

1772.

Legacies to corporate bodies are to be notified by the Register when the will is brought for probate, (post. chap. 1536, sect. 5.)

By an act passed March 19th, 1810, no devise or legacy in favour of a child, or other lineal descendant of any testator shall be deemed or held to lapse or become void by reason of the decease of such devisee or legatee, in the lifetime of the testator, if such devisee or legatee shall leave issue surviving the testator, but such devise or legacy shall be good and available in favour of such surviving issue, with like effect, as if such devisee or legatee had survived the testator: *Provided always*, That nothing herein contained shall be construed to affect any devise or legacy contained in the last will of any testator who shall have deceased before the passing of this act: *And provided also*, That nothing herein contained shall be construed to defeat the intention of any testator, to exclude such surviving issue, or any of them.

Conformable to the old law, it had been decided, in *Robinson v. Robinson's executors*, in the Supreme Court, Dec'r, 1799, that a legatee dying before the testator his legacy is lapsed: And where a residue is devised to several, though some of them are not executors, and there are no words pointing to a tenancy in common, and one of them dies in testator's life-time, his share shall survive. MSS. Reports.

Divers devises in a will, of the same thing, the last devise shall take place. S. C.

The words goods, or moveables, in a will, may include bonds, unless there be something in the context of the whole will to restrain the construction. *Jackson v. Vanderspiegle's executor*. MSS. Rep. Sup. Court, Jan'y. 1792.

Devise of Lands to a second son and his heirs, he or they paying to a daughter £.300 within three months after the expiration of a lease under which the lands were; and also £.150 within three months after the death of testator's wife (to whom an annuity of £.27 per annum was devised out of the said lands during life.) The legacies are vested and transmissible to representatives, though the legatees die before the day of payment. *Stone's administrators v. Massey*. Sup. Court, Dec'r. 1798. MSS. Reports.

An action was brought by a residuary legatee under the act in the text, to which the defendants pleaded fully administered: And the plaintiff thereupon moved for the appointment of auditors. It was objected that the executor's accounts had already been left by consent to referees, on a former citation before the Register of wills, &c. But the Court determined that the former settlement was not conclusive, and that by the words of the act, (sect. 3.) it was intended new auditors should be appointed, *ex tempore*, upon the plea of want of assets. 1 Dallas 164.

## CHAPTER DCLV.

*An ACT to enable the owners and possessors of a certain tract of meadow land, situate in the borough of Chester, in the county of Chester, to keep their dams, banks, sluices and flood-gates, in good repair.*

Passed 21st March, 1772.—Private Act.—Recorded A. vol. V. page 488.

## CHAPTER DCLVIII.

*An ACT for explaining and better ascertaining the boundary lines of the county of Bedford. (f)*

**WHEREAS** by an act of General Assembly of this province, entitled *An Act for erecting a part of the county of Cumberland into a separate county*, passed in the eleventh year of the present reign, it was enacted, That all and singular the lands, lying and being within the boundaries following, that is to say; beginning where the pro-

(f) For the act erecting the county of Bedford, see ante. chap. 629, and the references thereto; and the title *Bedford county*, in the index. (Note to former edition.)

vince line crosses the Tuscarora mountain, and running along the summit of that mountain to the Gap, near the head of the Path Valley; thence with a north line to the Juniata; thence with the Juniata to the mouth of Shaver's creek; thence north-east to the line of Berks county; then along the Berks county line north-westward to the western bounds of the province; thence southward, according to the several courses of the western boundary of the province, to the south-west corner of the province; and from thence eastward, with the southern line of the province, to the place of beginning: But forasmuch as the Tuscarora mountain does not extend to the province line, and the southern boundaries aforesaid are not properly described, the lines of the county of Bedford cannot be known and run by the Trustees appointed for that purpose: To the end, therefore, that the boundaries of the said county of Bedford may be certainly known, *Be it enacted*, That the lines following, to wit, beginning where the province line crosses the North or Blue mountain, that runs between the Great and Little Coves and that part of Cumberland county called Connegocheague; and thence along the summit of the said mountain to the beginning of the Tuscarora mountain, and running along the summit of the said Tuscarora mountain to the Gap, near the head of the Path Valley; from thence a north line to the Juniata river; thence up the Juniata to the mountain that divides the Kishicocolus Valley from the Standing Stone Valley, and along the summit of that mountain to the head of the Standing Stone creek; from thence north-east to the line of Berks county; thence by Berks county line to the western bounds of the province; thence southward, according to the several courses of the western boundary of the province, to the south-west corner thereof; and from thence with other boundaries of the province to the place of beginning; shall be, and are hereby declared to be, the boundary lines of the said county of Bedford, any thing in the said recited act to the contrary notwithstanding.

1772.

Boundary lines ascertained.

Passed 21st March, 1772.—Recorded A. vol. V. page 528. (g)

(g) The boundaries described in this act include, at present, many counties. It is, however, useful to be referred to, particularly with respect to titles to lands founded on warrants issued previous to the erection of other counties.

## CHAPTER DCLX.

*An ACT for the relief of such persons, as conscientiously scruple the taking of an oath in the common form. (h)*

WHEREAS it is enacted and declared, in and by the act of General Assembly, passed in the twelfth and thirteenth years of his Majesty William the third, entitled *An Act concerning liberty of conscience*, "That no person, dwelling or residing within this province, who shall profess faith in GOD the Father, and in JESUS CHRIST, his only Son, and in the HOLY SPIRIT, one God blessed for evermore, and shall acknowledge the Holy Scriptures

(h) See ante. pa. 24, chap. 115, the act concerning liberty of conscience, and a reference to the existing laws upon the subject of qualifications of witnesses. (*Note to former edition.*)