

War is hereby authorized and directed to sell at public or private sale, under such rules and regulations as he may prescribe, all dental outfits in excess of the needs of the Government, preferentially to persons who served in the Army, Navy, Marine Corps, Coast Guard, or the American Red Cross of the United States during the recent war and who are at the time of such sale licensed to practice dentistry; but not more than one set of dental supplies shall be sold at private sale to any one person.

Approved, April 17, 1920.

Sale of surplus, authorized.

Restriction.

CHAP. 153.—An Act To amend the Act entitled "An Act to establish a code of law for the District of Columbia, approved March 3, 1901," and the Acts amendatory thereof and supplementary thereto.

April 19, 1920.
[H. R. 6025.]

[Public, No. 181.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act to establish a code of law for the District of Columbia, approved March 3, 1901, and the Acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows:

District of Columbia Code Amendments.
Vol. 31, pp. 1189-1438.
Vol. 32, pp. 520-546.

By striking out section 20 and inserting in lieu thereof:

"**SEC. 20. FORCIBLE ENTRY AND DETAINER.**—Whenever any person shall forcibly enter and detain any real property, or shall unlawfully, but without force, enter and unlawfully and forcibly detain the same; or whenever any tenant shall unlawfully detain possession of the property leased to him, after his tenancy therein has expired; or any mortgagor or grantor in a mortgage or deed of trust to secure a debt shall unlawfully detain the possession of the real property conveyed, after a sale thereof under such deed of trust or a foreclosure of the mortgage, or any person claiming under such mortgage or grantor, after the date of the mortgage or deed of trust, shall so detain the same; or a judgment debtor or any person claiming under him, since the date of the judgment, shall so detain possession of real property, after a sale thereof under an execution issued on such judgment, it shall be lawful for the municipal court, on complaint under oath, verified by the person aggrieved by said unlawful detention or by his agent or attorney, having knowledge of the facts, to issue a summons to the party complained of to appear and show cause why judgment should not be given against him for the restitution of the possession."

Municipal court.
Forcible entry and detainer.
Illegal act specified.
Vol. 31, p. 1193, amended.

Authority of court.

By striking out section 35 and inserting in lieu thereof the following:

"**SEC. 35.** In case the property shall appear to belong to the claimant or to be exempt from such process, judgment shall be entered against the plaintiff for costs, and the property levied upon shall be released. If the property shall not appear to belong to the claimant or to be exempt, as aforesaid, judgment shall be entered against said claimant or the defendant, as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ. An appeal may be taken from the judgment as in other cases."

Personal property levied upon.
Judgment for claimant of.
Vol. 31, p. 1194; Vol. 32, p. 521, amended.
Against claimant.

Appeal.

By striking out section 65 and inserting in lieu thereof:

"**SEC. 65.** The general term of said court shall be open at all times for the transaction of business; and said court, by orders passed in general term, may regulate the periods of holding the special terms, fix the number of said terms, and alter the same from time to time, as public convenience may require; may direct as many terms of any of the special terms to be held at the same time as the public business may make necessary; may assign the several justices from time to time to the respective special terms; may establish written rules

Supreme court.
General term powers, etc.
Vol. 31, p. 1200, Vol. 32, p. 522, amended.

Rules of pleading, practice, and procedure.	regulating pleading, practice and procedure, and by said rules make such modifications in the forms of pleading and methods of practice and procedure prescribed by existing law as may be deemed necessary or desirable to render more simple, effective, inexpensive, and expeditious the remedy in all suits, actions, and proceedings: <i>Provided</i> , That said rules shall not become effective until thirty days after the date when they are adopted and spread upon the minutes of the said general term: <i>And provided further</i> , That said court in general term shall not have power to make or establish rules regulating pleading, practice, or procedure in equity which are inconsistent with the rules in equity heretofore or hereafter adopted by the Supreme Court of the United States; may appoint a clerk, an auditor, and also a crier and a messenger for each court in special term, and all other officers of the court necessary for the due administration of justice, with the exception of all officers and employees in any manner connected with the probate term, and also United States commissioners; may hear charges of misconduct against any judge of the municipal court and remove him from office for cause shown; may admit persons to the bar of said court and censure, suspend, or expel them; and may pass all other orders not inconsistent with existing laws which may be necessary to the effective administration of justice in said court, but said court shall not hear any cause in general term: <i>Provided</i> , That the general term may assign more than one justice to a special term for the trial of a given case."
<i>Provisos.</i> Effective period.	
Equity rules restriction.	
Officers, etc.	
Causes not to be heard. Assignments in special cases.	
Special terms. Certifying causes from one justice to another. Vol. 31, p. 1200, amended. <i>Proviso.</i> Criminal cases.	By striking out section 67 and inserting in lieu thereof: "SEC. 67. By mutual consent and arrangement between justices, causes may be certified by any justice holding a special term to any justice holding any other special term of said court for trial in the latter: <i>Provided</i> , That a criminal case can only be certified for trial from one criminal court to another criminal court. In the absence of any justice assigned to a special term, such special term may be presided over and its business conducted by any other justice."
Nonresidents. Vol. 31, p. 1006, amended.	By adding a new paragraph at the end of section 105 to read as follows:
Personal service out of the District.	"Personal service of process may be made by any person not a party to or otherwise interested in the subject matter in controversy on a nonresident defendant out of the District of Columbia, which service shall have the same effect and no other as an order of publication duly executed. In such case the return must be made under oath in the District of Columbia, unless the person making the service be a sheriff or deputy sheriff, a marshal or deputy marshal, authorized to serve process where service is made, and such return must show the time and place of such service and that the defendant so served is a nonresident of the District of Columbia. The cost and expense of such service of process out of the District of Columbia shall be borne by the party at whose instance the same is made and shall not be taxed as a part of the costs in the case; but where such service of process is made by some authorized officer of the law in this section mentioned, the actual and usual cost of such service of process shall be taxed as a part of the costs in the case."
Return.	
Costs, etc.	
Lunacy proceedings. Equity court jurisdiction in. Vol. 32, p. 524, amended. Jury from petit jurors.	By striking out section 115a, and inserting in lieu thereof: "SEC. 115a. LUNACY PROCEEDINGS.—All writs de lunatico inquirendo shall issue from said equity court, and a justice holding said court shall preside at all inquisitions of lunacy, and may impanel a jury from among the petit jurors in attendance in the Supreme Court of the District of Columbia."
Probate court.	By inserting immediately after section 123 a new section as follows:
Continuing business by fiduciary. Vol. 31, p. 1210, amended.	"SEC. 123a. CONTINUING DECEDENT'S BUSINESS.—The said court may, in its discretion, authorize any fiduciary, accountable to it, to continue the business of a decedent for a period not exceeding twelve

months after decedent's death. No order shall be entered so authorizing a fiduciary until he shall have filed a petition under oath, supported by the affidavits of two reputable persons familiar with the decedent's business, setting forth the appraised value of the business, whether the decedent conducted it at a profit or loss and the approximate amount thereof, and the estimated amount of the expenses per month necessary to be incurred in order to continue the business. Any fiduciary who is given such authorization shall file monthly statements showing all receipts and disbursements, debts contracted and obligations incurred, and the profit or loss; and the court, in its discretion, may order the discontinuance of the business at any time.

Monthly statements to court.

"Debts contracted and obligations incurred by the fiduciary in so continuing the business of the decedent shall be deemed to be an expense of administration of the estate."

Responsibility of estate.

By striking out section 126 and inserting in lieu thereof:

"SEC. 126. ENFORCEMENT OF DUTY.—The court shall have power to order any executor, administrator, collector, guardian, or testamentary trustee, who appears to be in default in respect to the rendering of any inventory or account or the fulfillment of any duty in said court to be summoned to appear therein and fulfill his duty in the premises, on pain of revocation of his power to act; and on his appearing the court may pass such order as may be just; and upon his failure to appear, after having been duly summoned, may revoke his power to act and make such further order and other appointment as justice may require. In case the summons to appear is returned by the marshal 'not to be found,' an alias summons shall be mailed to the last known post-office address of such fiduciary or served upon his attorney of record, if he be within the jurisdiction of the court; and on the failure of such fiduciary to appear, the court may revoke his power to act and make such further order and other appointment as justice may require."

Enforcement of duty by fiduciary.
Vol. 31, p. 1210, amended.

Revocation of power on failure to appear.

If not found.

By inserting immediately after section 137 a new section as follows:

Caveats to wills.
Vol. 31, p. 1212, amended.

"SEC. 137a. While issues raised by a caveat are pending, either for trial or on appeal, no prior will shall be admitted to probate."

No prior will admitted while caveat pending.

By striking out section 140 and inserting in lieu thereof:

"SEC. 140. TRIAL OF ISSUES AS TO WILLS.—Whenever any caveat shall be filed, issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested are sui juris and before the court the issues may be tried and determined by the court, without a jury, upon the written consent of all such parties. If they are to be tried by a jury, they shall be triable in said probate court by petit jurors drawn for service in the Supreme Court of the District of Columbia; and at least ten days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, as the case may require, and all persons claiming under the will in question, or any other instrument on file purporting to be a will of the decedent, shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any one of them be an infant or of unsound mind he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned 'not to be found,' the court shall assign a new day for such 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 some newspaper of general circulation in the District, and may order such further publication as the case may require. And the Supreme Court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification. Personal service on absent

Trial of issues as to wills.
Vol. 31, p. 1214; Vol. 32, p. 526, amended.

Proviso.
By the court.

By a jury.

Notification by publication.

Rules for service.

<p>Jury. Effect of judgment.</p>	<p>parties shall not be essential to the jurisdiction of the court. The proceeding for impaneling a jury for the trial of said issues shall be the same as if they were being tried in the circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceedings in error and to such revision as the common law provides, be <i>res judicata</i> as to all persons; nor shall the validity of such judgment be impeached or examined collaterally."</p>
<p>Jurors. Jury commission. Vol. 31, p. 1222, amended. Qualifications.</p>	<p>By striking out section 198 and inserting in lieu thereof: "SEC. 198. JURY COMMISSION.—There shall be, and there is hereby, constituted a jury commission for the District of Columbia, which shall be composed of three commissioners, who shall be citizens of the United States and actual residents of the District of Columbia, who have been domiciled therein for at least three years prior to their appointment, and shall be freeholders in the District of Columbia and not engaged in the practice of law, nor at the time of their appointment be a party to any cause then pending in the courts of the District of Columbia. Such commissioners shall be appointed by the Supreme Court of the District of Columbia, in general term, and shall serve for a term of three years and until their successors are appointed and qualified; except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by said court. Before entering upon the discharge of their duties they shall each take an oath of office to be prescribed by the Supreme Court of the District of Columbia. No person who has served as such commissioner shall be eligible for reappointment within three years of the date of the expiration of his term of service. It shall be the duty of said jury commission to make and preserve a record of the list of names of jurors, both grand and petit, and of commissioners and jurors in condemnation proceedings for service in all the courts of the District of Columbia having cognizance of jury trials and of condemnation proceedings, to place the names in the jury box, and to have custody and control of said jury box, and to draw the names of said jurors and condemnation commissioners from time to time, as hereinafter provided. The compensation of said jury commissioners shall be \$10 each per day for each day or fraction of a day when they are actually engaged in the performance of their duties, not to exceed five days in any one month, which shall be paid by the United States marshal for the District of Columbia out of the appropriation for pay of bailiffs, upon the certificate of said commissioners. The said Supreme Court of the District of Columbia, in general term, shall have power summarily to remove any of said commissioners for absence, inability, or failure to perform his duties as such commissioner, or for any misfeasance or malfeasance, and to appoint another person for the unexpired term. In the event of the illness or other inability or absence from the District of Columbia of any one of said commissioners, the two other commissioners may perform the duties of said jury commission."</p>
<p>Appointment, etc.</p>	
<p>Ineligibility for re- appointment.</p>	
<p>Duties.</p>	
<p>Removal for cause.</p>	
<p>Selection of jurors. Vol. 31, p. 1222, amended.</p>	<p>By striking out section 199 and inserting in lieu thereof: "SEC. 199. The said jurors shall be selected, as nearly as may be, from the different parts of the District."</p>
<p>Jury box. Vol. 31, p. 1222, amended.</p>	<p>By striking out section 200 and inserting in lieu thereof: "SEC. 200. JURY BOX.—The jury commission shall write the names on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a box to be provided for the purpose."</p>
<p>Sealing, etc., of box. Vol. 31, p. 1222, amended.</p>	<p>By striking out section 201 and inserting in lieu thereof: "SEC. 201. The jury commission shall thereupon seal said box and, after thoroughly shaking the same, shall deliver it to the clerk</p>

of the Supreme Court of the District of Columbia for safe-keeping; and the same shall not be unsealed or opened except by said commission."

By striking out section 202 and inserting in lieu thereof:

"SEC. 202. TERM OF SERVICE.—The respective terms of service of petit jurors drawn for service in the Supreme Court of the District of Columbia shall begin on the first Tuesday of October, November, December, January, February, March, April, May and June of each year and shall terminate on the Monday preceding the first Tuesday of the next month thereafter, except when the jury shall be discharged by the court at an earlier day, or when a jury shall be empaneled and it shall happen that no verdict shall have been found before the day appointed by law for the commencement of the next succeeding term, in which case the court shall proceed with the trial by the same jury in every respect as if its term of service had not ended; and all proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been empaneled: *Provided*, That the Supreme Court of the District of Columbia in general term may direct petit jurors to be drawn for monthly service in said court during the months of July, August, and September, such service to begin and terminate as aforesaid."

Service of jurors.
Monthly terms, October to June.
Vol. 31, p. 1222, amended.

Proviso.
For July, August, and September.

By striking out section 203 and inserting in lieu thereof:

"SEC. 203. That the term of service of the grand jury in the criminal court shall begin with each term of that court and shall end with such term, unless the jury shall be sooner discharged by the court. The foreman of the grand jury shall be selected by the justice presiding over the special term known as criminal division number one from among the jurors, grand and petit, in attendance upon the Supreme Court of the District of Columbia; and, in the event that said foreman is not selected from among the twenty-three grand jurors in attendance, but is selected from among the petit jurors, one of said grand jurors shall be excused as such and transferred to the roll of petit jurors, and the term of service of the foreman so selected of the grand jury shall be concurrent with the term of service of the grand jury."

Grand jury.
Term of service.
Vol. 31, p. 1222, amended.

Foreman.

By striking out section 204 and inserting in lieu thereof:

"SEC. 204. DRAWING JURORS.—At least ten days before the first Tuesday of each month specified in section 202 when jury trials are to be had, said jury commission shall publicly break the seal of the jury box and proceed to draw therefrom, by lot and without previous examination, the names of such number of persons as the general term of the Supreme Court of the District of Columbia may from time to time direct to serve as petit jurors in the Supreme Court of the District of Columbia; and at least ten days before the commencement of each term of the criminal courts shall in like manner draw the names of twenty-three persons required to serve as grand jurors in said criminal courts, and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as petit and grand jurors, respectively.

Drawing of jurors.
Provisions for monthly.
Vol. 31, p. 1222, amended.

Grand jury.

"The distribution, assignment, reassignment, and attendance of said petit jurors among the special terms of the Supreme Court of the District of Columbia shall be in accordance with rules to be prescribed by said court.

Assignment, etc.

"At least ten days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the police court and in the juvenile court of the District of Columbia in accordance with sections 45 and 46 of this code relating to the police court, and sections 14 and 15 of the Act of Congress approved

Jurors for police and juvenile courts.
Quarterly drawings.

Vol. 31, p. 1197.
Vol. 34, p. 75.

- For other courts. March 19, 1906, creating said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may have cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia."
- Substitution in case of death, etc. Vol. 31, p. 1222, amended. By striking out section 205 and inserting in lieu thereof: "SEC. 205. If any person whose name is drawn from the box shall have died or removed from the District before or after being selected, or become otherwise disqualified or disabled, the jury commission shall destroy the slip containing the name of such person, and in such case the jury commission shall draw from the box the name of another person to serve in his stead."
- Disposition of box after drawings. Vol. 31, p. 1222, amended. By striking out section 206 and inserting in lieu thereof: "SEC. 206. After the requisite number of jurors shall have been drawn the jury box shall be sealed and delivered to the clerk of the Supreme Court of the District of Columbia for safe-keeping, and the names of the persons drawn shall not be placed again in the box for one year, unless said jurors shall be excused or for other reasons shall fail to serve."
- Number of names required in box. Vol. 31, p. 1222, amended. By striking out section 207 and inserting in lieu thereof: "SEC. 207. At the time of each drawing of jurors by said commission there shall be in the jury box the names of not less than six hundred persons possessing the qualifications hereinafter prescribed, which names shall have been placed therein by said jury commission. Said jury commission shall keep an accurate record, in alphabetical form, of all names remaining in the jury box from time to time, which record shall be kept sealed and deposited for safe-keeping in the office of the clerk of the Supreme Court of the District of Columbia when the commission is not in session, and no person shall have access to said record except said commission."
- Record, etc., of names remaining. By striking out section 208 and inserting in lieu thereof: "SEC. 208. If any persons drawn as grand or petit jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the jury commission, under the direction of the court, shall draw from the box the name of other persons to take their places, and if, after the organization of the jury, any vacancies occur therein, they shall be filled in like manner."
- Filling vacancies. Vol. 31, p. 1223, amended. By striking out section 209 and inserting in lieu thereof: "SEC. 209. SPECIAL VENIRE.—Whenever in any criminal case in the Supreme Court of the District of Columbia it shall become impossible, on account of challenges or excuses, to impanel a trial jury from among the available petit jurors already in attendance on said supreme court and distributed or assigned among the several special terms thereof, the justice presiding at such criminal trial shall order the marshal to summon as many talesmen as may be necessary to complete said jury."
- Special venire in criminal cases. Vol. 31, p. 1223, amended. By striking out sections 213 and 214 and inserting in lieu thereof: "SEC. 213. FRAUDS.—If any person shall fraudulently tamper with any box used or intended by the jury commission for the names of prospective jurors, or of prospective condemnation jurors or commissioners, or shall fraudulently tamper with the contents of any such box, or with any jury list, or be guilty of any fraud or collusion with respect to the drawing of jurors or condemnation jurors or commissioners, or if any jury commissioner shall put in or leave out of any such box the name of any person at the request of such person, or at the request of any other person, or if any jury commissioner shall willfully draw from any such box a greater number of names than is required by the court, any such person or jury commissioner so offending shall for each offense be punished by a fine of not more than \$500 or imprisonment in the District Jail or workhouse for not more than one year, or both."
- Frauds. Tampering with jury box, etc. Vol. 31, p. 1223, amended.
- Fraudulent acts by commissioners.
- Punishment.

By striking out sections 218, 219, and 220, and inserting in lieu thereof:

Attorneys.
Vol. 31, p. 1224,
amended.
Admission to the
bar.

"SEC. 218. The Supreme Court of the District of Columbia in general term shall have full power and authority from time to time to make such rules as it may deem proper respecting the examination, qualification, and admission of persons to membership in its bar and their censure, suspension, and expulsion; and every person so admitted, before he shall be at liberty to practice therein, shall take and subscribe the following oath: 'I, _____, do solemnly swear (or affirm) that I will demean myself as a member of the bar of this court uprightly and according to law; and that I will support the Constitution of the United States.'

Oath.

"SEC. 219. That said supreme court, in general term, shall have full power and authority to censure, suspend from practice, or expel any member of its bar for any crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or any conduct prejudicial to the administration of justice. Any fraudulent act or misrepresentation by an applicant in connection with his application or admission shall be sufficient cause for the revocation by said court of such admission.

Authority to sus-
pend, expel, etc., a
member.

"SEC. 219a. Whenever any member of the bar of said court shall be convicted of any offense involving moral turpitude, and a duly certified copy of the final judgment of such conviction shall be presented to said court, the name of the member so convicted may thereupon, by order of said court, be stricken from the roll of the members of said bar, and he shall thereafter cease to be a member thereof. In the event of appeal from any such judgment of conviction as aforesaid, and pending the final determination of such appeal, the said court may order the suspension from practice of such convicted member of the bar; and upon a reversal of such conviction, or the granting of a pardon, said court shall have power to vacate or modify such order of disbarment or suspension.

Disbarment on con-
viction for moral tur-
pitude.

Suspension during
appeal.

Vacation of order,
etc.

"SEC. 220. Before any such member of the bar is censured, suspended, or expelled as provided by section 219, written charges, under oath, against him must be presented to said court, stating distinctly the grounds of complaint. Said court in general term may order said charges to be filed in the office of the clerk of said court and shall fix a time for hearing thereon. Thereupon a certified copy of said charges and order shall be served upon such member personally by the marshal or such other person as the court may designate, or in case it is established to the satisfaction of the court that personal service can not be had, a certified copy of such charges and order shall be served upon him by mail, publication, or otherwise as the court may direct. At any time after the filing of said written charges the court shall have power, pending the trial thereof, to suspend from practice the person charged."

Trial of charges in
general term.

By striking out sections 276, 277, 278, 279, and 280 and inserting in lieu thereof the following:

Administration of
estates.
Vol. 31, p. 1234,
amended.
Persons entitled.
Surviving husband
added.

"SEC. 276. PERSONS ENTITLED.—If the intestate leave a widow or surviving husband and a child or children, administration, subject to the discretion of the court, shall be granted either to the widow or surviving husband or to the child, or one or more of the children qualified to act as administrator, and further subject to the discretion of the court as follows:

"SEC. 277. If there be a widow or surviving husband and no child, the widow or surviving husband shall be preferred, and next to the widow or surviving husband or children a grandchild shall be preferred.

"SEC. 278. If there be neither widow or surviving husband, nor child, nor grandchild to act, the father shall be preferred; and if there be no father, the mother shall be preferred.

"SEC. 279. If there be neither widow or surviving husband, nor child, nor grandchild, nor father, nor mother to act, brothers and sisters shall be preferred.

"SEC. 280. If there be neither widow or surviving husband, nor child, nor grandchild, nor father, nor mother, nor brother, nor sister, the next of kin shall be preferred."

By striking out section 306 and inserting in lieu thereof:

Duties of collector.
Personal estate.
Vol. 31, p. 1238,
amended.

"SEC. 306. DUTIES OF COLLECTOR.—The collector shall collect the goods, chattels, and personal estate of the deceased, including the debts due him, and cause the same 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 said collector may, if authorized by the court, take possession of, hold, manage, conserve, and control all real estate affected by the will or wills in dispute, and said collector shall discharge, pendente lite, all the duties of an administrator, including the payment of debts, and shall be liable to an action by any creditor of the deceased and shall be entitled to the protection of any provision of law expressly relating to executors and administrators.

Real estate affected
by the will.

Commission allowed.

"Said 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.

Authority as to real
estate.

"In the event that such collector is authorized by the court to take possession of the real estate affected by such will or wills as hereinbefore set forth, the letters of collection shall so expressly specify, and his bond as such collector, in addition to the several matters set forth in section 305, shall specifically include the faithful performance of his duties with respect to such real estate."

Vol. 31, p. 1238.

By striking out section 307 and inserting in lieu thereof:

Termination of pow-
ers.
Vol. 31, p. 1238,
amended.

"SEC. 307. WHEN POWERS TO CEASE.—On the granting of letters testamentary or of administration the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the decedent in his hands, except as before excepted, to the person obtaining such letters, and the executor or administrator may be permitted to prosecute any suit commenced by said collector as if the same had been begun by said executor or administrator, and may also defend any suit brought against said collector by any creditor of the deceased."

By striking out section 308 and inserting in lieu thereof:

Recovery of prop-
erty not delivered,
etc.
Vol. 31, p. 1238,
amended.

"SEC. 308. If the said collector shall neglect or refuse 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."

New section.
Nonresident fiducia-
ries.
Service of notice on
register of wills under
power of attorney
from.

By inserting immediately after section 308 a new section, as follows:

"SEC. 308a. SERVICE UPON FIDUCIARY WHEN NOT TO BE FOUND.—In the case of the grant of either original or ancillary letters testamentary, or of administration, or of collection, or of guardianship, the person designated shall, if a nonresident of the District of Columbia, file in the office of the register of wills, before the issuance of such letters, 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 any competent court in the District of Columbia may be served, with like effect as personal service, in relation to any suit, matter, cause, or thing affecting or pertaining to the estate in which the letters are issued. It shall be the duty of said register of wills to forthwith forward by registered mail to

the address of such fiduciary, which shall be stated in said power of attorney, any notice or process served upon said register as aforesaid.

"In the event that any fiduciary shall fail to file such power of attorney within ten days after the passing of the order of appointment, such order shall thereupon stand revoked, and he shall forfeit all rights to the office."

By striking out section 310 and inserting in lieu thereof:

"SEC. 310. APPRAISERS.—On the granting of letters testamentary or of administration or letters of collection, except in the aforesaid excepted cases, a warrant 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, and they shall severally take and subscribe an oath well and truly, without partiality or prejudice, to value the goods, chattels, and personal estate and real estate (if so directed) of the deceased, as far as the same shall come to their knowledge, to the best of their skill and judgment."

By striking out section 321 and inserting in lieu thereof:

"SEC. 321. DEBT DUE BY ADMINISTRATOR OR COLLECTOR.—In like manner it shall be the duty of every administrator and collector to give in a claim against himself, and on his giving it, or failure so to do, there shall be the same proceeding as above described with regard to an executor; and the same rule shall apply to his sureties."

By striking out sections 374, 375, 376, and 377, and inserting in lieu thereof the following:

"SEC. 374. If the intestate leave a widow or surviving husband and no child, parent, grandchild, brother or sister, or the child of a brother or sister of the said intestate, the said widow or surviving husband shall be entitled to the whole.

"SEC. 375. If there be a widow or surviving husband and a child or children, or a descendant or descendants from a child, the widow or surviving husband shall have one-third only.

"SEC. 376. If there be a widow or surviving husband and no child or descendants of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or child of a brother or sister, the widow or surviving husband shall have one-half.

"SEC. 377. The surplus, exclusive of the widow's or surviving husband's share, or the whole surplus (if there be no widow or surviving husband), shall go as follows:"

By striking out section 445 and inserting in lieu thereof:

"SEC. 445. CAUSES.—In any action at law in the Supreme Court of the District of Columbia or the municipal court of said District, for the recovery of specific personal property, or a debt, or damages for the breach of a contract, express or implied, if the plaintiff, his agent or attorney, either at the commencement of the action or pending the same, shall file an affidavit showing the grounds of his claim and setting forth that the plaintiff has a just right to recover what is claimed in his declaration, and where the action is to recover specific personal property stating the nature and, according to affiant's belief, the value of said property and the probable amount of damages to which the plaintiff is entitled for the detention thereof, and where the action is to recover a debt stating the amount thereof, and where the action is to recover damages for the breach of a contract setting out, specifically and in detail, the breach complained of and the actual damage resulting therefrom, and also stating either, first, that the defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months; or, second, that the defendant evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District; or, third, that he has removed or is about to remove some or all of his

Forfeiture of rights,
etc.

Inventories.
Appraisers.
Vol. 31, p. 1238,
amended.
Letters of collection
added.

Assets of estates.

Debts due by ad-
ministrator or collec-
tor.
Vol. 31, p. 1240; Vol.
32, p. 529, amended.

Distribution.
Vol. 31, p. 1249,
amended.

Parties entitled.
Surviving husband
added.

Attachments.
Vol. 31, p. 1258,
amended.
Causes stated.
Actions in municipal
court included.

Affidavit of claim to
be filed.

Grounds for issue to
be designated.

Issue of writ.	property from the District, so as to defeat just demands against him; or, fourth, that he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or, fifth, that the defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, the clerk shall issue a writ of attachment and garnishment, to be levied upon so much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff: <i>Provided</i> , That the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment."
Proviso. Bond required.	By striking out section 455 and inserting in lieu thereof: "SEC. 455. RELEASES.—Either the defendant or the person in whose possession the property was may obtain a release of the same from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him as aforesaid, with security to be approved by the court.
Releases. Vol. 31, p. 1261, amended. By giving undertaking to marshal.	"The plaintiff may except to the sufficiency of the undertaking accepted as aforesaid by the marshal and, if the exceptions be sustained, the court shall require a new undertaking, with sufficient surety, by a day to be named, in default of which he shall be liable to the plaintiff on his official bond for any loss sustained by the plaintiff through such default.
New undertaking if first excepted to.	"Either the defendant or the person in whose possession credits are attached may obtain a release of the same from the attachment by filing an undertaking with security to be approved by the court.
By undertaking to court.	"If property or credits attached be released upon an undertaking given as aforesaid, and judgment in the action be rendered in favor of the plaintiff, it shall be a joint judgment against both the defendant and all persons in said undertaking for the appraised value of the property or the amount of the credits."
Liability on judgments.	By inserting immediately after section 479, a new section, as follows:
New section.	"SEC. 479a. In all cases where, by the provisions of this code, a bond is required from an executor, administrator, administrator cum testamento annexo, administrator de bonis non, guardian, committee, collector, trustee, receiver, assignee for the benefit of creditors, or any other fiduciary appointed or confirmed by the Supreme Court of the District of Columbia, or any member thereof, or where a bond is required from any party to a cause or proceeding pending in such court, such bond shall be in the form of an undertaking, under seal, in a maximum amount to be fixed by the court, conditioned as required by law, the surety or sureties therein submitting themselves to the jurisdiction of the court and undertaking for themselves and each of them, their and each of their heirs, executors, administrators, successors, and assigns to abide by and perform the judgment or decree of the court in the premises, and further agreeing that, upon default by the principal in any of the conditions thereof, the damages may be ascertained in such manner as the court shall direct; that the court may give judgment thereon in favor of any person thereby aggrieved against such principal and sureties for the damages suffered or sustained by such aggrieved party, and that such judgment may be rendered in said cause or proceeding against all or any of the parties whose names are thereto signed.
Bonds and undertakings. Vol. 31, p. 1265, amended.	"And the said Supreme Court of the District of Columbia and its respective special terms, be, and they are hereby, vested with and
Form, etc.	
Condition of undertaking.	
Judgment against principal and surety.	

given jurisdiction and authority to enter such judgments and decrees against the principal and surety or sureties, or any of them, upon such undertaking as law and justice shall require: *Provided*, That nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

Proviso.
Ordinary remedy not precluded.

"All provisions of this code relating to actions, remedies and proceedings upon bonds of such fiduciaries shall apply and be effective as to such undertakings to the same extent as if such undertaking had been expressly mentioned and referred to therein."

All actions, etc., on bonds of fiduciaries applicable.

By inserting immediately after section 479a, a new section, as follows:

New sections.

"SEC. 479b. In any proceeding in the Supreme Court of the District of Columbia or any special term thereof to recover damages upon a bond or undertaking given to obtain a restraining order or preliminary or pendente lite injunction the court, in assessing damages to be recovered thereunder, may include such reasonable counsel or attorney fees as the party aggrieved or damaged by such restraining order or injunction may have been put to or incurred in obtaining a dissolution thereof."

Damages under bonds for restraining orders, etc.

By inserting immediately after section 484 a new section as follows:

Condemnation of private land.
Vol. 31, p. 1263, amended.
Special list of commissioners for.

"SEC. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safe-keeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial of condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as commissioners or jurors in condemnation proceedings and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation commissioners or jurors from said special box there shall be in said special box the names of not less than one hundred persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said commissioners and jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be eligible to serve as a condemnation commissioner or juror who has served as such commissioner or juror within one year."

Vol. 31, p. 1223.
Ante, p. 558.

Jury box and drawings by jury commission.

Qualifications, etc.

Ante, p. 558.

By striking out section 485 and inserting in lieu thereof:

"SEC. 485. CITATION TO OWNERS.—The said court holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability

Citation to owners, etc.
Vol. 31, p. 1265, amended.

Selection of commis-
sioners.

who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as shall seem meet."

By striking out section 487 and inserting in lieu thereof:

Jury.
Appointment of, if
appraisement by com-
missioners unsatisfac-
tory.
Vol. 31, p. 1286,
amended.

"SEC. 487. JURY.—If any of the parties interested, or the guardian ad litem appointed for any such person who may be under a disability, shall be dissatisfied with the appraisement of the commissioners, the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall appoint a jury of seven capable and disinterested persons to meet and view the premises, giving the parties interested at least six days' notice of the time and place of meeting."

Condemning lands
for streets.
Vol. 34, p. 152,
amended.
Marshal's jury.
Drawing.

By striking out section 491d and inserting in lieu thereof:

"SEC. 491d. After the return of the marshal and the filing of proof of publication of the notice provided for in the next preceding section said court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall appoint a jury of five capable and disinterested persons, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of said street, avenue, road, or highway, and the condemnation of the land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided."

Oath, etc.

Duties.

By striking out section 491h and inserting in lieu thereof:

Appeals from
awards.
New jury authorized
if award vacated.
Vol. 34, p. 153,
amended.

"SEC. 491h. The said court shall hear and determine any objections or exceptions that may be filed to any verdict of the jury and shall have power to vacate and set any verdict aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed to ascertain the damages or assess the benefits, or both, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the objections or exceptions to the verdict shall be filed within twenty days after the return of the verdict to the court."

Provisos.
Land vacated in
part.

Filing objections.

By striking out section 726 and inserting in lieu thereof:

Corporations.
Real estate holdings
by, extended.
Vol. 31, p. 1306,
amended.

"SEC. 726. Any company operating under this subchapter may lease, purchase, hold, and convey real property in which the offices of the company are located not to exceed in value the capital and surplus of the company, and such in addition as it may acquire in satisfaction of debts due the corporation under sales, decrees, judgments, and mortgages. But no such association shall hold the possession of any real estate under foreclosure of mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years."

Temporary posses-
sion.

By striking out section 808 and inserting in lieu thereof:

"SEC. 808. RAPE.—Whoever has carnal knowledge of a female forcibly and against her will, or carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for not more than thirty years: *Provided*, That in any case of rape the jury may add to their verdict, if it be guilty, the words 'with the death penalty,' in which case the punishment shall be death by hanging: *Provided further*, That if the jury fail to agree as to the punishment the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section."

By inserting immediately after section 830 a new section, as follows:

"SEC. 830a. Whosoever willfully and fraudulently makes away with, secretes, or converts to his own use any property, documents, or assets of any kind or nature belonging to the estate of a deceased person shall be punished by a fine not exceeding \$2,000 or imprisonment for not more than two years, or both."

By inserting immediately after section 983 a new section, as follows:

"SEC. 983a. WHEN DECREE FOR ANNULMENT OR ABSOLUTE DIVORCE EFFECTIVE.—No final decree annulling or dissolving a marriage shall be entered until after the expiration of ninety days after the entry of an interlocutory order adjudging that a case for annulment or dissolution has been proved, and every such interlocutory order shall expressly state that no annulment or divorce is awarded by it. After the expiration of such period of ninety days a final decree shall be entered by the court, provided it is applied for within thirty days, but it shall not be effective to annul or dissolve the marriage until the expiration of the time allowed for taking an appeal, nor until the final disposition of any appeal taken, and every such final decree shall expressly so recite."

By striking out section 1064 and inserting in lieu thereof:

"SEC. 1064. TESTIMONY OF SURVIVING PARTY.—If one of the original parties to a transaction or contract has, since the date thereof, died or become insane or otherwise incapable of testifying in relation thereto, the other party thereto shall not be allowed to testify as to any transaction with or declaration or admission of the said deceased or otherwise incapable party in any action between said other party or any person claiming under him and the executors, administrators, trustees, heirs, devisees, assignees, committee, or other person legally representing the deceased or otherwise incapable party unless he be first called upon to testify in relation to said transaction or declaration or admission by the other party, or unless the opposite party first testify in relation to the same, or unless the transaction or contract was made or had with an agent of the said deceased or otherwise incapable party, and said agent testifies in relation thereto."

By adding immediately after section 1073 a new section, as follows:

"SEC. 1073b. PROOF OF MUNICIPAL ORDINANCES AND REGULATIONS.—Municipal ordinances and regulations in force in the District of Columbia may be proved by producing in evidence a copy thereof certified by the secretary or an assistant secretary of the Board of Commissioners of the District of Columbia, and such certified copy shall be prima facie evidence of the due adoption and promulgation of such ordinances and regulations."

By striking out section 1160.

By striking out section 1173 and inserting in lieu thereof:

"SEC. 1173. RENUNCIATION OF DEVISES AND BEQUESTS.—A widow shall be barred of her right of dower in the land and share in the personal estate by any such devise or bequest unless within six months

Crimes.

Rape.
Vol. 31, p. 1322,
amended.
Punishment for.

Provisos.
Death on verdict.

Imprisonment.

New section.
Vol. 31, p. 1324; Vol.
32, p. 535.

Embezzling, et c.,
property of deceased
person.
Punishment.

Divorce.
Vol. 31, p. 1347.

Final decree not ef-
fective until interlocu-
tory order expires.

Application for.

Appeals allowed.

Evidence.

Testimony of surviv-
ing party not ad-
mitted.
Vol. 31, p. 1357,
amended.

Exceptions modi-
fied.

New section.
Vol. 31, p. 1358; Vol.
32, p. 540.

Proof of municipal
ordinances, etc.

Administration of
wife's estate stricken
out.

Vol. 31, p. 1375.
Renunciation of de-
vises and bequests.
Vol. 31, p. 1376,
amended.

- after administration may be granted on her husband's estate she shall file in the probate court a written renunciation to the following effect:
- By widow.** 'I, A. B., widow of ———, late of ———, deceased, do hereby renounce and quit all claim to any devise or bequest made to me by the last will of my husband exhibited and proved according to law; and I elect to take in lieu thereof my dower and legal share of the estate of my said husband.' If, during said period of six months, a suit should be instituted to construe the will of her husband, the period of six months for the filing of such renunciation shall commence to run from the date when such suit shall be finally determined, by appeal or otherwise.
- Effect of renunciation.** "By renouncing all claim to any and all devises and bequests, made to her by the will of her husband, she shall be entitled, in addition to her dower, to the distributive share of his personal property, which she would have taken had he died intestate, and, except in cases of valid antenuptial or postnuptial agreements, this provision for the wife shall apply with the effect (without formal renunciation) to cases where the husband has made no devise or bequest to his wife.
- By husband.** "By renouncing, within the period above prescribed, all claim to any and all devises or bequests, made to him by the will of his wife, the husband shall be entitled to the distributive share in her personal property which he would have taken had she died intestate, and, except in cases of valid antenuptial or postnuptial agreements, this provision for the husband shall apply with like effect (without formal renunciation) to cases where the wife has made no devise or bequest to her husband."
- Interest on express contracts.** Amend section 1179 by striking out the word "ten" (next to last line) and inserting "eight."
- Vol. 31, p. 1377, amended.**
- Usury. Rate and penalty modified.** By striking out section 1180 and inserting in lieu thereof:
- Vol. 31, p. 1377, amended.** "SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per centum per annum, or shall contract, in writing, to pay a greater rate than 8 per centum per annum, the creditor shall forfeit the whole of the interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the Act of Congress approved February 4, 1913, relating to the business of loaning money on security." (Thirty-seventh Statutes, part 1, page 657.)
- Proviso. Money loaning regulations not affected.** By striking out section 1233 and inserting in lieu thereof:
- Vol. 37, p. 657.** "SEC. 1233. UNDERTAKING ON APPEAL.—In case of an appeal by the defendant his undertaking, in order to operate as a supersedeas, shall be an undertaking, with one or more sureties approved by the court, to abide by and pay the judgment rendered, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof, from the date of the judgment of the municipal court to the date of its affirmance; and in said undertaking the said defendant and his surety or sureties, the latter submitting themselves to the jurisdiction of the court, shall agree that if the judgment be affirmed judgment may be rendered against them by the appellate court for the amount of the judgment so affirmed and the intervening damages, compensation, and costs aforesaid."
- Landlord and tenant. Undertaking on appeal.** By striking out section 1262 and inserting in lieu thereof:
- Vol. 31, p. 1383, amended.** "SEC. 1262. LIVERYMAN.—It shall be lawful for all persons keeping or boarding any animals at livery within the District, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, or board of such animals shall have been paid: *Provided, however*, That notice in writing shall first be given to such owner in person or at his last known place of
- Municipal court substituted.**
- Liens.**
- Liverymen.**
- Vol. 31, p. 1388.**
- Proviso. Notice to owner.**

residence of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid. Garage keepers shall also have a lien for their charges for storage, repairs, and supplies of or concerning motor vehicles, when such charges are incurred by an owner or conditional vendee of such motor vehicles, and may detain such motor vehicles at any time they may have lawful possession thereof, after giving a notice similar to that provided for liverymen. If said charges are not paid in thirty days said lien may be enforced in the manner provided in section 1264."

Motor vehicle garages.

Enforcement in equity.
Vol. 31, p. 1388.
Negotiable instruments.

By striking out section 1422 and inserting in lieu thereof:

Protests.
Vol. 31, p. 1407, amended.

"SEC. 1422. PROTEST ON OTHER INSTRUMENTS THAN FOREIGN BILLS.—Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

"The original protest of a notary public, under his hand and official seal, of any bill of exchange, check, or order for nonacceptance or nonpayment, or of any promissory note for nonpayment, stating the presentment by him of such bill of exchange, check, order, or promissory note for acceptance or payment and the nonacceptance or nonpayment thereof, and the service of notice thereof on any of the parties to such bill of exchange, promissory note, or check, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given shall be prima facie evidence of the facts therein contained."

Acceptance of original protest as evidence.

Insert immediately after section 1535 a new section as follows:

Procedure.
Vol. 31, p. 1419, Vol. 32, p. 544.
New sections.
Judgments in part.

"SEC. 1535a. Whenever in any action at law or in equity the defendant admits a part of the cause of action, a final judgment or decree may be entered for such part, and the plaintiff may prosecute the remainder of his claim in the same suit and (if he sustains his claim for such remainder) may have a further final judgment or decree therefor."

Insert immediately after section 1535a two new sections as follows:

"SEC. 1535b. TRANSFER FROM LAW TO EQUITY OR VICE VERSA.—In any case where it shall appear that an action at law should have been brought in equity, or a suit in equity should have been brought at law, the judge presiding in the special term, circuit or equity, as the case may be, shall order such case to be transferred to such other special term accordingly, whereupon such amendments shall be made in the pleadings as may be necessary to make them conform to the proper practice. All testimony taken before such transfer, if preserved, shall stand as testimony in the cause.

Transfer from law to equity and vice versa.
Authority of judge.

Testimony to stand.

"SEC. 1535c. EQUITABLE DEFENSES AT LAW.—In all actions at law equitable defenses may be interposed by plea or replication."

Equitable defenses admitted at law.

SEC. 1535d. SUITS ON LOST INSTRUMENTS.—No suit at law founded upon a lost instrument shall be dismissed on the ground that the suit should have been brought in equity, but a similar bond or undertaking to that required in equity shall be given as a condition precedent to judgment.

Suits on lost instruments at law.

Bond required.

SEC. 2. That this Act shall not take effect until the expiration of thirty days from its approval, and shall not affect the term of service of jurors who are already drawn and in attendance, or who may, within said period of thirty days, be drawn and accepted for service in the Supreme Court of the District of Columbia, the police court of the District of Columbia, or the juvenile court of the District of Columbia.

Act effective in 30 days.
Jury service continued.

Approved, April 19, 1920.

April 20, 1920.
[H. R. 9065.]
[Public, No. 182.]

CHAP. 154.—An Act To amend certain sections of the Federal Farm Loan Act, approved July 17, 1916.

Federal Farm Loan Act Amendments.

Deputy registrars authorized.

Farm loan registrars. Vol. 39, p. 361, amended.

Deputy registrars.

Appraisers and examiners.

Other employments restricted.

Proviso. Temporary employees.

Appraisal of lands.

Action of loan committee on applications for loans. Vol. 39, p. 369, amended. Vol. 39, p. 366.

Approval.

Submission to land bank.

Powers of land associations.

To fix charges. Vol. 39, p. 370, amended.

Proviso. Limit.

Property ownership.

Loan restrictions. Amortization requirements modified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh paragraph of section 3 be amended by adding after the word "Act" the words "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office" and also by adding after "registrars," in the sixth line of said paragraph the words "deputy registrars," so that the paragraph as amended will read:

"The Federal Farm Loan Board shall appoint a farm loan registrar in each land bank district to receive applications for issues of farm loan bonds and to perform such other services as are prescribed by this Act, and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office. It shall also appoint one or more land bank appraisers for each land bank district and as many land bank examiners as it shall deem necessary. Farm loan registrars, deputy registrars, land bank appraisers, and land bank examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work."

SEC. 2. That the first paragraph of section 10 be amended to read as follows:

"That whenever an application for a mortgage loan is made through a national farm loan association, the loan committee provided for in section 7 of this Act, shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered, and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval thereof.

"The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal."

SEC. 3. That the third paragraph of section 11 be amended to read as follows:

"Third. To fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: *Provided*, That such charges shall not exceed amounts to be fixed by the Farm Loan Board, and shall in no case exceed 1 per centum of the amount of the loan applied for; to acquire and dispose of property, real and personal, that may be necessary or convenient for the transaction of its business."

SEC. 4. That section 12 of said Act be amended by striking out in the second provision the words "additional payments in sums of \$25, or any multiple thereof for the reduction of the principal, or the payment of the entire principal, may be made on any regular installment date," and inserting in lieu thereof the words "the mortgagor may, upon any regular installment date, make in advance any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan," so that the provision as amended will read: