

heard of for above seven years, and supposed to be dead; provided, that when any will or codicil shall be presented for probate, or application shall be made for letters testamentary, or of administration upon the estate of a person so absent and unheard of for above seven years, the person presenting such will or codicil, or making application for letters, as aforesaid, shall file a written petition, under oath, setting forth the time when and place where absentee was last heard of by his family or friends; that diligent inquiry has been made among the family, relatives and friends of such absentee; and that advertisement and inquiry by letters or otherwise has been made, at the most likely place of his last residence, and that no information, by any of these means, has been obtained of such absentee since the date set forth in the petition, which must be above seven years prior to the date of the petition, and that the applicant verily believes such absentee to be dead, whereupon the court shall order notice, by publication, to be given in one or more newspapers, stating that a will or codicil purporting to be the will or codicil of such absentee had been presented for probate, or that application had been made for letters testamentary or of administration upon the estate of such absentee, as the case may be, and warning such absentee to appear on or before the day fixed in such order, and show cause why the will or codicil should not be probated, and letters testamentary granted thereon, or letters of administration granted, if there be no will; and such notice shall be published as the court may direct, not less, however, than once a week for four successive weeks, fifteen days before the day fixed by such order for the appearance of the absentee; and if no appearance be made, the court may, if it see fit, summon before it, and examine, under oath, any relations or friends of such absentee, respecting his absence, and if no information or evidence shall be obtained indicating the probable existence of such absentee, the court may judicially determine such absentee to be dead, and may proceed to probate the will or codicil in the usual manner, and to grant letters testamentary thereon, or to grant letters of administration, as the case may be, as upon the estate of a deceased person; and such probate and such letters, either testamentary or of administration, when granted, shall have the same force and effect as if granted upon the estate of a person proven by direct testimony to be dead.

SEC. 2. *And be it enacted*, That this act shall take effect Effective. from the date its passage.

Approved April 2, 1896.