

as they may deem it expedient, to erect or cause to be erected, on such parts of the public ground in the town of Cowdersport, as they may deem best suited thereto, a court house, jail and other offices, for the safe keeping of the public papers and records of the said county, and until such court house is erected the courts of justice hereinbefore directed to be held in the said county, shall be opened and held in such building in the said town of Cowdersport as the said commissioners may obtain for that purpose.

Erection of public buildings in Cowdersport authorized.

Comm'rs to obtain temporary court house.

SECT. 8. *And be it further enacted by the authority aforesaid,* That from and after the said first day of September, Anno Domini, one thousand eight hundred and thirty-five, the said county of Potter and the counties of M'Kean, Warren and Jefferson, shall be formed into a separate judicial district, to be called the eighteenth district, and a person of integrity, learned in the law, shall be appointed and commissioned by the Governor to be president and judge of the courts of Common Pleas within the said district, which president shall receive the like salary and have and execute all and singular the powers, jurisdictions and authority of president and judge of the court of Common Pleas, court of Oyer and Terminer and General Jail Delivery, Orphans' Court, and justice of the court of Quarter Sessions of the peace, agreeably to the constitution and laws of this Commonwealth; the courts in Potter county shall be held on the first Mondays of February, May, September and December of each year; the courts in McKean county on the first Mondays after those in Potter county; the courts in Warren county the first Mondays after the courts in McKean county, and the courts in Jefferson county on the first Monday after the courts in Warren county, the courts in each county to continue one week if necessary.

Formation of the 18th judicial district authorized.

Composed of Potter, M'Kean, Warren, and Jefferson counties.

Time of holding respective courts.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 143.

AN ACT

Relating to the descent and distribution of the estates of intestates.

SECT. 1. *It is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General As-*

Disposal of the interest of a widow or husband. *sembly met.* That the real and personal estate of a decedent, whether male or female, remaining after payment of all just debts and legal charges, which shall not have been sold or disposed of by will, or otherwise limited by marriage settlement, shall be divided and enjoined as follows, viz:

Widow and issue. *Article 1.* Where such intestate shall leave a widow and issue, the widow shall be entitled to one third part of the real estate for the term of her life, and to one third part of the personal estate absolutely.

Widow and collateral heirs. *Article 2.* Where such intestate shall leave a widow and collateral heirs, or other kindred, but no issue, the widow shall be entitled to one half part of the real estate, including the mansion house and buildings appurtenant thereto, for the term of her life, and to one half part of the personal estate absolutely.

Husband and heirs. *Article 3.* Where such intestate shall leave a husband, he shall take the whole personal estate, and the real estate shall descend and pass as is hereinbefore provided, saving to the husband his right as tenant, by the courtesy which shall take place, although there be no issue of the marriage in all cases where the issue, if any, would have inherited.

Interest of lineal descendants. *SECT. 2. And be it further enacted by the authority aforesaid,* That subject to the estates and interests herein before given to the widow or surviving husband, if any, the real estate of such intestate shall descend to, and the personal estate not otherwise herein before disposed of, shall be distributed among his issue, according to the following rules and order of succession, viz:

Children only. *Article 1.* If such intestate shall leave children, but no other descendant being the issue of a deceased child, the estate shall descend to, and be distributed among such children.

Grand children only. *Article 2.* If such intestate shall leave grand children, but no child or other descendant being the issue of a deceased grand child, the estate shall descend to and be distributed among such grand children.

Other lineal descendants in same degree. *Article 3.* If such intestate shall leave descendants in any other degree of consanguinity, however remote from him, and all in the same degree of consanguinity to him, the estate shall descend to and be distributed among such descendants.

Descendants in different degrees. *Article 4.* If such intestate shall leave descendants in different degrees of consanguinity to him, the more remote of them being the issue of a deceased child, grand child, or other descendant, the estate shall descend to and be distributed among them as follows, viz:

Children and grand children. A. Each of the children of such intestate shall receive such share as such child would have received, if all the children of the intestate who shall then be dead, leaving issue, had been living at the death of the intestate.

B. Each of the grand children, if there shall be no children, in like manner shall receive such share as he or she would have received, if all the other grand children who shall then be dead, leaving issue, had been living at the death of the intestate, and so in like manner to the remotest degree. Grand children and great grand children, &c.

C. In every such case, the issue of such deceased child, grand child or other descendant, shall take, by representation of their parents respectively, such share only as would have descended to such parent, if they had been living at the death of the intestate. Interest of deceased child's issue.

SECT. 3. In default of issue as aforesaid, and subject also as aforesaid to the estates and interests herein before given to the widow or surviving husband, if any, the real estate shall go to the father and mother of such intestate, during their joint lives, and the life of the survivor of them; and the personal estate not otherwise herein before disposed of, shall be vested in them absolutely, or if either the father or mother be dead at the time of the death of the intestate, the parent surviving such intestate shall enjoy such real estate during his or her life, and such personal estate absolutely. Interest of father and mother.

SECT. 4. In default of issue as aforesaid, and subject to the estates and interests herein before given to the widow or surviving husband, father and mother, of the intestate, if any, the real estate shall descend to, and the personal estate not otherwise herein before disposed of, shall be distributed among the collateral heirs and kindred of such intestate, according to the following rules and order of succession, viz: Interest of brothers and sisters, and their descendants.

I. If such intestate shall leave brothers and sisters or either of the whole blood, and no nephew or niece being the issue of a deceased brother or sister of the whole blood, the real estate shall descend to and vest in such brothers and sisters. Brothers and sisters of the whole blood.

II. If such intestate shall leave neither brother nor sister of the whole blood, but nephews or nieces being the children of such deceased brother or sister, the real estate shall descend to and vest in such nephews and nieces. Children of such brothers and sisters deceased.

III. If such intestate shall leave brothers or sisters of the whole blood, and also nephews or nieces being the children of any such deceased brother or sister, the real estate shall descend to and vest in such brothers and sisters and nephews and nieces, as follows, viz: Every such brother and sister shall receive such share as he or she would have received, if all the brothers and sisters who shall then be dead, leaving children, had been living at the death of the intestate, and such nephews and nieces, shall take by representation of their parents respectively, such share only as would have descended to such parents if they had been living, at the death of the intestate. Brothers and sisters of whole blood, and children of such deceased.

Other de-  
scendants of  
such brother  
or sister, dec.

IV. If such intestate shall leave neither brother nor sister of the whole blood, nor any nephew or niece, being the child of such deceased brother or sister, the real estate shall descend to and vest in the next of kin of such intestate, being the descendants of his brothers and sisters of the whole blood.

Personal  
estate, bro-  
thers and  
sisters, &c. of  
whole & half  
blood.

V. The personal estate of such intestate not otherwise hereinbefore disposed of, shall in the several cases mentioned in this section, be distributed among the brothers and sisters of the intestate, and their issue in like manner in each of the said cases as is provided for the descent and division of the real estate of the intestate, but without any distinction of blood.

In default of  
persons enti-  
tled to real  
estate as  
before.  
Same to go to  
father and  
mother.

SECT. 5. In default of issue, and brothers and sisters of the whole blood and their descendants as aforesaid, and subject to the estates and interests hereinbefore given to the widow or surviving husband, if any, the real estate shall go to and be vested in the father or mother of the intestate, or if both be living at the time of his death, in the father and mother for such estate as the said intestate had therein.

In default of  
such, real  
estate to go  
to brothers &  
sisters of half  
blood, &c.

SECT. 6. In default of issue and brothers and sisters of the whole blood and their descendants, and also of father and mother, competent by this act, to take an estate of inheritance therein, the real estate of such intestate, subject to the life estates hereinbefore given, if any shall descend to and be vested in the brothers and sisters of the half blood of the intestate and their issue in like manner respectively, as is hereinbefore provided for the cases of brothers and sisters of the whole blood and their issue.

Then the  
next of kin.

SECT. 7. In default of all persons hereinbefore described, the real and personal estate of the intestate shall descend to and be distributed among the next of kin to such intestate.

Representa-  
tion amongst  
collaterals  
limited.

SECT. 8. *Provided*, That there shall be no representation admitted amongst collaterals after brothers' and sisters' children.

Inheritance  
of real estate  
to persons of  
the blood of  
the ancestors.

SECT. 9. *Provided also*, That no person who is not of the blood of the ancestors or other relations from whom any real estate descended, or by whom it was given or devised to the intestate, shall in any of the cases before mentioned, take any estate of inheritance therein, but such real estate subject to such life estates as may be in existence by virtue of this act, shall pass to and vest in such other persons as would be entitled by this act, if the persons not of the blood of such ancestor or other relation had never existed, or were dead at the decease of the intestate.

When the  
surviving  
husband or  
wife takes the  
whole estate.

SECT. 10. In default of known heirs or kindred competent as aforesaid, the real estate of such intestate shall be vested in his widow, or if such intestate were a married woman, in her surviving husband for such estate as the intestate had

therein, and in such case the widow shall be entitled to the whole of the personal estate absolutely.

SECT. 11. *And whereas* it is the true intent and meaning of this act, that the heir at common law shall not take in any case to the exclusion of other heirs and kindred standing in the same degree of consanguinity with him, to the intestate, it is hereby declared that in every case which may arise, not expressly provided for by this act, the real as well as the personal estate of an intestate shall pass to, and be enjoyed by the next of kin of such intestate, without regard to the ancestor or other relation from whom such estate may have come.

General provision for cases not particularly mentioned.

SECT. 12. In default of all such known heirs, or kindred, widow or surviving husband as aforesaid, the real and personal estate of such intestate shall go to and be vested in the commonwealth by escheat.

Of escheats to Commonwealth.

SECT. 13. Descendants and relatives of an intestate, begotten before his death and born thereafter, shall in all cases inherit and take in like manner, as if they had been born in the lifetime of such intestate.

Posthumous relations.

SECT. 14. Wherever by the provisions of this act, it is directed that real or personal estate shall descend to, or be distributed among several persons whether lineal or collateral heirs or kindred standing in the same degree of consanguinity to the intestate, if there shall be only one of such degree he shall take the whole of such estate, and if there be more than one, they shall take in equal shares and if real estate shall hold the same as tenants in common.

General rule of division in the same degree.

SECT. 15. The shares of the estate directed by this act to be allotted to the widow, shall be in lieu and full satisfaction of her dower at common law.

Widow's share in lieu of dower.

SECT. 16. If any child of an intestate shall have any estate by settlement of such intestate or shall have been advanced by him in his lifetime, either in real or personal estate to an amount or value equal to the share which shall be allotted to each of the other children of such intestate, such child shall have no share of the real or personal estate of such intestate, and if such settlement or advancement be to an amount or value less than the share to which he would otherwise be entitled, if no such advancement had been made, then so much only of the real and personal estate of such intestate shall be allotted to such child, as shall make the estate of all the said children to be equal as near as can be estimated.

Children who have had advances made, to receive reduced shares accordingly.

SECT. 17. The provisions of this act relative to descent and distribution of real and personal estate among the descendants and collateral relations of intestates shall be construed to mean such persons only as may have been born in lawful wedlock.

Illegitimate descendants excluded.

Residue of proceeds of sales for payment of debts to be considered as real estate.

SECT. 18. The residue of the proceeds of the sale of any real estate of an intestate made, by authority of law for the payment of debts, shall vest in the persons entitled by this act to such real estate in such proportions, and for the like interests respectively as they may have had in such real estate.

Claimants to the estate of an intestate debarred after seven years.

SECT. 19. All such of the intestate's relations and persons concerned, who shall not lay legal claim to their respective shares, within seven years after the decease of the intestate, shall be debarred from the same forever: *Provided*, That if any such relation or person, shall at the time of the decease of the intestate, be within the age of twenty one years, or a married woman he or she, shall be entitled to receive and recover the same, if he or she shall lay legal claim thereto, within seven years after coming to full age or discovery.

Where domicil of intestate is out of the state.

SECT. 20. Nothing in this act contained relative to a distribution of personal estate among kindred, shall be construed to extend to the personal estate of an intestate, whose domicil at the time of his death was out of this commonwealth.

This act to go into operation on 1st Oct. 1833. Repealing clause, &c.

SECT. 21. This act shall take effect from and after the first day of October next, and so much of any act of Assembly as is hereby altered or supplied, is repealed from and after said day, except so far as may be necessary to complete the settlement and disposition of the estate of any person who may have died before that time.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-three. GEO. WOLF:

No. 144.

AN ACT

To incorporate the town of Freeport, in the county of Armstrong.

Town erected into a borough. Corpor. style.

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 the town of Freeport, in the county of Armstrong, shall be and the same is hereby erected into a borough, which shall be called the "Borough of Freeport," and be