

Fiduciaries Act
of 1949.

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

Section 622, act
of April 18,
1949, P. L. 512,
amended.

Section 1. Section 622, act of April 18, *1949 (P. L. 512), known as the "Fiduciaries Act of 1949," is amended to read:

Section 622. Classification and Order of Payment.—If the applicable assets of the estate are insufficient to pay all proper charges and claims in full, the personal representative, subject to any preference given by law to claims due the United States, shall pay them in the following order, without priority as between claims of the same class:

(1) The costs of administration;

(2) The family exemption;

(3) The costs of the decedent's funeral and burial, and the costs of medicines furnished to him within six months of his death, of medical or nursing services performed for him within that time, *of hospital services including maintenance provided him within that time*, and of services performed for him by any of his employees within that time;

(4) The cost of a gravemarker;

(5) Rents for the occupancy of the decedent's residence for six months immediately prior to his death;

(6) All other claims, including claims by the Commonwealth.

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 169

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey 3.68 acres, more or less, of land situate in Indiana Borough, Indiana County.

Real property.

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

Department of
Property and
Supplies with
approval of
Governor
authorized to
sell certain land
in Indiana
Borough,
Indiana County.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell, at public sale to the highest bidder, the following described tract of land, together with all improvements thereon, situate in Indiana Borough, County of Indiana,

* "1929" in original.

Commonwealth of Pennsylvania, all that certain piece or tract of land:

Beginning at a hub at the northwest corner of the intersection of Chestnut Street and North Fourth Street, 37.54 feet perpendicular to the center line (at Sta 15+62.19) of North Fourth Street (known as Legislative Route 63) and also 25 feet perpendicular to the center line of Chestnut Street; thence parallel with Chestnut Street north 89 degrees and 8 minutes west for a distance of 150 feet to a hub; thence north 0 degrees and 52 minutes east parallel with a 15 foot alley (unnamed adjacent to the property of W. E. Uber) for a distance of 233 feet to a point at the northeast intersection of the above-mentioned alley and Stannard Alley; thence parallel to Stannard Alley north 89 degrees and 8 minutes west for a distance of 153.45 feet to a point, said point being the intersection of the northerly line to Stannard Alley and the easterly line of Coulter Alley; thence along the easterly line of Coulter Alley north 0 degrees 52 minutes east a distance of 411.26 feet, said point being the intersection of the southerly line of North Street and the easterly line of Coulter Alley; thence north 89 degrees and 12 minutes east a distance of 303.45 feet to a point at the southerly line of North Street and the westerly line of North Fourth Street; thence in a southerly direction along the westerly line of North Fourth Street south 0 degrees and 52 minutes west a distance of 653.09 feet to the point of beginning, containing 3.68 acres, more or less, and all that being made up of the following parcels, acquisitions and condemnations:

Descriptions.

Parcel No.1. Beginning at a hub at the northwest corner of the intersection of Chestnut Street and North Fourth Street, 37.54 feet perpendicular to the center line of Route 63-R-1 at Station 15+62.19 and 25 feet perpendicular to the center line of Chestnut Street; thence parallel with Chestnut Street north 89 degrees 8 minutes west for a distance of 150 feet to a hub; thence north 0 degrees 52 minutes east parallel with a 15 foot alley (unnamed adjacent to the property of W. E. Uber) for a distance of 208 feet to a hub at the intersection of the above-mentioned alley and Stannard Alley; thence parallel to Stannard Alley south 89 degrees 8 minutes east for a distance of 150 feet to a hub at the corner of the intersection of Stannard Alley and North Fourth Street; thence parallel to North Fourth Street south 0 degrees 52 minutes west a distance of 208 feet to the point of beginning, containing 0.7163 acres, more or less, and all that being the same parcel of land acquired by the Pennsylvania Department of Highways from M. L. Sheppard, dated August 17, 1928 and recorded in Indiana County Deed Book Vol. 248, at page 100.

Parcel No. 2. Beginning at a point at the intersection of the westerly line of North Fourth Street and the northerly line of Stannard Alley, said point being offset westerly at 90 degrees to and 37.5 feet from the center line of State Highway Route 63 (known as North Fourth Street) at Station 17+95.19 of the State Highway enumeration; thence along the northerly line of Stannard Alley north 89 degrees 8 minutes west a distance of 303.45 feet to a point, said point being the intersection of the northerly line of Stannard Alley and the easterly line of Coulter Alley; thence along the easterly line of Coulter Alley north 0 degrees 52 minutes east a distance of 220.1 feet to a point; thence by land of Vacuum Oil Company *north 89 degrees 38 minutes east a distance of 303.46 feet to a point on the westerly line of North Fourth Street being ** westerly *** 37.5 feet from the center line of State Highway Route 63 (known as North Fourth Street) at Station 20+17.94; thence along the westerly line of North Fourth Street south 0 degrees 52 minutes west a distance of 222.75 feet to the point of beginning, containing 1.5425 acres, more or less, being the same parcel No. 2 that was acquired by the Pennsylvania Department of Highways from H. H. and W. C. Bannett on November 4, 1933 and recorded in Indiana County Deed Book Vol. 258, page 169.

Acquisition of Stannard Alley. The 25 foot alley between North Fourth Street and (unnamed) Public Alley and bordered on the south by parcel No. 1 and on the north by parcel No. 2 acquired by the Pennsylvania Department of Highways on December 19, 1933, when vacated by the Indiana Borough, containing .0861 acres, more or less.

Parcel No. 3. Beginning at a hub at the southerly line of North Street, said point being 100 feet distance westwardly from the westerly line of North Fourth Street, State Highway Route 63; thence along line of lands of Socony Vacuum Oil Company south 0 degrees 52 minutes west a distance of 170.30 feet to a hub, said hub on the northerly line of Douglas Alley (unopened) and 100 feet distance westwardly from the westerly line of North Fourth Street; thence along the northerly line of Douglas Alley north 89 degrees 38 minutes west a distance of 228.46 feet to a hub, ****said hub being on the westerly line of Coulter Alley (unopened) and line of lands owned by St. Bernards Roman Catholic Church; thence along the westerly line of Coulter Alley which is also line of land owned by St. Bernards Roman Catholic

* "south" in original.

** "of feet" in original.

*** "at 90 to and" in original.

**** "and" in original.

Church, Earl Worth and N. T. Rink, north 0 degrees 52 minutes east a distance of 165.65 feet to a hub, said hub being at the intersection of the westerly line of Coulter Alley and the southerly line of North Street; thence along the southerly line of North Street north 89 degrees 2 minutes east a distance of 228.54 feet to a hub on the southerly line of North Street, the place of beginning, containing 0.87088 acres, more or less, being the same parcel No. 3 which was purchased by the Pennsylvania Department of Highways from Socony Oil Company on November 25, 1941 and recorded in Indiana County Deed Book Vol. 318, page 507.

Acquisition of Douglas Alley. The 25 foot alley known as Douglas Alley between Coulter Alley and Fourth Street was acquired by the Pennsylvania Department of Highways on December 8, 1942, when vacated by the Indiana Borough, containing .1742 acres, more or less.

Parcel No. 4. (formerly part of large parcel No. 3) Beginning at the point formed by the intersection of the westerly line of North Fourth Street with the southerly line of North Street; thence (1) running in a southerly direction along the westerly line of North Fourth Street south 0 degrees 52 minutes west to the point formed by the intersection of the westerly line of North Fourth Street with the northerly line of Douglas Alley (unopened), a distance of 172.34 feet; thence (2) running in a westerly direction along the northerly line of Douglas Alley north 89 degrees 38 minutes west to the point formed by the intersection of the northerly line of Douglas Alley with the easterly line of lands owned by the Commonwealth of Pennsylvania, a distance of 100 feet; thence (3) running in a northerly direction along the easterly line of lands owned by the Commonwealth of Pennsylvania north 0 degrees 52 minutes east to the point in the southerly line of North Street distant 100 feet westerly from the point or place of beginning, measured along the southerly line of North Street, a distance of 170.30 feet; thence (4) running in an easterly direction along the southerly side of North Street north 89 degrees 12 minutes east to the point or place of beginning, a distance of 100 feet, more or less, containing .3932 *acres and being the same parcel No. 4 which was acquired by the Pennsylvania Department of Highways by deed dated March 31, 1944, and recorded in Indiana County Deed Book Vol. 333, page 535. Together with all the right, title and interest, if any, of the party of the first part in and to North Fourth Street, North Street and Douglas Alley (unopened) abutting said premises.

* "acres" not in original.

Condemnation of Coulter Alley.

The 25 foot wide alley, known as Coulter Alley, between Chestnut Street and the northern boundary line of the Borough of North Avenue was opened as a public alley of the Borough of Indiana, on October 2, 1945, by Ordinance No. 534, *containing .0952 acres, more or less.

The conveyance shall be made under and subject, nevertheless, to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies as well as under and subject, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon.

Approval and execution of deed.

Section 2. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Disposition of proceeds.

Section 3. All moneys received from the sale of the land herein authorized to be conveyed shall be deposited in the General Fund.

Act effective immediately

Section 4. This act shall take effect immediately.

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 170

AN ACT

Authorizing arraignments in courts of quarter sessions of the peace and courts of oyer and terminer and general jail delivery.

Courts.

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

Courts of quarter sessions of the peace, etc., by rule of court, to provide for arraignment of defendants.

Section 1. Courts of quarter sessions of the peace and courts of oyer and terminer and general jail delivery may, by rule of court, provide for arraignment of defendants in cases triable in such courts.

Repeal.

Section 2. The act of May 15, 1895 (P. L. 71), entitled "An act to abolish arraignments in courts of oyer and terminer, except where the charge is murder," is repealed in so far as it is inconsistent herewith.

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

* "deleting" in original.