

Ante, p. 323.
—civilian employees:
limit.

And the words:

“*Provided*, That no more than one million dollars of the sums appropriated by this Act shall be paid out for the services of civilian employees in the Quartermaster’s Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than one hundred and fifty dollars per month, unless the same shall be specially fixed by law.”

Ordnance Department.
Ante, p. 326.
Civilian clerks:
limit.

Third. So much of the Act approved March fifteenth, eighteen hundred and ninety-eight, entitled “An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine,” under the heading Ordnance Department, as provides that not more than sixty-five thousand dollars of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department.

Admission free of
war materials.

And be it further enacted, That during the existing war materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty.

Purchases without
advertisement.

And be it further enacted, That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase without advertisement such ordnance and ordnance stores as are needed for immediate use, and when such ordnance and ordnance stores are to be manufactured then to make contracts without advertisement for such stores to be delivered as rapidly as manufactured.

Approved, June 7, 1898.

June 7, 1898.

CHAP. 393.—An Act Authorizing certain life-saving stations to be opened and manned during June and July, eighteen hundred and ninety-eight.

Life-Saving Service.
Operation at certain
stations during June
and July.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to keep such of the life-saving stations upon the Atlantic and Gulf coasts opened and manned for active service during the months of June and July, eighteen hundred and ninety-eight, as he may deem advisable, the number of surfmen to be employed at each station during this period to be such as the General Superintendent of the Life-Saving Service shall determine, not to exceed the number now employed, and the compensation of each surfman shall be at the rate of sixty dollars per month.

Appropriation.

SEC. 2. That for the purpose of carrying into effect the provisions of the preceding section the sum of seventy thousand dollars, or such portion thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated.

Approved, June 7, 1898.

June 8, 1898.

CHAP. 394.—An Act Conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes.

District of Columbia.
Supreme court in-
vested with powers
exercised by orphan’s
court, etc.
Vol. 16, p. 167.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of Congress entitled “An Act relating to the supreme court of the District of Columbia,” approved June twenty-first, eighteen hundred and seventy, be, and the same hereby is, amended so as to read as follows:

“That all the powers and jurisdiction by law held and exercised by the orphans’ court of Washington County, District of Columbia, prior

to the twenty-first day of June, anno Domini eighteen hundred and seventy, are hereby conferred upon the supreme court of the District of Columbia. Such powers and jurisdiction shall continue to be exercised by one of the justices of said court holding a special term for orphans' court business, and from his judgments, orders, and decrees there shall be the same right of appeal to the court of appeals of the District of Columbia as is given by section seven of the Act of Congress establishing said court of appeals, approved February ninth, eighteen hundred and ninety-three: *Provided*, That nothing herein contained shall divest said court or said special term or said justice of any power or jurisdiction conferred upon said court or said special term or said justice by existing law." --special term of.

SEC. 2. That in addition to the jurisdiction conferred in the preceding section of this Act, plenary jurisdiction is hereby given to the said court holding the said special term to hear and determine all questions relating to the execution and to the validity of any and all wills devising any real estate within the District of Columbia and of any and all wills and testaments properly presented for probate therein, and to admit the same to probate and record in said special term; and neither the execution nor the validity of any such will or testament so admitted to probate and record shall be impeached or examined collaterally, but the same shall be in all respects and as to all persons *res judicata*, subject, nevertheless, to the provisions hereinafter contained. --appeal.

SEC. 3. That all issues of fact hereafter arising in the supreme court of the District of Columbia holding a special term for orphans' court business, including those relating to the execution of the validity of any will or testament, shall hereafter be tried before said justice holding said special term, and that when required for such purpose jurors shall be drawn in the manner now by law provided for the drawing of jurors for service at the special term of the supreme court of the District of Columbia sitting as a circuit court for said District. Vol. 27, p. 435.

SEC. 4. That no will or testament shall be hereafter admitted to probate and record in the said District until the following procedure shall have been followed: Whenever any will or testament shall be presented for probate and record to the said justice he shall direct all of the heirs at law or next of kin of the testator, or both, as the case may require, to be summoned to appear before him at a certain day, not earlier than ten days from the date of said presentation; if said summons shall be returned personally served upon all of said heirs at law or next of kin, or both, at least five days before said return day, then, if no caveat be filed to said will, the said justice may forthwith admit the same to probate and record. But if any of said heirs at law or next of kin be returned "not to be found," then the said justice shall cause not less than thirty days' notice of the application for such probate to be published in some newspaper of general circulation in the District of Columbia, and may order such other publication as the case may require. And upon such notified day, or such subsequent day as the court shall appoint, the said application for probate shall be heard, due proof of such publication being made; and if no caveat be filed the said will or testament shall be admitted to probate and record. In all cases in which all of the heirs at law or next of kin of a testator, or both, consent to such probate and record, such will and testament shall thereupon be forthwith admitted to probate and record without the hereinbefore described proceedings. In all cases in which any of said heirs at law or next of kin is an infant or of unsound mind the said justice shall appoint a guardian *ad litem* for said infant or person of unsound mind: *Provided*, That in no case shall any will or testament be admitted to probate and record save upon formal proof of its proper execution. Proviso. Existing powers unchanged.

SEC. 5. That the preceding sections of this bill shall be subject to the following proviso: Any person interested in said probate who at the time of the final decree admitting any will or testament to probate and record is within the age of twenty-one years may file a caveat to said will within one year after he becomes of age; and any person so inter- Proviso. Proof of execution necessary. Caveat, time for filing.

--may admit to probate wills devising real estate, etc.

Trial of issues of fact.

Procedure for probate of wills.

--when dispensed with.

Infants, etc.

ested who at the said time was returned "not to be found" and was proceeded against by order of publication, may file such caveat within two years after the date of said final decree; and any person actually served with process or personally appearing in said proceedings may file such caveat within one year after said date.

—framing of issues.

Proviso.

Trial without a jury.

Service on heirs, etc.

—infants, etc.

Return of "not to be found."

Service outside the District; regulations.

Trial.

—exceptions.

New trial.

Judgment to be res judicata.

Supreme court may administer real estate of decedents.

Sale of real estate.

Proviso.

—limitations.

SEC. 6. That 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 are before the court, the issues may be tried and determined by the court without a jury upon the written consent of all such parties. 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, with all persons claiming under the will, shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any 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 a copy of the issues and notification of trial in some newspaper of general circulation in the District of Columbia, and may order such other 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, but personal service upon absent defendants shall in no case be essential to the jurisdiction of the court in the premises. Upon the day notified, or such subsequent day as the court shall appoint, the court shall proceed with the trial of said issues, due proof of such publication and, when required, of such personal service being made, and due opportunity being given to any party in interest to demand other and further issues. On the trial of any such issue exceptions may be taken to the rulings of the court, which shall be embodied in a bill of exceptions, to be settled and signed by the justice presiding within such time as may be fixed by the rules of practice prescribed from time to time by the supreme court of the District of Columbia in general term, and the said justice shall have the same power to set aside the verdict and grant a new trial that is possessed and exercised by the supreme court of the District of Columbia in cases tried with a jury according to the course of the common law, and as to such trials shall have all other powers now vested by law in the supreme court of the District of Columbia holding a special term as a 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 proceeding in error and to such revision as the common law provides, be res judicata as to all persons, nor shall the validity of any such judgment be impeached or examined collaterally.

SEC. 7. That in addition to the power and jurisdiction conferred by this Act and by prior laws upon the supreme court of the District of Columbia holding a special term for orphans' court business, said court is hereby given plenary authority to administer also the real estate situated in the District of Columbia of decedents, so far as may be necessary for the payment of debts and legacies, and to distribute among those entitled thereto any surplus proceeds of any sale of real estate made in the course of such administration, and that the bonds hereafter executed of all executors and administrators shall be responsible for the proceeds of sale of all real estate sold by them under the order of the said justice for such purposes of administration: *Provided, however*, That no such sale shall be made unless the same be required for the purposes of paying debts and such legacies as are chargeable upon the real estate, nor until the auditor of the court shall have ascertained and reported a deficiency of personal assets for such purposes, and such report shall be subject to exception.

SEC. 8. That the foregoing sections of this Act shall apply only to wills and testaments hereafter offered for probate, and, in cases of intestacy, to the estates of such persons as shall die after the passage of this Act: *Provided*, That in the supreme court of the District of Columbia holding a term for orphans' court business any person interested under any will heretofore filed in said court may offer the same for probate as a will of real estate, whereupon such proceedings shall be had as by this Act are authorized in regard to wills hereafter offered for probate.

Act applicable only to wills hereafter filed.

Proviso.
Probate of wills heretofore filed.

SEC. 9. That the said justice may authorize and direct collectors heretofore or hereafter appointed to discharge pendente lite all or any of the duties of an administrator.

Collectors to act as administrators.

SEC. 10. That the record in the office of the register of wills for the District of Columbia of a duly certified copy, or transcript of the record of proceedings, admitting any will or codicil to probate outside of the District of Columbia; and the record in said office of any will or codicil heretofore admitted to probate in said District, and which shall not have been annulled or declared void according to law prior to the passage of this Act, shall be deemed and held, at law and in equity, as of the same and like force and effect as if such will or codicil had been duly proved and admitted to probate and record under and in accordance with the provisions of this Act: *Provided*, That the provisions of this section shall not apply to any proceedings at law or in equity pending at the date of the passage of this Act, or commenced within one year after the passage of this Act, wherein or whereby the validity of such will or codicil is or shall be called in question.

Force in the District of will probated elsewhere, etc.

Proviso.
—limitation.

SEC. 11. That the supreme court of the District of Columbia in general term is hereby authorized and empowered to make all such rules of practice as shall be necessary for the exercise of the jurisdiction hereby conferred, and to revise and alter such rules from time to time as it may deem proper.

Rules of practice.

SEC. 12. That all laws and parts of laws inconsistent herewith are hereby repealed.

Repeal.

Approved, June 8, 1898.

CHAP. 395.—An Act Making appropriations to supply urgent deficiencies in the appropriations for the support of the Military and Naval establishments for the fiscal year eighteen hundred and ninety-eight, and for other purposes.

June 8, 1898.
Post, p. 772.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and hereby are, appropriated out of any money in the Treasury not otherwise appropriated to supply deficiencies in the appropriations for the support of the Military and Naval establishments for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes, as follows:

Urgent deficiencies appropriations.

MILITARY ESTABLISHMENT.

CONTINGENCIES OF THE ARMY.

Army.

For contingent expenses of the Army, incident to the expedition to the Philippine Islands, to be expended under the direction of the commanding officer of the United States military forces at the Philippine Islands, in his discretion, for such purposes as he may deem best in the execution of his duties under the orders of the President, and for such objects as are not now appropriated for, to be available until expended, one hundred thousand dollars.

Expenses Philippine expedition.