

No. 1981-61

AN ACT

SB 169

Reenacting and amending section 21 of the act of April 25, 1850 (P.L.569, No.347), entitled "An act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," reenacting retroactively a provision concerning uninclosed woodlands which had inadvertently been repealed and making editorial changes.

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

Section 1. Section 21, act of April 25, 1850 (P.L.569, No.347), entitled "An act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," inadvertently repealed by section 19 of the act of December 10, 1974 (P.L.867, No.293), entitled "An act amending Title 20 (Probate, Estates and Fiduciaries Code) of the Consolidated Pennsylvania Statutes making certain editorial corrections and restoring unintended omissions of prior law; incorporating into the code certain provisions of present law; changing provisions relating to an election against the will; authorizing the court in certain cases to enter nonsuits, order the execution of a deed by a co-fiduciary, hold private incompetency hearings in the absence of objection by the incompetent, appoint a physician to examine an alleged incompetent, release fiduciaries from certain trust restrictions, release trustees from impractical investment restrictions, permit sales of real property and establishing procedures for such sales, and establish certain sequestered deposit accounts; changing the time for filing accounts; changing provisions relating to real estate brokers' commissions; incorporating provisions relating to inadequacy of consideration or better

offer for contracts entered into by guardians and trustees; imposing certain duties on the register of wills including the docketing of certificates and affidavits of death; abolishing nuncupative wills; increasing to ten thousand dollars the maximum amounts of decedents', minors' or incompetents' estates in which a formal account or guardian is unnecessary; authorizing nominee registration of property held by corporate custodians for minors; and repealing provisions of the code and other statutes," is reenacted and amended to read:

Section 21. **[And be it further enacted, &c., That no] No** right of way shall be hereafter acquired by user, where such way passes through uninclosed woodland; but on clearing such woodland, the owner or owners thereof shall be at liberty to enclose the same, as if no such way had been used through the same before such clearing or enclosure. **[: Provided, That the provisions of this section shall in no way affect any suit or suits now pending in any of the courts of this commonwealth, in relation to any right of way or any other matter embraced in this section.]**

Section 2. This act shall take effect immediately and shall be retroactive to December 10, 1974, and shall be construed to continue the law on this subject which was in effect immediately prior to that date.

APPROVED—The 1st day of July, A. D. 1981.

DICK THORNBURGH