

## No. 96

## AN ACT

Repealing clause (3) of section 1012 of the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," qualifying certain personal representatives or trustees as guardians of estates of minors, and removing a condition and limitation on certain foreign fiduciaries with respect to real estate.

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

Fiduciaries Act  
of 1949.

Section 1. Clause (3) of section 1012, act of April 18, 1949 (P. L. 512), known as the "Fiduciaries Act of 1949," is hereby repealed.

Clause (3),  
section 1012, act  
of April 18, 1949,  
P. L. 512,  
repealed.

Section 2. Clause (1) of section 1101 of the act, amended February 23, 1956 (P. L. 1084), is amended to read:

Clause (1),  
section 1101 of  
the act, amended  
February 23,  
1956, P. L. 1084,  
further amended.

Section 1101. In General.—A foreign fiduciary may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on non-resident suitors generally) and may exercise all the other powers of a similar local fiduciary, but a foreign personal representative shall have no such power when there is an administration in the Commonwealth. Except in the case of powers with respect to securities, for which special provision is made in section 1102, the maintenance of a proceeding or the exercise of any other power by a foreign fiduciary shall be subject to the following additional conditions and limitations:

(1) Copy of Appointment. The foreign fiduciary shall file with the register of the county where the power is to be exercised, or the proceeding is instituted, or the property concerning which the power is to be exercised is located, an exemplified copy of \*his appointment or other qualification in the foreign jurisdiction, together

\* "this" in original.

with an exemplified copy of the will or other instrument, if any, in pursuance of which he has been appointed or qualified. [and when] *When* he is an executor, administrator c. t. a., testamentary trustee, or testamentary guardian *under a will of a decedent who either died prior to April 1, 1956, or whose will was probated outside of the United States*, and wishes to exercise a power with respect to Pennsylvania real estate, the will must be admitted to probate in Pennsylvania as required by law.

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APPROVED—The 21st day of June, A. D. 1963.

WILLIAM W. SCRANTON

No. 97

AN ACT

Amending the act of May 24, 1893 (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," authorizing an increase in the minimum pensions of policemen in cities of the first class in certain cases.

**Police pensions.**

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

Section 1, act of  
May 24, 1893,  
P. L. 129,  
amended July 2,  
1937, P. L. 2795,  
further amended.

Section 1. Section 1, act of May 24, 1893 (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," amended July 2, 1937 (P. L. 2795), is amended to read:

Cities may  
establish police  
retirement  
system.

Section 1. Be it enacted, &c., That the several cities of this Commonwealth, incorporated by general or special laws, shall establish by ordinance a police retirement fund to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three and one-half per centum of the pay of such member and by annual appropriations made by the city, which fund shall be under the direction of councils or committed to the direction of such officers of the city as may be designated by councils, and applied under such regulations as councils may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service, but such retirement allowances as shall be made to those who are retired by reason of the disabilities or age shall be in conformity with a uniform scale.

**Monthly charge.**

Applied by  
regulations  
prescribed by  
ordinance.