
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.**No.****996****Session of
1919.**

INTRODUCED BY MR. BALDRIGE, MARCH 18, 1919.

**REFERRED TO COMMITTEE ON JUDICIARY LOCAL,
MARCH 19, 1919.**

AN ACT

To amend sections eight and nine of an act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and twenty-nine) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor"

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 section eight of an act approved the seventh day of June
5 one thousand nine hundred seventeen (Pamphlet Laws four
6 hundred and twenty-nine) entitled "An act relating to the
7 descent and distribution of the real and personal property
8 of persons dying intestate and to provide for the record-
9 ing and registering of the decrees of the orphans' court

1 in connection therewith and the fees therefor" which reads
2 as follows

3 "Section 8 In default of issue as aforesaid the real
4 and personal estate of such intestate not hereinbefore given
5 to the surviving spouse if any there be shall go to
6 and be vested in the father and mother of such intes-
7 tate or if either the father or mother be dead at the time
8 of the death of the intestate the parent surviving shall
9 take such real and personal estate" is hereby amended to
10 read as follows

11 Section 8 In default of issue as aforesaid the real
12 and personal estate of such intestate not hereinbefore given
13 to the surviving spouse if any there be shall go to
14 and be vested in the father and mother of such intes-
15 tate or if either the father or mother be dead at the
16 time of the death of the intestate the parent surviving
17 shall take such real and personal estate Provided that in
18 the case of real estate in the possession of the intes-
19 tate through descent or devise such real estate shall go
20 to and be vested in the parent only who is of the
21 blood of the ancestors or other relations from whom such
22 real estate descended or by whom it was devised to the
23 intestate

24 Section 2 That section nine of said act which reads
25 as follows

26 "Section 9 In default of issue father and mother the
27 real and personal estate of such intestate not hereinbefore
28 given to the surviving spouse if any there be shall de-
29 scend to and be distributed among the collateral heirs

1 and kindred of such intestate without distinction between
2 those of the whole and those of the half-blood according
3 to the following rules and order of succession namely

4 (a) If such intestate shall leave brothers and sisters
5 or either and no nephew or niece or child of a de-
6 ceased nephew or niece being the issue of a deceased
7 brother or sister the real and personal estate shall de-
8 scend to and be distributed among such brothers and
9 sisters

10 (b) If such intestate shall leave neither brother nor
11 sister and no child of any deceased nephew or niece be-
12 ing the issue of a deceased brother or sister but nephews
13 or nieces being the children of such deceased brothers or
14 sister the real and personal estate shall descend to and
15 be distributed among such nephews and nieces

16 (c) If such intestate shall leave neither brother nor sis-
17 ter nor any nephew or niece being the child of such
18 deceased brother or sister but children of deceased nephews
19 or nieces the real and personal estate shall descend to
20 and be distributed among such children of deceased nephews
21 or nieces

22 (d) If such intestate shall leave brothers or sisters
23 and nephews or nieces being children of a deceased brother
24 or sister and children of deceased nephews or nieces be-
25 ing issue of deceased brothers and sisters or shall leave
26 members of any two of these three classes the real and
27 personal estate shall descend to and be distributed among
28 such brothers and sisters nephews and nieces and children
29 of deceased nephews and nieces as follows namely

1 Each brother and sister shall receive such share as
2 he or she would have received if all the brothers and
3 sisters who died before the intestate leaving children or
4 children of deceased children surviving the intestate had
5 been living at the death of the intestate

6 Each nephew and niece if the intestate shall leave
7 any brother or sister shall receive an equal portion of
8 the share which his or her parent would have taken if
9 then living which portion shall be what he or she would
10 have taken if all the children of his or her parent
11 who died before the intestate leaving children surviving the
12 intestate had been living at the death of the intestate
13 but if such intestate shall leave neither brother nor sis-
14 ter the nephews and nieces shall take per capita

15 Each child of a deceased nephew or niece whether
16 the intestate shall leave members of one or both of the
17 other classes shall receive an equal portion of the share
18 which his or her parent would have received if living
19 at the death of the intestate" is hereby amended to read
20 as follows

21 Section 9 In default of issue father and mother or
22 father and mother of the blood of the ancestors or other
23 relatives from whom such real estate descended or by
24 whom it was devised to the intestate the real and per-
25 sonal estate of such intestate not hereinbefore given to
26 the surviving spouse if any there be shall descend to
27 and be distributed among the collateral heirs and kindred
28 of such intestate without distinction between those of the
29 whole and those of the half-blood according to the fol-

1 lowing rules and order of succession namely

2 (a) If such intestate shall leave brothers and sisters
3 or either and no nephew or niece or child of a de-
4 ceased nephew or niece being the issue of a deceased
5 brother or sister the real and personal estate shall de-
6 scend to and be distributed among such brothers and
7 sister

8 (b) If such intestate shall leave neither brother nor
9 sister and no child of any deceased nephew or niece be-
10 ing the issue of a deceased brother or sister but nephews
11 or nieces being the children of such deceased brother or
12 sister the real and personal estate shall descend to and
13 be distributed among such nephews and nieces

14 (c) If such intestate shall leave neither brother nor
15 sister nor any nephew or niece being the child of such
16 deceased brother or sister but children of deceased nephews
17 or nieces the real and personal estate shall descend to
18 and be distributed among such children of deceased nephews
19 or nieces

20 (d) If such intestate shall leave brothers or sister
21 and nephews or nieces being children of a deceased
22 brother or sister and children of deceased nephews or
23 nieces being issue of deceased brothers and sisters or
24 shall leave members of any two of these three classes the
25 real and personal estate shall descend to and be dis-
26 tributed among such brothers and sisters nephews and
27 nieces and children of deceased nephews and nieces as
28 follows namely

1 Each brother and sister shall receive such share as
2 he or she would have received if all the brothers and
3 sisters who died before the intestate leaving children or
4 children of deceased children surviving the intestate had
5 been living at the death of the intestate

6 Each nephew and niece if the intestate shall leave
7 any brother or sister shall receive an equal portion of
8 the share which his or her parent who died before the
9 intestate leaving children surviving the intestate had been
10 living at the death of the intestate but if such in-
11 tate shall leave neither brother nor sister the nephews
12 and nieces shall take per capita

13 Each child of a deceased nephew or niece whether the
14 intestate shall leave members of one or both of the
15 other classes shall receive an equal portion of the share
16 which his or her parent would have received if living
17 at the death of the intestate