

the decedent whom they represent might have commenced and prosecuted, except actions for slander and for libels; and they shall be liable to be sued, either alone or jointly with other defendants, in any such action, except as aforesaid, which might have been maintained against such decedent if he had lived.

All such rights of action which were not barred by the statutes of limitation at the time of the death of decedent may be brought against his executors or administrators at any time within one year after the death of the decedent, notwithstanding the provisions of any statutes of limitations whereby they would have been sooner barred.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 564

AN ACT

To amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate for the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, permitting the assignment, transfer, payment, and delivery to a foreign appointed executor, administrator, trustee, guardian, committee, or other fiduciary of any moneys and property within this Commonwealth by any debtor, bailee, custodian, agent, attorney, pledgee, trustee,

fiduciary, or other individual, association, partnership, or corporation, a resident thereof, owing the same to, or holding the same in the name or for the account of a decedent, minor, legal incompetent, or cestui que trust, a nonresident of Pennsylvania.

Section 1. Be it enacted, &c., That clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees *durante absentia*; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as last amended by the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred thirty-five), is hereby further amended to read as follows:

(c) It shall be lawful for any executor, administrator, trustee, or other person duly authorized to take charge or possession of the personal estate of any decedent, or for any guardian, *committee* or other legal representative of the estate of a minor or *legal incompetent*, acting under letters testamentary or of administration, *decree of court*, or other authority, granted by or under the laws of any

Clause (c) of section 58, act of June 7, 1917 (P. L. 447), as amended by act of May 2, 1929 (P. L. 1235), further amended.

Foreign  
fiduciaries.

Authority to receive interest and dividends, and to satisfy judgments and mortgages.

other State, territory, or possession of the United States of America, or of any foreign country—(1) to assign and transfer, and to receive the dividends or interest of any public debt or loan of the Commonwealth of Pennsylvania, or of any county, city, borough, township, or school district thereof, or any stocks or bonds of any corporation incorporated under the laws of this Commonwealth, or the stock of any National bank standing in the name of, or belonging to, the decedent, minor, *legal incompetent*, or *cestui que trust*, or any mortgage, debt or indenture of mortgage held by, or belonging to, the decedent, minor, *legal incompetent*, or *cestui que trust*, upon real estate situate within the Commonwealth; [and] (2) to enter or cause to be entered satisfaction, upon the record of such indenture of mortgage; and (3) *except as otherwise provided by this act, to receive any moneys, goods, stocks, bonds, securities, choses in action, or property of any kind from, or to remove the same from the possession, custody, or safekeeping of, any debtor, bailee, custodian, agent, attorney, pledgee, trustee, fiduciary, or any other individual, association, partnership, or corporation, who shall owe or shall, in any manner, hold the same in the name, or for the use, benefit, account, or convenience of any such nonresident decedent, or legal incompetent, and for this purpose any such foreign executor, administrator, trustee, guardian, committee, or other person duly authorized to take charge of the personal estate of any such nonresident decedent, or legal incompetent, shall have full power and authority to withdraw the same from, and to have access to the same in, any place of deposit, safekeeping, safe deposit, or otherwise, and to receive and remove the same out of this Commonwealth:* Provided, That before any such executor, administrator, [or] trustee, guardian, committee, or other legal representative, shall assign or transfer any such loans, moneys, goods, [stock] stocks, bonds, [or] securities, choses in action, mortgages, or property of any kind, or receive any interest or dividends thereon, or enter satisfaction of any such mortgage, or receive, withdraw, have access to, or remove, any moneys, goods, stocks, bonds, securities, choses in action, mortgages, or property of any kind, from the possession, custody, or safekeeping of any such debtor, bailee, custodian, agent, attorney, pledgee, trustee, or any other individual, association, partnership, or corporation, owing or in any other manner holding the same in the name or for the use, benefit, account, or convenience of such nonresident decedent, or legal incompetent, he shall [also] file, with [said] the register of wills for the county in which is located the office for the transfer of such loans, stocks, or bonds, or, in the case of a mortgage, of the county where the mortgaged real estate may

Proviso.

*be situated, or, in the case of a debt, choses in action, bailment, custodian agreement, agency account, attorney account, pledge, or the holding or safekeeping of property in any other manner for the benefit of such nonresident decedent or legal incompetent, of the county where the debtor, bailee, custodian, agent, attorney, pledgee, or holder shall have his or its principal residence or place of business, an affidavit stating that the said decedent, minor, or legal incompetent is not indebted to any person in this Commonwealth, and that the proposed transfer, assignment, receipt, [or] entry of satisfaction, withdrawal, or removal is not made for the purpose of removing [any of the assets of said decedent] such property beyond the reach of any [of the] creditor or creditors in this Commonwealth; and any such transfer, assignment, receipt, [or] entry of satisfaction, withdrawal, or removal, without first making and filing such affidavit, shall be void.*

Affidavit to be filed.

Upon demand of any [person] *individual, [copartnership] partnership, association or corporation, charged with the payment of any interest or dividend to or [owning] owing any money on any mortgage, bond, note, debt, account, or indenture to [the estate of] any such nonresident decedent or minor or legal incompetent, or holding any loans, moneys, goods, stocks, bonds, securities, choses in action, mortgages, or property of any kind, for the use, benefit, account, convenience, or safekeeping of or renting safe deposit space to any such nonresident decedent or legal incompetent, the executor, administrator, trustee, guardian, committee, or other [person] legal representative, before assigning or transferring any such loans, moneys, goods, stocks, bonds, securities, choses in action, [or] mortgages, or property of any kind, or before receiving any interest or dividends thereon, or before receiving, withdrawing, or removing any such loans, moneys, goods, stocks, bonds, securities, choses in action, mortgages, or property of any kind, or before having access to the place where the same are kept, deposited, or stored, shall file, in the office of [the] said register of wills [for the county in which is located the office for the transfer of such loans, stocks, or bonds, or, in the case of a mortgage, of the county where the mortgaged real estate may be situated] when such person is acting under letters or other authority granted by or under the laws of any other State, territory, or possession of the United States of America, a copy of the will, probate and letters issued thereon of such decree, or of such other grant of authority duly authenticated in accordance with the acts of Congress, or, when such person is acting under letters or other authority granted by or under the laws of any foreign country, a copy of such will, probate and letters issued thereon of such decree, or of such other*

Copy of will, probate and letters may be required to be filed.

Authentication.

grant of authority, certified by the official custodian of such documents or records, under his official seal, if any, to be a true and correct copy of the originals thereof in his possession, or under his control, together with the certificate of the presiding judge or the officer having jurisdiction or authority over such custodian that the attestation is in due form and by the proper officer.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 565

AN ACT

To add section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates, including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the apportionment of estate taxes in certain cases.

Act of June 7, 1917 (P. L. 447), amended by inserting between sections 48 and 49 section 48.1.

Section 1. Be it enacted, &c., That the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates, including the appointment,