appearance.

(c) Where, upon the hearing of a petition filed pursuant to this section or pursuant to a subsequent hearing under this chapter, the person is found not to be feeble-minded, the court shall impose sentence.

§ 21–1116. Transfer to Saint Elizabeths Hospital when person becomes insane

When a person becomes insane while confined in the District Training School and the Superintendent of the institution certifies in writing

that the person is insane and is not a fit subject for care and maintenance at the institution, the United States District Court for the District of Columbia shall issue an order for his admission to Saint Elizabeths Hospital. The transfer does not affect the liability on a bond for private support, or an order for reimbursement for public support. All bonds and orders for reimbursement are liable and in force for the cost of maintenance at Saint Elizabeths Hospital.

§ 21–1117. Separate docket of feeble-minded cases; reports of commissions

The court shall keep a separate docket of proceedings in feeble-mindedness, upon which shall be made such entries as will, together with the papers filed, preserve a complete record of each case, the original petitions, writs, and returns made thereto. The reports of commissions shall be filed with the clerk of the court.

§ 21–1118. Transfer of feeble-minded from National Training Schools for Boys or Girls

When the Superintendent of the National Training School for Boys or of the National Training School for Girls certifies to the court that in his opinion an inmate thereof is feeble-minded, the court shall permit him or any other reputable citizen of the District of Columbia to file a petition as provided by section 21–1103. If the inmate is found and adjudged to be feeble-minded, the court shall immediately issue an order for his admission as a public patient to the District Training School.

§ 21–1119. Removal from school of nonresidents of the District of Columbia

The Department of Public Welfare shall cause a person who has been admitted to the District Training School, but who has not acquired a legal residence in the District, to be removed as soon as possible to the State in which he belongs.

§ 21–1120. Paroles; conditions; expense; discretion of superintendent; violation; return

Under general conditions prescribed by the Department of Public Welfare, the Superintendent of the District Training School may grant paroles to patients in the institution where the conditions in the homes in which they are to reside are satisfactory and where the paroles are deemed by the Superintendent as not injurious to the interests of the patients or the public. The expense of the vacation shall be borne by the guardian, relatives, or other persons responsible for the care of the patient while on the vacation. The Superintendent may grant a parole for an indefinite period to a patient who has improved sufficiently to warrant the opportunity and when satisfactory supervision for the patient while on the leave is assured. If the conditions of a parole granted under this chapter are violated, the patient may be taken up and returned as an escaped patient.

§ 21–1121. Citation, order, or process on inmates to be served only by superintendent

Only the Superintendent of the District Training School, or a person designated in writing by him, may serve a citation, order, or process required by law to be served on an inmate of the institution. Return thereof to the court from which it issued may be made by the Superintendent. The service and return have the same force and effect as if it had been made by the United States marshal of the

District of Columbia, or his deputy, or by the sheriff of the county in which the institution is located.

§ 21–1122. Approval of inmates' contracts, etc., by court

A public or private patient in the District Training School may not be allowed to execute a contract, deed, will, or other instrument unless the execution has first been allowed and approved by an order entered of record by the United States District Court for the District of Columbia. A certified copy of the order shall be furnished to the Superintendent of the institution at the time of the execution of the instrument.

The order of the court is evidence only of the capacity of the patient to make the instrument.

§ 21–1123. Offenses and penalties

Whoever:

(1) knowingly contrives, or conspires to have a person adjudged feeble-minded under the provisions of this chapter, unlawfully and improperly; or

(2) violates a provisions of this chapter—

shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CHAPTER 13—ALCOHOLICS AND DRUG ADDICTS

Sec.

§ 21–1301. Appointment of committee

When a person residing in the District of Columbia, and owning an estate, real or personal, situate therein, is alleged to be unfit, from the habitual use of intoxicating liquors, opium, cocaine, or similar substance, or compound or derivative thereof, to manage or control his estate properly, the United States District Court for the District of Columbia, on the petition of a creditor or relative of the person, or if there is not a creditor or relative, upon the petition of a person living in the District of Columbia, and upon summons being served upon the person alleged to be unfit, commanding him to appear and answer the petition, may order a jury to be summoned to ascertain whether the person is an alcoholic or addicted to the habitual use of opium, cocaine, or similar substance or compound or derivative thereof and unfit from any of these causes to manage and control his property. If the jury finds that the person is an alcoholic or a habitual user of opium, cocaine, or similar substance or a compound or derivative thereof and unfit to manage or control his property, the finding, when confirmed by the court, shall be entered of record in the cause, and the court shall thereupon appoint a fit person to be committee of the person so declared unfit to manage or control his property.

§ 21–1302. Bond; powers and duties

The committee before entering upon the discharge of his duties shall execute a bond, with surety, to be approved by the court or a judge 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 the person, conditioned for the faithful performance of his duties as the committee. He shall have control of the estate, real and personal, with power to collect all debts due the alcoholic or drug

addict, 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 to the support of the 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.

§ 21–1303. Jurisdiction of court over property

The court has the same powers as to the property of a person for whom a committee has been appointed pursuant to this chapter as it has in respect of the property of infants.

§ 21–1304. Discharge

When a person for whom a committee has been appointed under this chapter becomes competent to manage his property on account of reformation in his habits, he may apply to the court to have the committee discharged and the care and control of his property restored to him. When it appears by the verdict of a jury summoned therefor, or by affidavits, or other evidence to the satisfaction of the court, that the applicant is a fit person to have the care or control of his property, it shall enter an order restoring him to all the rights and privileges enjoyed before the committee was appointed.

CHAPTER 15—CONSERVATORS

Sec.

§ 21–1501. Appointment of conservators

When an adult residing in or having property in the District of Columbia is unable, by reason of advanced age, mental weakness not amounting to unsoundness of mind, mental illness, as the latter term is defined by section 21–501, or physical incapacity, properly to care for his property, the United States District Court for the District of Columbia may, upon his petition or the sworn petition of one or more of his relatives or any other person or persons, appoint a fit person to be conservator of his property.

§ 21–1502. Filing of petition; requirements; time and place of hearing; appointment of guardian ad litem

(a) Pursuant to the filing of the petition under section 21–1501, the court shall fix a time and place for a hearing; and shall cause at least 14 days' notice thereof to be given to the person for whom a conservator is sought to be appointed, if he is not the petitioner, and to such other persons as the court directs. The petition shall include, among other things—

(1) the reasons for the appointment of a conservator;

(2) the name and address of the person for whom the conservator is sought;

(3) the date and place of his birth, if known; and

(4) the names and addresses of the nearest known heirs at law, or the next of kin, if any.

(b) The court may appoint a disinterested person to act as guardian ad litem in a proceeding under this section. Upon a finding that the person for whom the conservator is sought is incapable of caring for his property, the court shall appoint a conservator who shall have the charge and management of the property of the person subject to the direction of the court.

§ 21–1503. Bond; powers and duties

The conservator before entering upon the discharge of his duties shall execute an undertaking with surety to be approved by the court in such amount as the court orders, conditioned on the faithful performance of his duties as conservator. He shall have control of the estate, real and personal, of the person for whom he has been appointed conservator, with power to collect all debts due the person, and upon authority of the court to adjust and settle all accounts owing by him, and to sue and be sued in his representative capacity. He shall apply such part of the annual income and of the principal of the estate as the court authorizes to the support of the person and the maintenance and education of his family and children; and shall in all other respects perform the same duties and have the same rights and powers with respect to the property of the person as have guardians of the estates of infants.

§ 21–1504. Discharge

When a person for whom a conservator has been appointed under this chapter becomes competent to manage his property, he may apply to the court to have the conservator discharged and to be restored to the care and control of his property. If the court finds him to be competent, it shall enter an order restoring the care and control of his property to him. The court has the same powers with respect to the property of a person for whom a conservator has been appointed as it has with the respect to the property of infants under guardianships.

§ 21–1505. Appointment of temporary conservator

Upon the filing of a petition as provided by this chapter, the court may, with or without notice or hearing, appoint a temporary conservator of the estate of a person, if it deems the action necessary for the protection of the estate, subject to the provisions for an undertaking specified by section 21–1503. The temporary conservator shall serve only until a permanent conservator can be appointed or until sooner discharged.

§ 21–1506. Personal welfare of person under conservatorship

The court may at any time order that the conservator or another person shall be responsible for the personal welfare of the person whose property is under conservatorship. In that event the conservator or other person, subject to the direction and control of the Civil Division of the court, has the same powers and duties with respect to the personal welfare of the person whose property is under conservatorship as have the guardians of the persons or infants under guardianships.

§ 21–1507. Lis pendens

Upon the filing of a petition under this chapter, a certified copy of the petition may be filed for record in the office of the Recorder of Deeds of the District of Columbia. If a conservator is appointed on the petition, all contracts, except for necessaries, and all transfers

of real and personal property made by the ward after the filing and before the termination of the conservatorship are void.

Uniform Fiduciaries Act.

CHAPTER 17—UNIFORM FIDUCIARIES ACT

Sec.
21–1701. Definitions.
21–1702. Application of payment made to fiduciaries.
21–1703. Transfer of negotiable instruments by fiduciary.
21–1704. Check drawn by fiduciary payable to third person.
21–1705. Check drawn by and payable to fiduciary.
21–1706. Deposit in name of fiduciary as such.
21–1707. Deposit in name of principal; check drawn thereon by fiduciary; check payable to drawee bank.
21–1708. Deposit in fiduciary's personal account.
21–1709. Deposit in names of two or more trustees.
21–1710. Law not retroactive.
21–1711. Cases not provided for by chapter.
21–1712. Short title.

§ 21–1701. Definitions

(a) In this chapter unless the context otherwise requires:

"bank" includes a person or association of persons, whether incorporated or not, carrying on the business of banking;

"fiduciary" includes a trustee under a trust, express, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or other person acting in a fiduciary capacity for a person, trust, or estate;

"person" includes a corporation, partnership, or other association, or two or more persons having a joint or common interest;

"principal" includes a person to whom a fiduciary as such owes an obligation.

(b) A thing is done "in good faith" within the meaning of this chapter, when it is in fact done honestly, whether negligently or not.

§ 21–1702. Application of payment made to fiduciaries

A person who in good faith pays or transfers to a fiduciary money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of the payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

§ 21–1703. Transfer of negotiable instruments by fiduciary

If a negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if a negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse the instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of the breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, the instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the

creditor, or is transferred in a transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

§ 21–1704. Check drawn by fiduciary payable to third person

If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such an instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of the breach or with knowledge of facts that his action in taking the instrument amounts to bad faith. Where, however, the instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in a transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

§ 21–1705. Check drawn by and payable to fiduciary

If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such an instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligations as fiduciary unless he takes the instrument with actual knowledge of the breach or with knowledge of facts that his action in taking the instrument amounts to bad faith.

§ 21–1706. Deposit in name of fiduciary as such

If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which the deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of facts that its action in paying the check amounts to bad faith. If, however, the check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

§ 21–1707. Deposit in name of principal; check drawn thereon by fiduciary; check payable to drawee bank

If a check is drawn upon a bank account of his principal by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay the checks without being liable

to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check, or with knowledge of facts that its action in paying the check amounts to bad faith. If, however, the check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

§ 21–1708. Deposit in fiduciary personal account

When a fiduciary deposits in a bank to his personal credit checks:

(1) drawn by him upon an account in his own name as fiduciary; or

(2) payable to him as fiduciary; or

(3) drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon; or

(4) payable to his principal and indorsed by him, if he is empowered to indorse such checks—

or if he otherwise deposits funds held by him as fiduciary, the bank receiving the deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary, and may pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the deposit or in drawing the check, or with knowledge of facts that its action in receiving the deposit or paying the check amounts to bad faith.

§ 21–1709. Deposit in names of two or more trustees

When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee authorized by the others to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize the trustee to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

§ 21–1710. Law not retroactive

This chapter does not apply to transactions that took place prior to May 14, 1928.

§ 21–1711. Cases not provided for by chapter

In a case not provided for by this chapter the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, continue to apply.

§ 21–1712. Short title

This chapter may be cited as the "Uniform Fiduciaries Act".

SEC. 2. The Commission on Mental Health continued by section 21–502 of Part III, District of Columbia Code, as set out in section 1 of this Act, is the Commission established by the Act approved June 8, 1938 (chapter 326, 52 Stat. 625), as amended, and continued by section 20 of the Act approved September 15, 1964 (Pub. Law 88–597, 78 Stat. 954). Chapter 5 of Title 21 of Part III, District of Columbia Code, as set out in section 1 of this Act, does not affect or impair the existence of the Commission so established and continued, and does not alter the pay or the terms of office of the members of the Commission serving as such on December 31, 1965.

Dower rights.

SEC. 3. Section 3 of the Act approved August 31, 1957 (Pub. L. 85–244, 71 Stat. 560), as amended by section 3 of the Act approved September 14, 1961 (Pub. L. 87–246, 75 Stat. 515), is amended to read as follows:

"SEC. 3. Effective March 15, 1962, all provisions of the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901, as amended, and all other laws in force in the District of Columbia, relating to the right of dower and its incidents, apply to both husband and wife."

SEC. 4. The repeal, by section 8 of this Act, of section 19(b) of the Act approved September 15, 1964 (Pub. Law 88–597, 78 Stat. 953; D.C. Code, 1961 ed., Supp. IV, 1965, sec. 21–308 note), and the prior repeal, by section 19(a) of such Act approved September 15, 1964 (78 Stat. 953) of the Act approved June 8, 1938 (chapter 326, 52 Stat. 625; D.C. Code, 1961 ed., sec. 21–308), as amended, and of the Act approved August 9, 1939 (chapter 620, 53 Stat. 1293; D.C. Code, 1961 ed., secs. 21–310 to 21–318, 21–320 to 21–325), as amended, do not affect (1) any action or proceeding brought prior to September 15, 1964, and existing on December 31, 1965, or (2) any liability incurred by a person for the payment of the costs of maintenance and treatment of an insane or incompetent person hospitalized in the District of Columbia prior to September 15, 1964, and any such action or proceeding shall be heard or determined and such liability continued in accordance with the provisions of those Acts in the same manner and to the same extent as if they had not been repealed.

Appropriation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of Part III, District of Columbia Code, as set out in section 1 of this Act.

SEC. 6. The following British statutes, heretofore classified to Part III of the District of Columbia Code, 1961 edition, under the authority of section 1 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1189; D.C. Code, 1961 ed., sec. 49–301), have no further force, as such, in the District of Columbia:

(1) 9 Henry III (1225), chapter 7, section 1 (D.C. Code, 1961 ed., sec. 18–201).

(2) 13 Edward I (1285), chapter 4 (D.C. Code, 1961 ed., sec. 18–207).

(3) 13 Edward I (1285), chapter 7 (D.C. Code, 1961 ed., sec. 18–208).

(4) 13 Edward I (1285), chapter 15, section 1 (D.C. Code, 1961 ed., sec. 21–117).

(5) 13 Edward I (1285), chapter 34, section 4 (D.C. Code, 1961 ed., sec. 18–203).

(6) 21 Henry VIII (1529), chapter 4, section 1 (D.C. Code, 1961 ed., sec. 18–605).

(7) 27 Henry VIII (1535), chapter 10, sections 6, 7, 9 (D.C. Code, 1961 ed., secs. 18–206, 18–209, 18–205, respectively).

(8) 43 Elizabeth I (1601), chapter 8, section 2 (D.C. Code, 1961 ed., sec. 20–113).

(9) 30 Charles II (1677), chapter 7, section 2 (D.C. Code, 1961 ed., sec. 20–114).

(10) 4 and 5 William and Mary (1692), chapter 24, section 12 (D.C. Code, 1961 ed., sec. 20–112).

(11) 25 George II (1752) chapter 6, sections 1, 2, 7 (D.C. Code, 1961 ed., secs. 19–104, 19–106, 19–105, respectively).

Effective date.

SEC. 7. This Act takes effect on January 1, 1966.

Repeals.

SEC. 8. The sections of the Acts or parts of Acts, enumerated in the schedule below, are repealed. Any rights or liabilities existing under the statutes or parts thereof so repealed, and any cases, actions, or proceedings instituted under, or growing out of, any of the statutes or parts thereof so repealed, are not affected by the repeal. However, laws becoming effective after February 3, 1965, and inconsistent with this Act supersede it to the extent of the inconsistency.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1892—July 14	171		27	154	21–105
1901—Mar. 3	854	91	31	1203	21–202
Do	854	92	31	1203	21–203
Do	854	93	31	1203	21–213
Do	854	94	31	1204	18–611
Do	854	96	31	1204	18–612
Do	854	[1] 115a			21–310 note
Do	854	[2] 115f			21–401
Do	854	122	31	1209	20–503
Do	854	[3] 123a			20–116
Do	854	124	31	1210	20–504
Do	854	125	31	1210	20–107
Do	854	128	31	1211	20–109
Do	854	130	31	1211	19–301
Do	854	131	31	1211	19–305
Do	854	132	31	1211	19–306
Do	854	133	31	1212	19–302
Do	854	134	31	1212	19–308
Do	854	135	31	1212	19–304
Do	854	136	31	1212	19–307
Do	854	137	31	1212	19–309
Do	854	[4] 137a			19–310
Do	854	138	31	1212	19–303
Do	854	139	31	1213	19–311
Do	854	140	31	1213	19–312
Do	854	141	31	1213	19–313
Do	854	146	31	1214	18–607
Do	854	147	31	1214	18–608
Do	854	148	31	1214	18–609
Do	854	149	31	1215	18–010
Do	854	150	31	1215	21–109
Do	854	151	31	1215	21–118
Do	854	152	31	1215	21–106
Do	854	153	31	1215	21–121
Do	854	[5] 153A			21–121a
Do	854	154	31	1215	21–122
Do	854	155	31	1215	21–113
Do	854	156	31	1215	21–204
Do	854	157	31	1216	21–205
Do	854	158	31	1216	21–206
Do	854	159	31	1216	21–207
Do	854	160	31	1216	21–208
Do	854	161	31	1216	21–209
Do	854	162	31	1216	21–210
Do	854	163	31	1216	21–211
Do	854	164	31	1216	21–212
Do	854	165	31	1217	21–201
Do	854	166	31	1217	21–104
Do	854	260	31	1231	18–501

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1901—Mar. 3—Continued					
Do	854	261	31	1232	20–101
Do	854	262	31	1232	20–301
Do	854	263	31	1232	20–302
Do	854	264	31	1232	20–303
Do	854	265	31	1233	20–304
Do	854	266	31	1233	20–305
Do	854	267	31	1233	20–307
Do	854	268	31	1233	20–306
Do	854	269	31	1233	20–308
Do	854	270	31	1233	20–309
Do	854	271	31	1233	20–310
Do	854	272	31	1233	20–311
Do	854	273	31	1234	20–201
Do	854	274	31	1234	20–202
Do	854	275	31	1234	20–203
Do	854	276	31	1234	20–204
Do	854	277	31	1234	20–205
Do	854	278	31	1234	20–206
Do	854	279	31	1234	20–207
Do	854	280	31	1234	20–208
Do	854	281	31	1234	20–209
Do	854	282	31	1234	20–210
Do	854	283	31	1234	20–211
Do	854	284	31	1234	20–212
Do	854	285	31	1235	20–213
Do	854	286	31	1235	20–214
Do	854	287	31	1235	20–215
Do	854	288	31	1235	20–216
Do	854	289	31	1235	20–217
Do	854	290	31	1235	20–106
Do	854	291	31	1235	20–218
Do	854	292	31	1235	20–119
Do	854	293	31	1235	20–219
Do	854	294	31	1236	20–102
Do	854	295	31	1236	20–104
Do	854	296	31	1236	20–108
Do	854	297	31	1236	20–117
Do	854	298	31	1236	20–103
Do	854	299	31	1237	20–105
Do	854	300	31	1237	20–312
Do	854	301	31	1237	20–110
Do	854	302	31	1237	20–111
Do	854	303	31	1237	20–610
Do	854	304	31	1237	20–401
Do	854	305	31	1238	20–402
Do	854	306	31	1238	20–403
Do	854	307	31	1238	20–404
Do	854	308	31	1238	20–405
Do	854	[6] 308a	----------	----------	20–118
Do	854	309	31	1238	18–401
Do	854	310	31	1239	18–402
Do	854	311	31	1239	18–403
Do	854	312	31	1239	18–404
Do	854	313	31	1239	18–405
Do	854	314	31	1239	18–406
Do	854	315	31	1239	18–407
Do	854	316	31	1239	18–408
Do	854	317	31	1240	18–301
Do	854	318	31	1240	18–302
Do	854	319	31	1240	18–303
Do	854	320	31	1240	18–304
Do	854	321	31	1240	18–305
Do	854	322	31	1240	18–601
Do	854	323	31	1240	18–602
Do	854	324	31	1241	18–603
Do	854	325	31	1241	18–604

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1901—Mar. 3—Continued					
Do	854	326	31	1241	18–606
Do	854	327	31	1241	20–501
Do	854	328	31	1242	20–502
Do	854	329	31	1242	20–505
Do	854	330	31	1243	18–503
Do	854	331	31	1243	18–504
Do	854	332	31	1243	18–505
Do	854	333	31	1243	18–506
Do	854	334	31	1243	18–507
Do	854	335	31	1243	18–508
Do	854	336	31	1243	18–509
Do	854	337	31	1244	18–510
Do	854	338	31	1244	18–511
Do	854	339	31	1244	18–512
Do	854	341	31	1244	18–515
Do	854	342	31	1244	18–516
Do	854	343	31	1244	18–517
Do	854	344	31	1244	18–519
Do	854	345	31	1244	18–522
Do	854	346	31	1245	18–523
Do	854	347	31	1245	18–524
Do	854	348	31	1245	18–518
Do	854	349	31	1245	18–525
Do	854	350	31	1246	18–526
Do	854	351	31	1246	18–527
Do	854	352	31	1246	18–528
Do	854	353	31	1246	18–529
Do	854	354	31	1246	18–513
Do	854	355	31	1246	18–514
Do	854	356	31	1246	18–520
Do	854	357	31	1247	18–502
Do	854	358	31	1247	18–521
Do	854	359	31	1247	18–530
Do	854	360	31	1247	20–506
Do	854	361	31	1247	20–601
Do	854	362	31	1247	20–602
Do	854	363	31	1247	20–603
Do	854	364	31	1248	20–604
Do	854	365	31	1248	20–605
Do	854	366	31	1248	20–606
Do	854	369	31	1248	20–115
Do	854	370	31	1249	20–607
Do	854	371	31	1249	20–608
Do	854	372	31	1249	20–609
Do	854	373	31	1249	18–701
Do	854	374	31	1249	18–702
Do	854	375	31	1249	18, 703
Do	854	376	31	1249	18–704
Do	854	377	31	1250	18–705
Do	854	378	31	1250	18–706
Do	854	379	31	1250	18–707
Do	854	380	31	1250	18–708
Do	854	381	31	1250	18–709
Do	854	382	31	1250	18–710
Do	854	383	31	1250	18–711
Do	854	384	31	1250	18–712
Do	854	385	31	1250	18–713
Do	854	386	31	1250	18–714
Do	854	[1] 386a			18–715
Do	854	387	31	1250	18, 716
Do	854	388	31	1251	18–717
Do	854	389	31	1251	18–718
Do	854	390	31	1251	18–719
Do	854	391	31	1251	18–720
Do	854	392	31	1251	18–721
Do	854	393	31	1251	18–722

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1901—Mar. 3—Continued					
Do	854	394	31	1251	18-723
Do	854	[8] 394(a)			18-801
Do	854	[9] 394(b)			18-802
Do	854	[10] 394(c)			18-803
Do	854	[11] 394(d)			18-804
Do	854	[12] 394(e)			18-805
Do	854	[13] 394(f)			18-806
Do	854	[14] 394(g)			18-807
Do	854	[15] 394(h)			18-808
Do	854	[16] 394(i)			18-809
Do	854	[17] 394(j)			18-810
Do	854	830	31	1324	22-1403
Do	854	940	31	1342	18-101
Do	854	952	31	1343	18-102
Do	854	957	31	1344	18-106
Do	854	959	31	1344	18-108
Do	854	960	31	1344	18-110
Do	854	961	31	1344	18-109
Do	854	1123	31	1369	21-101, 21-108
Do	854	1124	31	1369	21-102
Do	854	1125	31	1369	21-103
Do	854	1126	31	1369	21-129
Do	854	1127	31	1369	21-110
Do	854	1128	31	1369	21-112
Do	854	1129	31	1369	21-107
Do	854	1130	31	1369	21-111
Do	854	1131	31	1370	21-119
Do	854	1132	31	1370	21-120
Do	854	1133	31	1370	21-124
Do	854	1134	31	1370	21-125
Do	854	1135	31	1370	21-126
Do	854	1136	31	1371	21-218
Do	854	1137	31	1371	21-127
Do	854	1138	31	1371	21-123
Do	854	1139	31	1371	21-130
Do	854	1140	31	1371	21-114
Do	854	1141	31	1371	21-115
Do	854	1142	31	1371	21-116
Do	854	1158	31	1375	18-202
Do	854	1165	31	1375	18-204
Do	854	1172	31	1376	18-210
Do	854	1173	31	1376	18-211
Do	854	1174	31	1377	18-212
Do	854	1623	31	1433	19-201
Do	854	1625	31	1433	19-101
Do	854	1626	31	1433	19-103
Do	854	1627	31	1433	19-108
Do	854	1628	31	1433	19-205
Do	854	[18] 1628a			19-206
Do	854	1629	31	1434	19-107
Do	854	1630	31	1434	19-109
Do	854	1631	31	1434	19-110
Do	854	1632	31	1434	19-204
Do	854	1633	31	1434	19-203
Do	854	1634	31	1434	19-102
Do	854	1635	31	1434	19-202
Do	854	[19] 1635a			19-111

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1902—June 30	1329 (part)		32	[20] 526	19-301, 19-312
Do	1329 (part)		32	[21] 527	18-607, 21-210, 21-211, 21-212
Do	1329 (part)		32	[22] 528	18-501, 20-217, 20-302, 20-303
Do	1329 (part)		32	[23] 528, 529	20-106
Do	1329 (part)		32	[24] 529	18-301, 18-303, 18-305, 18-404, 18-510, 18-527, 20-117, 20-219, 20-501, 20-602, 20-603
Do	1329 (part)		32	[25] 529, 530	20-605
1902—June 30	1329 (part)		32	[26] 530	18-707, 18-711
Do	1329 (part)		32	[27] 535	22-1403
Do	1329 (part)		32	[28] 542	21-115
Do	1329 (part)		32	[29] 545	19-203, 19-205
1905—Feb. 23	738	1	33	740	21-306, 21-307
Do	738	2	33	740	32-330
Mar. 3	1441		33	1006, 1007	21-115
1920—Apr. 19	153	1 (part)	41	[30] 556	21-310 note
Do	153	1 (part)	41	[31] 557, 558	19-312
Do	153	1 (part)	41	[32] 561	20-204, 20-205, 20-206
Do	153	1 (part)	41	[33] 562	20-207, 20-208, 20-403, 20-404, 20-405
Do	153	1 (part)	41	[34] 563	18-305, 18-402, 18-702, 18-703, 18-704, 18-705
Do	153	1 (part)	41	[35] 567, 568	18-211
1925—Mar. 3	460	6	43	1135	32-607
Do	460	7	43	1135	32-608
Do	460	8	43	1136	32-609
Do	460	9	43	1136	32-610
Do	460	10	43	1136	32-611
Do	460	11	43	1137	32-612
Do	460	12	43	1137	32-613
Do	460	13	43	1137	32-614
Do	460	14	43	1137	32-615
Do	460	15	43	1138	32-616
Do	460	16	43	1138	32-617
Do	460	17	43	1138	32-618
Do	460	18	43	1139	32-619
Do	460	19	43	1139	32-620
Do	460	20	43	1139	32-621
Do	460	21	43	1140	32-622
Do	460	22	43	1140	32-623
Do	460	23	43	1140	32-624
Do	460	24	43	1140	32-625
Do	460	25	43	1140	32-626
Do	460	26	43	1140	32-627
Do	460	27	43	1140	32-628

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1927—Feb. 10	101		44	1067	21–126
1927—Mar. 3	350		44	1383	21–103, 21–110
1928—May 14	545	1	45	509	21–601
Do	545	2	45	510	21–602
Do	545	4	45	510	21–604
Do	545	5	45	510	21–605
Do	545	6	45	511	21–606
Do	545	7	45	511	21–607
Do	545	8	45	511	21–608
Do	545	9	45	511	21–609
Do	545	10	45	512	21–610
Do	545	11	45	512	21–611
Do	545	12	45	512	21–612
Do	545	13	45	513	21–613
Do	545	14	45	512	21–614
1935—Mar. 6	28	1	49	39	18–708
Do	28	2	49	39	18–712
Do	28	3(A)	49	39	18–101
Apr. 8	46	1	49	111	20–701
Do	46	2	49	111	20–702
Do	46	3	49	111	20–703
Do	46	4	49	112	20–704
Do	46	5	49	112	20–705
Do	46	6	49	112	20–706
Do	46	7	49	112	20–707
Do	46	8	49	112	20–708
Do	46	9	49	112	20–709
Do	46	10	49	113	20–710
Do	46	11	49	113	20–711
Do	46	12	49	113	20–712
Do	46	13	49	113	20–713
Do	46	14	49	113	20–714
Do	46	15	49	113	20–715
1939—July 5	281	1 (part)	53	[36] 1007	21–309
1940—June 12	333	1 (part)	54	[37] 310	21–309
1945—Apr. 28	102		59	100, 101	32–615, 32–616
1948—June 19	508	2	62	488	20–501
1949—June 24	241	1	63	267	19–301
Do	241	2	63	267	19–305
Do	242	1	63	268	18–501
Do	242	2	63	268	20–306
Do	242	3	63	268	18–401
Do	242	4	63	268	18–407
Do	242	5	63	268	18–518
Do	242	6	63	268	18–526
Do	242	7	63	268	20–601
Do	243		63	268	19–309
Do	244		63	269	18–801 to 18–810
Aug. 2	383	8	63	492	21–308
Oct. 11	672	1	63	759	32–417
Do	672	2	63	760	32–417a
Do	672	3	63	761	32–417b
Do	672	4	63	761	32–417c
Do	672	5	63	761	32–417d
Do	672	6	63	761	32–417e
Do	672	7	63	761	32–417f
Do	672	8	63	761	32–417g
Oct. 25	710		63	889	21–308
1951—Oct. 24	545	1	65	608	21–501
Do	545	2	65	608	21–502
Do	545	3	65	608	21–503
Do	545	4	65	608	21–504
Do	545	5	65	608	21–505
Do	545	6	65	609	21–506
Do	545	7	65	609	21–507

See footnotes at end of table.

Statutes at large					D.C. Code—1961 ed., section
Date	Chapter	Section	Volume	Page	
1953—June 18	131	1	67	66	20–116
Aug. 1	308	1	67	358	20–605
1956—Aug. 3	947	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	70	1028–1031	21–214 to 21–224 note (Supp. IV), 21–225 to 21–234

[1] As added by Act June 30, 1902, ch. 1329, 32 Stat. 520 (524).
[2] As added by Act June 30, 1902, ch. 1329, 32 Stat. 520 (524, 525).
[3] As added by Act April 19, 1920, ch. 153, § 1, 41 Stat. 555 (556, 557).
[4] As added by Act April 19, 1920, ch. 153, § 1, 41 Stat. 555 (557).
[5] As added by Act Sept. 14, 1959, Pub. L. 86-268, 73 Stat. 553.
[6] As added by Act April 19, 1920, ch. 153, § 1, 41 Stat. 555 (562, 563).
[7] As added by Act June 30, 1902, chapter 1329, 32 Stat. 520 (530).
[8] As added by Act June 24, 1949, ch. 244, 63 Stat. 269.
[9] As added by Act June 24, 1949, ch. 244, 63 Stat. 269.
[10] As added by Act June 24, 1949, ch. 244, 63 Stat. 269, 270.
[11] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (270).
[12] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (270).
[13] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (271).
[14] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (271).
[15] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (271).
[16] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (271).
[17] As added by Act June 24, 1949, ch. 244, 63 Stat. 269 (271).
[18] As added by Act December 5, 1963, Public Law 88-192, § 1, 77 Stat. 345.
[19] As added by Act June 30, 1902, ch. 1329, 32 Stat. 520 (545, 546).
[20] The provisions on page 526 amending sections 130 and 140 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1211, 1213).
[21] The provisions on page 527 amending sections 146, 162, 163, and 164 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1214, 1216).
[22] The provisions on page 528 amending sections 260, 263, 275, and 289 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1231, 1232, 1234, 1235).
[23] The provisions on pages 528 and 529 amending section 290 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1235).
[24] The provisions on page 529 amending sections 293, 297, 312, 317, 319, 321, 327, 337, 351, 362, and 363 of the Act approved March 3, 1901 (ch. 854, 31 Stat, 1235, 1236, 1239, 1240, 1241, 1244, 1246, 1247).
[25] The provisions on pages 529 and 530 amending section 365 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1248).
[26] The provisions on page 530 amending sections 379 and 383 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1250).
[27] The provisions on page 535 amending section 830 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1324).
[28] The provisions on page 542 amending section 1141 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1371).
[29] The provisions on page 545 amending sections 1628 and 1633 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1433, 1434).
[30] The provisions on page 556 amending section 115a of the Act approved March 3, 1901 (ch. 854), as added by Act June 30, 1902, ch. 1329, 32 Stat. 520 (524).
[31] The provisions on pages 557 and 558 amending section 140 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1213).
[32] The provisions on page 561 amending sections 276, 277 and 278 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1234).
[33] The provisions on page 562 amending sections 279, 280, 306, 307 and 308 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1234, 1238).
[34] The provisions on page 563 amending sections 310, 321, 374, 375, 376 and 377 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1239, 1240, 1249, 1250).
[35] The provisions on pages 567 and 568 amending section 1173 of the Act approved March 3, 1901 (ch. 854, 31 Stat. 1376).
[36] Only the provisions in the eighth paragraph on page 1007, reading as follows: "*Provided*, That the salary of the executive secretary shall be at the rate of $3,000 per annum".
[37] Only the provisions in the second paragraph on page 310, reading as follows: "*Provided*, That the salary of the executive secretary shall be at the rate of $3,000 per annum and the salary of each physician-member shall be at the rate of $3,800 per annum".

Date	Public Law	Section	Volume	Page	D.C. Code—1961 ed., section
1957—Aug. 31	85-244	1	71	560	18-101
Do	85-244	2	71	560	18-215a
Do	85-244	5	71	561	18-210
Do	85-244	6	71	561	18-211
Do	85-244	7	71	561	18-212
Do	85-244	9(a)	71	562	18-714
Do	85-244	9(b)	71	562	18-715
Do	85-244	9(c)	71	562	18-716
Do	85-244	9(d)	71	562	18-717
Do	85-244	10, 11	71	562	18-101 note
1958—Mar. 28	85-356	1	72	67	18-901
Do	85-356	2	72	67	18-902
Do	85-356	3	72	67	18-903
Do	85-356	4	72	67	18-904
Do	85-356	5	72	67	18-905
Do	85-356	6	72	67	18-906
Do	85-356	7	72	68	18-907
Do	85-356	8	72	68	18-908
Do	85-356	9	72	68	18-901 note
Do	85-356	10	72	68	18-909
Do	85-356	11	72	68	18-910
1960—July 14	86-674	1	74	553	19-309
1961—Sept. 14	87-246	1	75	515	18-101 note
Do	87-246	2	75	515	18-101
Do	87-246	3	75	515	18-201a
Do	87-246	4	75	516	18-211
Do	87-246	5	75	517	18-204
Do	87-246	8	75	517	18-101 note
1962—Oct. 15	87-821	[38] 1	76	938-942	21-225, 21-225 note, 21-226 to 21-211
Do	87-821	2(b) (c)	76	943	21-214 to 21-204 note, 21-225 note
Do	87-821	3	76	943	21-225 note
1963—Dec. 23	88-241	13	77	618	21-213
1964—Aug. 30	88-505	----------	78	638	32-417
1964—Sept. 15	88-597	1	78	944	21-351 note
Do	88-597	2	78	944	21-351
Do	88-597	3	78	944	21-352
Do	88-597	4	78	945	21-353
Do	88-597	5	78	946	21-354
Do	88-597	6	78	946	21-355
Do	88-597	7	78	947	21-356
Do	88-597	8	78	950	21-357
Do	88-597	9	78	951	21-358
Do	88-597	10	78	952	21-359
Do	88-597	11	78	952	21-360
Do	88-597	12	78	952	21-361
Do	88-597	13	78	952	21-362
Do	88-597	14	78	952	21-363
Do	88-597	15	78	952	21-364
Do	88-597	16	78	953	21-365

See footnotes at end of table.

Date	Public Law	Section	Volume	Page	D.C. Code—1961 ed., section
1964—Sept. 15—Continued					
Do	88-597	17	78	953	21-366
Do	88-597	18	78	953	21-501
Do	88-597	19(b)	78	953	21-308 note
Do	88-597	[39] 19(e)	78	953	21-301 note, 21-303 to 21-305 note
Do	88-597	20	78	954	21-352 note

[38] Which amended generally Act August 3, 1956, ch. 947, §§ 1-11, 70 Stat. 1028-1031 (D.C. Code, 1961 ed. Supp. IV, secs. 21-214 to 21-224 note, 21-225 note).

[39] Second sentence, only.

Approved September 14, 1965.

Public Law 89-184

September 15, 1965
[H. R. 9570]

AN ACT

To amend the Federal Firearms Act to authorize the Secretary of the Treasury to relieve applicants from certain provisions of the Act if he determines that the granting of relief would not be contrary to the public interest, and that the applicant would not be likely to conduct his operations in an unlawful manner.

Federal Firearms Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Firearms Act, as amended (52 Stat. 1250; 15 U.S.C. 901 et seq.), is amended by adding at the end thereof the following new section:

"SEC. 10. A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this Act or of the National Firearms Act) may make application to the Secretary of the Treasury for relief from the disabilities under this Act incurred by reason of such conviction, and the Secretary of the Treasury may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this Act, who makes application for relief from the disabilities incurred under this Act by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary of the Treasury grants relief to any person pursuant to this section, he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor."

68A Stat. 721; 72 Stat. 1428. 26 USC 5849.

Publication in Federal Register.

Approved September 15, 1965.