

**REAL ESTATE, SALE OF BY COURTS**  
**Act of Apr. 6, 1921, P.L. 99, No. 59**  
AN ACT

Cl. 68

Relating to the jurisdiction, powers, and procedure of the court of common pleas as to sale, mortgage, conveyance upon ground rent, and lease for years of real estate, where the legal title is held by a married person whose spouse is an habitual drunkard, and providing for the disposition of the proceeds thereof.

Section 1. Be it enacted, &c., That the courts of common pleas of the several counties of this Commonwealth, in all cases where the legal title to real estate is held by a married woman or a married man whose spouse is an habitual drunkard duly so found by inquisition, shall have power to direct and authorize said married woman or married man to sell, mortgage, lease for years, and convey upon ground rent, the same or any part thereof, under the direction of said court of the proper county, whenever it shall appear to said court that said spouse is an habitual drunkard and that it is the interest of the owner of said real estate that the same should be sold, mortgaged, leased for years, or conveyed on ground rent, as the case may be: Provided, however, Where said spouse has no estate in his or her own right or one inadequate to his or her support, it shall be in the discretion of said court, by their order and decree, to make a reasonable provision for his or her support and maintenance out of said rents or proceeds of sale or mortgage so long as said spouse shall continue an habitual drunkard: Provided further, That such sale shall divest said real estate from any estate or claim of dower and estate as tenants by the curtesy or any claim in the nature thereof.

Section 2. All jurisdiction conferred by this act on the court of common pleas shall be exercised on the petition of the spouse holding legal title to said real estate, supported by oath or affirmation. Upon the presentation of such petition, the court shall fix a day for the hearing of which notice shall be given to the committee or next of kin of said habitual drunkard. If, upon such hearing, the court is satisfied that the facts sets forth in said petition are true, the prayer of the petition shall be granted, and the welfare of said habitual drunkard may be provided for in the discretion of the court as set forth in section one of this act, and the petitioning spouse shall be authorized and empowered to make, execute, and deliver a good and sufficient deed, mortgage, lease for years, or conveyance upon ground rent, as the case may be, for said real estate, to have the same force and effect as though the said petitioning spouse were unmarried: the lien of all debts of record against said land to be preserved.