

said allotments have been made to proceed immediately to open the same, and in case of neglect or failure of any contractor to open his section or sections agreeably to the terms upon which he received such contract, the supervisor shall dispose of said section or sections at a subsequent sale by like proceeding as was had in the first sale, and if the price exceeds the previous allotment, the person to whom the previous allotment was made shall be liable for said excess, and for all expenses incurred in effecting said second sale. After said road has been opened, it shall be kept in repair by the townships through which it passes, in the same manner that other roads are repaired.

HENDRICK B. WRIGHT,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The twenty-fourth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 174.]

AN ACT

To authorize Elizabeth S. Swift to make title to certain real estate, and for other purposes.

Elizabeth S.
Swift to sell
real estate

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Elizabeth S. Swift of the borough of Easton, county of Northampton, and commonwealth of Pennsylvania, is hereby authorized to sell, convey and make title to certain real estate, in Germantown, in Philadelphia county, situate on the north-east side of the main street in Germantown; beginning at a stone for a corner on the side of the said main street, and extending thence by land of Thomas Norris north forty-one degrees east eight perches and a half to another stone, and north fifty-six degrees and a half east forty-one perches and three-quarters of a perch to a stake in Bristol township line; thence by the same and James Logan's

land south by west three perches and seven feet to another stake; thence by William Biddis' land south fifty-six degrees and a half west thirty-eight perches and three-quarters of a perch to a corner stone, and south forty-one degrees west eight perches and a half to a corner stone by the said main street; thence by the said street north forty-one degrees west two perches six feet and six inches to the place of beginning, containing one hundred and fifteen perches and three-quarters of a perch, it being the same land which Silas Ebenezer Weir and Martha his wife, by deed of indenture, bearing date the third day of January, one thousand eight hundred and fourteen, conveyed to John Loraine, Junior, surviving executor of the last will and testament of Elizabeth Shewell, deceased, and held by the said John Loraine, Junior, in trust for the said Elizabeth S. Swift, as though the said Elizabeth S. Swift were a feme sole.

WHEREAS, Thomas L. Baldwin, a citizen of Tioga county, Preamble did on the sixteenth day of August, one thousand eight hundred and forty-one, procure a warrant for five hundred acres of land, situated in Middlebury township, in the county of ^{Thos L Baldwin's land} Tioga, for which he paid the usual price into the state treasury, and fees of office, after having first employed the deputy surveyor to go on the ground and make a preliminary survey: *And whereas*, There proved to be but two hundred and twenty-three acres and allowance, a mistake which occurred in consequence of certain papers and documents not being in the hands of the deputy surveyor, at the time he made the survey, being in the hands of his predecessor, all which appears by a statement of the deputy surveyor; therefore,

SECTION 2. That the said Thomas L. Baldwin, be and he is hereby authorized to lay the balance of said warrant on any unappropriated lands in said county, free of charge. ^{T L Baldwin}

SECTION 3. WHEREAS, Jonathan Booze, late of the township of Newton, and county of Cumberland, in this commonwealth, died seized of certain real and personal estate, without leaving a widow or any issue, or known kindred; and the said Jonathan Booze did pronounce, utter and declare, during his last sickness, and in the house of his habitation, in presence of James Young, James Neiss, and others, that it was his desire and wish, and he thereby gave and directed that after his death, his just debts should be paid, and the balance of his estate, whether real or personal, should go to and be enjoyed by Mrs. Sarah M'Cune, as fully as he enjoyed the same; therefore, ^{Preamble} ^{Jona Booze devise to Sarah M'Cune}

Be it enacted, That the nuncupative will of Jonathan Booze, late of Newton township, and county of Cumberland,

Sarah Mc-
Cune to inhe-
rit property
of Jonathan
Booze

in this commonwealth, deceased, shall be admitted to probate by the register of wills of said county, in due form of law; and the estate therein given, devised and bequeathed by the said Jonathan Booze to the said M'Cune, whether real or personal, or both, shall be held, possessed, enjoyed and disposed of by the said Sarah M'Cune, her heirs and assigns, as fully and effectually, to all intents and purposes, as if the said Jonathan Booze had made and duly executed a will in writing, any law or usage of this commonwealth to the contrary notwithstanding: *Provided*, That the provisions of this section shall not effect the rights of third persons, other than the commonwealth of Pennsylvania.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-fifth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.