

Campbelltown January 30th 1835

Dear Brother. Having plenty of spare time I have taken the trouble of transcribing the law of Pennsylvania respecting Intestates which I trust you will not call time mispent. It appears from this law that if Isabel had died in Pennsylvania the brothers and sisters of the whole and half blood would have drawn equal shares of the Personal Estate but not of the Real that descending to the whole blood entirely. Our law will govern the Real but not the personal according to the 20. sect. so that if you are not mistaken in your law for the distribution of intestates we will receive both Real and personal. Sect. 1. It is enacted by the Senate and House of Representatives of the Commonwealth of Pa. in General Assembly 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 settlements, shall be divided and enjoyed as follows, Viz: 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. 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 appertenant thereto, for the term of her life and to one half part of the personal estate absolutely. 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 County which shall take place, although there be no issue of the marriage in all cases when the issue of any would have inherited. Section 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: 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. Article 2. If such intestate shall leave grand children but no child or other descendant being the issue of a deceased child, the estate shall descend to and be distributed among such grand children. 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. 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: 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 time of 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. C. In every such case, the issue of such deceased child, grand child or other descendants 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. Section 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. 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: 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. 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 or nieces. 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. 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. V. The personal estate of such intestate not otherwise herein before 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. 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 herein before 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. 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 estate of inheritance therein the real estate of such intestate subject to the life estates herein before, ~~given~~ 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 herein before provided for the cases of brothers and sisters of the whole blood and their issue. Sect. 7. In default of all persons herein before described the real ~~estate~~ and personal estate of the intestate shall descend to and be distributed among the next of kin to such intestate. Sect. 8. Provided, That there shall be no representation admitted amongst collaterals after brothers and sisters' children. 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~~ 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. 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 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. 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. 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 life time of such intestate. Sect. 14. Whenever 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 equal shares and if real estate shall hold the same as tenants in common. Sect. 15. The shares of the estate directed by this act to be allotted to the widow, shall be in lieu & full satisfaction of her dower at common law. 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 ~~share~~ 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~~ 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 children to be equal as near as can be estimated. 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. 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. 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~~ 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. 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. 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.

Approved April 8th 1833

Geo. Wolf, Governor of Pa.

according to this law in case we all lived in this state we would be under a decided disadvantage for if one of us died the personal estate would be divided equally amongst us all without distinction of whole or half blood. Whereas if one of our half brothers or sister died the Mother would step in ^{and} take all the personal to the exclusion of both sides, and would in case our half brothers had acquired a real estate by their own industry inherit it also but as this is she cannot or could ^{not} because she is not of the blood of the ancestors from whom it came being no descendant of the McCallen? - See Sect. 9th Article 3. As our law undertakes to distribute the real estate lying in it notwithstanding the owner may have lived and died out of it: it would appear necessary that the administrator would have to take out letters of administration in both places one to settle the real and the other the personal estate. Our State claims 2 1/2 per cent on all collateral inheritances which will have to be paid out of Isabel's estate that is in it. And I expect as soon as her estate is returned to the Commissioners of the County as an estate of an intestate with none but collateral heirs as brothers and sisters are so called by this law that they will give notice as the law requires for the next of kin to administer otherwise they will have an administrator appointed to settle her estate and pay the commonwealth her dues. Our Assessor P. Wolfenbagen ^{sen} is too dumb to see that her estate is a collateral inheritance otherwise he would return it immediately as he is required by his oath of office so that we may escape it. But as soon as I get notice I will let you know when one or other of us must administer. We shall have a stranger in.

To John Geddes
 Farewell. William Geddes

John

Michigan County
 from Anson
 Mr John Geddes
 Cambridge town
 January 26th

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