

Public Law 85-244

AN ACT

August 31, 1957
[H. R. 6508]

To modify the Code of Law for the District of Columbia to provide for a uniform succession of real and personal property in case of intestacy, to abolish dower and curtesy, and to grant unto a surviving spouse a statutory share in the other's real estate owned at time of death, and for other purposes.

Title 18, D. C.
Code, amendments.
31 Stat. 1342.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 940 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, sec. 18-101), is amended to read as follows:

"§ 940. Course of descents generally.—

"On the death of any person seized of an estate in fee simple in lands, tenements, or hereditaments in the District of Columbia, and intestate thereof, the same shall descend in fee simple to such person's kindred as follows: To those persons, who, according to the laws of the District of Columbia now or hereafter in force relating to the distribution of the personal property of intestates, would be the distributees to take the surplus personal property of such intestate, if he or she had died a resident of the District of Columbia and possessed of such surplus of personalty; and such kindred (including the surviving spouse as such) shall take in the same proportions as are or shall be fixed by such laws relating to personal property, and shall take as tenants in common."

SEC. 2. The estate by the curtesy in the real estate of a wife dying after the effective date of this Act, and its incidents, are hereby abolished.

SEC. 3. (a) The right of dower, and its incidents, are hereby abolished; except that with respect to parties who intermarried prior to the effective date of this Act, the wife shall retain her dower rights in all real estate whereof the husband, prior to the effective date of this Act, was seized of an estate of inheritance at any time during the marriage. As to any such real estate of which the husband dies seized, the share of the wife therein, as provided in section 940 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, sec. 18-101), shall be in lieu of her dower rights unless she elects to take the same in similar manner and within the period as authorized in section 1173 of such Act, as amended (D. C. Code, sec. 18-211), providing for renunciation of devises and bequests under wills.

(b) The intestate share as provided by section 940 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, shall attach to all real property owned by husband or wife during coverture: *Provided*, That neither husband nor wife hereafter shall have the right to convey, transfer or encumber his or her real property free of the surviving spouse's interest in case of intestacy, as provided in this Act, without joinder of the other spouse.

Repeals.

SEC. 4. (a) Section 953 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, sec. 18-103), is hereby repealed.

(b) Section 954 of such Act, as amended (D. C. Code, sec. 18-104), is hereby repealed.

(c) Section 955 of such Act, as amended (D. C. Code, sec. 18-105), is hereby repealed.

(d) Section 958 of such Act, as amended (D. C. Code, sec. 18-107), is hereby repealed.

(e) Section 962 of such Act, as amended (D. C. Code, sec. 18-111), is hereby repealed.

(f) Section 1175 of such Act (D. C. Code, sec. 18-213) is hereby repealed.

(g) Section 1176 of such Act (D. C. Code, sec. 18-214) is hereby repealed.

(h) Section 1159 of such Act (D. C. Code, sec. 18-215) is hereby repealed.

SEC. 5. Section 1172 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D. C. Code, sec. 18-210), is amended to read as follows:

"§ 1172. Devise or bequest to spouse.

"Subject to the provisions of section 1174 of this Act, every devise of real estate or any interest therein, and every bequest of personal estate or any interest therein, to the surviving spouse shall be construed to be intended in bar of his or her share in decedent's estate (including dower rights, if any) unless it be otherwise expressed in the will."

Infra.

SEC. 6. Section 1173 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, sec. 18-211), is amended to read as follows:

"§ 1173. Renunciation of devises and bequests to spouse.

"Subject to the provisions of section 1174 of this Act, a widow or widower shall be barred of any rights or interest she or he may have in real or personal estate by any such devise or bequest unless within six months after administration may be granted on the deceased spouse's estate she or he shall file in the probate court a written renunciation to the following effect:

Infra.

"I, A. B., widow or widower 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 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 said spouse."

"If, during said period of six months, a suit should be instituted to construe the will of the husband or wife, 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.

"By renouncing all claim to any and all devises and bequests, made to her or him by the will of her husband or his wife, the surviving spouse shall be entitled to such share or interest in the real and personal estate which she or he would have taken had the deceased spouse died intestate. Except in cases of valid antenuptial or postnuptial agreements, and except in cases when it is expressly waived in a writing filed with the probate court within said six months period, this provision for the surviving spouse shall apply with like effect (without formal renunciation) to cases where the wife or husband has made no devise or bequest to her husband or his wife, and also to cases where nothing passes by such devise or bequest."

SEC. 7. Section 1174 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D. C. Code, sec. 18-212), is amended to read as follows:

"SEC. 1174. If the surviving spouse does not renounce as provided in section 1173 of this Act, she or he shall be entitled to receive the benefit of all provisions in her or his favor in the will of the deceased spouse and shall share, in accordance with sections 373, 374, 375, 376, and 940 of this Act, in any estate of the deceased spouse undisposed of by the will."

Supra.

D. C. Code 18-701, 702, 703, 704;
supra.

SEC. 8. Section 1154 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D. C. Code, sec. 30-201), is amended to read as follows:

“§ 1154. Married women—Power to dispose of separate property.

“Subject to the provisions of subsection (b) of section 3 of this Act, married women shall hold all their property of every description, for their separate use as fully as if they were unmarried, and shall have power to dispose of the same by deed, mortgage, lease, will, gift, or otherwise, as fully as husbands have the power to dispose of their property, and no more; except that no disposition of her real or personal property, or any portion thereof, by deed, mortgage, bill of sale, or other conveyance, shall be valid if made by a married woman under twenty-one years of age.”

SEC. 9. (a) Section 386 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D. C. Code, sec. 18-714), is amended to read as follows:

Children of
intestate, etc.

“SEC. 386. No right in the inheritance to real or personal property shall accrue to or vest in any person other than the children of the intestate and their descendants, unless such person is in being and capable in law to take as heir or distributee at the time of the intestate's death; but any child or descendant of the intestate born after the death of the intestate shall have the same right of inheritance as if born before his death.”

(b) Section 386a of such Act (D. C. Code, sec. 18-715) is amended to read as follows:

“SEC. 386a. In no case shall there be any distinction between the kindred of the whole and the half-blood.”

(c) Section 387 of such Act (D. C. Code, sec. 18-716) is amended to read as follows:

Illegitimate
children.

“SEC. 387. The illegitimate child or children of any female and the issue of any such illegitimate child or children shall be 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 such illegitimate child or children shall die leaving no descendants, or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children shall be entitled to the real and personal estate of such illegitimate child or children, and if the mother be dead, the heirs or distributees of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.”

(d) Section 388 of such Act (D. C. Code, sec. 18-717) is amended to read as follows:

Escheatment.

“SEC. 388. If there be no widow or widower or relations of the intestate within the fifth degree, which shall be reckoned by counting down from the common ancestor to the more remote, the surplus of real and personal property shall escheat to the District of Columbia to be used by the Commissioners of the District of Columbia for the benefit of the poor.”

SEC. 10. Any provision of law inconsistent with the provisions of this Act, or any amendment made by this Act, is hereby repealed.

Effective date.

SEC. 11. This Act shall become effective ninety days after the date of its enactment.

Approved August 31, 1957.