

said tax from its shareholders and pay the same to the State Treasurer, through the Department of Revenue: Provided, That upon the payment of the tax fixed by this act into the State Treasury, through the Department of Revenue, the shares, and so much of the capital stock, surplus, profits, and deposits of such company as shall not be invested in real estate, shall be exempt from all other taxation under the laws of this Commonwealth. The procedure, in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company, and the penalties for failing to make such report and pay the tax, shall be as provided by law.

Section 2. If any provisions of this act, relieving any corporation in whole or in part from the payment of the tax imposed by this act, is declared unconstitutional by final judgment, order or decree of a court of competent jurisdiction, or if any such provision is declared by a final judgment, order or decree of a court of competent jurisdiction to discriminate against United States securities in such a manner as to require an exemption or deduction of the same, proportionate or otherwise, in the imposition, assessment or settlement of the tax, or to impose tax upon moneyed capital in the hands of individual citizens of this Commonwealth coming into competition with the business of national banks at a lesser rate than is imposed on shares of national banks, the Legislature hereby declares its intent that any such provision shall thereupon become inoperative and inapplicable from the effective date of this act, and the corporations, subject to the tax imposed by this act, shall, for that period and thereafter, be taxed to the same extent and in the same manner as if any such provision had not been enacted.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

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No. 521

AN ACT

To further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred eighty-eight), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the

joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entreties, and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

Clause (a) of section 2, act of June 7, 1917 (P. L. 388), as amended by section 1, act of May 2, 1919 (P. L. 111), further amended.

Section 1. Be it enacted, &c., That clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred eighty-eight), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out

or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," as amended by section one of the act, approved the second day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred eleven), is hereby further amended to read as follows:

(a) Where the legal title is held: (One) By minors, lunatics, or habitual drunkards, so duly found by inquisition, or by weak-minded persons for whom guardians have been appointed; (Two) By a wife whose husband is a minor, or by a married minor whose spouse is a minor, or by a married woman or married man whose spouse is a lunatic, or has abandoned him or her for one year, or has been absent and unheard of for seven years, or who is one of the tenants of an estate

*by entireties, and whose spouse, the other tenant of such estate by entireties, has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease; (Three) By corporations of any kind having no capacity to convey, or by any unincorporated association; (Four) By any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter, or now or hereafter prescribed by law; (Five) By a corporation of any kind, or individual or individuals, and is subject to a trust of any description whatever; (Six) By any person who may have been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease; (Seven) Or any interest therein is held by any person under legal disability to dispose thereof.*

When effective.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 522

AN ACT

Validating certain sheriff's sales of real estate, and the title to such real estate, in the hands of purchasers, their heirs, grantees, and assigns.

Heretofore advertised.

Section 1. Be it enacted, &c., That whenever heretofore the sheriff of any county shall have advertised the sale of any real estate in two newspapers of general circulation, describing the real estate to be sold and the time and place of sale as required by law, then such sale so held shall be deemed good and valid, notwithstanding the fact that the sheriff failed to require an upset bid sufficient to cover all taxes; and the title acquired by the purchaser, his heirs, grantees, and assigns, at or through such sheriff's sale, shall be deemed good and sufficient in law to the same extent as if such upset bid had been required: Provided, however, That this act shall not be construed to apply to any such sales and titles heretofore or now in question in any legal proceeding: And provided further, That this act shall not discharge the lien of any tax not included in the upset price.

Title.

Proviso.

Further proviso.