

## An Act

Amended title.

Relating to the orphans' court; conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates, trust estates, minors' estates, and absentees' estates; *conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases*; providing for the organization of orphans' courts, the procedure therein, the powers and duties of the judges thereof, and appeals therefrom.

Section 302. Concurrent Jurisdiction [—Title to Real Estate].—*The orphans' court shall have concurrent jurisdiction of:*

[The orphans' court shall have concurrent jurisdiction of the]

(1) *Title to Real Estate.* The determination of the persons to whom the title to real estate of a decedent or of the creator of an estate or trust subject to the jurisdiction of the orphans' court has passed by devise or descent or by the terms of the trust instrument: Provided, That nothing herein shall be construed to restrict the exclusive jurisdiction of the orphans' court to distribute real estate in an estate or trust within its jurisdiction.

(2) *Incompetents' Estates.* *The administration and distribution of the real and personal property of incompetents' estates, except when the jurisdiction thereof has been acquired by another Pennsylvania court. Another court which has acquired jurisdiction of the incompetent's estate may transfer it to the orphans' court.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

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No. 221

AN ACT

To amend section 306 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 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," by providing for an additional disqualification of persons petitioning for appointment as personal representative.

**Fiduciaries Act  
of 1949.**

**Section 306, act  
of April 18, 1949,  
P. L. 512,  
amended.**

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

**Section 1.** Section 306 of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 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," is hereby amended to read as follows:

**Section 306. Persons Not Qualified.**—No person shall be qualified to serve as personal representative who is—

- (1) Under twenty-one years of age;
- (2) A corporation not authorized to act as fiduciary in the Commonwealth;
- (3) A person, other than an executor designated by name or description in the will, found by the register to be unfit to be entrusted with the administration of the estate;

(4) *The nominee of any beneficiary, legatee or person having any interest whatsoever, when such beneficiary, legatee or person is a citizen or resident of any country outside the territorial limits or possessions of the United States, when it shall appear doubtful to the register that in the distribution of the estate any such person will have*

*the actual benefit, use, enjoyment or control of the money or other property representing his share or interest therein.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

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No. 222

AN ACT

To amend the title, section two and subsection (c) of section four of the act, approved the twenty-seventh day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1430), entitled "An act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a connection with the Pennsylvania Turnpike System, at such point east of the Susquehanna River as the Pennsylvania Turnpike Commission may decide is most feasible and practicable, to a point on or near the boundary line between the Commonwealth of Pennsylvania and the State of New York, between the Susquehanna and Delaware Rivers, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds, notes or other obligations of the Commonwealth, payable solely from revenues of the Commission, including tolls, or from such funds as may be available to the Commission for that purpose, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds, notes or other obligations exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the Commission to be brought in Dauphin County; prescribing conditions on which such turnpike shall become free; providing for grade separations, grade changes, relocations, restorations and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission; and authorizing the issuance of turnpike revenue refunding bonds," by providing for the construction, operation and maintenance of central connection extensions.

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

Section 1. The title of the act, approved the twenty-seventh day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1430), entitled "An act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance

"Pennsylvania Turnpike Northeastern Extension Act."

Title, act of September 27, 1951, P. L. 1430, amended.