

No. 106.

A SUPPLEMENT

To an act entitled "An act relative to escheated estates," passed the twenty-first of January, eighteen hundred and nineteen.

WHEREAS, by the act to which this is a supplement, it is declared that the real estate of any person who hath died, or shall die intestate, leaving a wife or husband, and no heirs or other known kindred, shall vest in and be enjoyed by such surviving wife or husband, for such estate as the decedent held therein, but no mode is prescribed by which such matter shall be adjudicated upon: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person shall die, or hath died intestate, leaving a wife or husband, and no heirs or other known kindred, such surviving husband or wife, his or her heirs or legal representatives may, at any time after the expiration of one year from the death of such intestate, and after final settlement of the administration accounts of such intestate, present his, her, or their petition to the Orphan's Court of the proper county, setting forth that the said intestate died, leaving no heirs or other known kindred, and that he or she died seized of real or personal estate, which, by virtue of an act relative to escheated estates, passed the twenty-first of January, eighteen hundred and nineteen, vested in such surviving husband or wife, which petition shall be verified by the oath or affirmation of the party petitioning, or by some other person knowing the facts, whereupon the said court shall grant a rule upon all the heirs, or other persons interested, or claiming any interest in said estate, to appear in said court at some time certain, and show cause why a decree should not be made, ordering and directing the administrator or administrators of the estate of such decedent, to pay over to such surviving wife or husband, or to his or her legal representatives, the balance of such intestate's estate in his or their hands, which rule shall be published for such length of time, and in such manner as the said Orphan's Court, in their discretion, shall think proper; and if upon the return of the said rule, and due proof of the publication thereof, agreeably to the order of the said court, no heirs claiming said estate shall appear, nor any good cause be shown to the contrary, the said court shall order and decree as aforesaid; and if upon the return of any such rule, any person or persons shall appear in court, claiming to be heirs

Preamble.

Cases where husbands or wives die without heirs.

After settlement of administration account certain proceedings directed under authority of Orphan's court.

to such estate, whose right to the same shall be disputed by such surviving wife or husband, his or her legal representatives, then the court may direct an issue to determine the matter, or may take such order therein as they shall think proper.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senatè.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF:

No. 107:

AN ACT

Declaring a certain part of Clearfield creek, in the county of Clearfield, a public highway.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act Clearfield creek, in the county of Clearfield, commencing at a point where the said creek is declared and known to be a public highway, to a point known as the "Narrows," be, and the same is hereby declared a public highway, and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said stream, to remove thereout all obstructions, except dams for mills and other water works already built; on which dams any such person or persons as aforesaid shall have full power to make slopes, such as are hereinafter described, and to keep the same in repair for the passage of boats, rafts and other craft: *Provided,* That such slopes be so constructed as not to injure such dams.

SECT 2. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons owning or possessing lands on or adjoining said stream, who, independent of the passage of this act, would have a right under the general laws of this commonwealth to erect a dam or dams across the said stream, from erecting such dam or

From a point where the creek is now public to the Narrows.

Proviso.

Of the right of landholders to erect dams.