

No. 327

AN ACT

Amending the act of April twenty-four, one thousand nine hundred forty-seven (Pamphlet Laws 80), entitled "An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto," and repealing parts thereof, limiting right of a spouse on partial intestacy and in selection of allowance, and revising procedure for setting aside spouse's allowance, establishing title to real estate when spouse claims entire estate, and distribution to the Commonwealth a statutory heir.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section two, act of April twenty-four, one thousand nine hundred forty-seven (Pamphlet Laws 80), known as the "Intestate Act of 1947" is amended to read:

Section 2. Share of Surviving Spouse.—The surviving spouse shall be entitled to the following share or shares:

(1) More Than One Child. One-third if the decedent is survived by more than one child, or by one or more children and the issue of a deceased child or children, or by the issue of more than one deceased child; or

(2) One Child. One-half if the decedent is survived by one child only, or by no child, but by the issue of one deceased child; or

(3) No Issue. The first ten thousand dollars in value and one-half of the balance of the estate, if the decedent is survived by no issue. *In case of partial intestacy, any amount received by the surviving spouse under the will shall satisfy pro tanto the ten thousand dollar allowance; or*

(4) No Issue or Other Designated Person. All of the estate if the decedent is survived by no issue, parent, brother, sister, child of a brother or sister, grandparent, uncle or aunt.

Section 2. Sections ten, eleven and twelve of the act are repealed.

Section 3. The act is amended by adding, after section nine, three new sections to read:

Section 10. Spouse's Allowance Procedure.—The ten thousand dollar allowance shall be set aside and awarded in distribution to the surviving spouse, or his successor in interest, in the same manner as other distributive shares of the estate are awarded, without any right in the surviving spouse to choose particular real or personal property in satisfaction thereof. Nothing herein shall be construed as limiting the right of the surviving spouse and other distributees to demand that property, not theretofore sold, be distributed in kind to them.

Intestate Act of 1947.

Section 2, act of April 24, 1947, P. L. 80, amended.

Sections 10, 11 and 12, act of April 24, 1947, P. L. 80, repealed.

Act of April 24, 1947, P. L. 80, amended by adding three new sections, 10, 11 and 12.

Section 11. Procedure to Establish Title to Real Property When Spouse Claims Entire Estate.—A surviving spouse entitled, under the provisions of this act, to the entire estate of the decedent shall have it awarded to him in the same manner as a lesser share of the estate would be so awarded.

Section 12. Property Distributable to the Commonwealth.—When the estate is distributable to the Commonwealth, as statutory heir under the provisions of this act, it shall be reduced to cash in all cases by the personal representative, and awarded by the court in distribution to the Commonwealth, and paid by the personal representative through the Department of Revenue into the State Treasury.

Effective date.

Section 4. This amending act shall take effect April one, one thousand nine hundred fifty-six, and shall apply to the real and personal estates of all persons dying on or after that day. The provisions of sections ten, eleven and twelve of the "Intestate Act of 1947" repealed hereby shall remain in effect as to the estates of persons dying on or after January one, one thousand nine hundred forty-eight, and prior to April one, one thousand nine hundred fifty-six.

APPROVED—The 10th day of February, A. D. 1956.

GEORGE M. LEADER

No. 328

AN ACT

Amending the act of May sixteen, one thousand nine hundred twenty-one (Pamphlet Laws 579), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," giving wardens, deputies and other appointees of the board powers of peace officers.

Jails and prisons
—third, fourth
and fifth class
counties.

Act of May 16,
1921, P. L. 579,
entitled as
amended, reen-
acted and
amended July
29, 1953, P. L.
1013, further
amended by add-
ing a new section
2.1.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of May sixteen, one thousand nine hundred twenty-one (Pamphlet Laws 579), entitled as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and