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subsequent eviction, on the 23d April, 1799, of 47 acres, part of the lands appraised, and for the taxes paid by him on those 47 acres. This was excepted to, and after argument;—*By the Court*: Unquestionably the recognizance in the Orphans' Court, is in the nature of a judgment. The interests of minors, as well as persons of full age, would be strangely affected, if a doctrine should prevail, that while they were divested of their interests in the land, their distributive shares of the valuation should not be placed on a secure and permanent footing. If they are liable to have their dividends reduced, by circumstances or considerations which have occurred anterior to the recognizance solemnly given, they will be but badly protected by the law. Why was not this defence set up by the son in the Orphans' Court, previous to their decree, and his subsequent recognizance? Can any good reason be assigned for it. We cannot presume, that the inquest have appraised valuable permanent improvements made at the son's expense, as the property whereof the father died seized.

The testimony on the two first items must be overruled. As to the two last items, which have happened since the valuation, as it is said, under the agreement of the family, evidence applicable to them may be admitted.

As to the power of the Orphans' Court to decree a sale of lands for payment of debts, though there are no minor children; see 4 *Dallas' Rep.* 451, (note 1.)

Where one administrator receives money of the estate, and pays it over, how his account shall be settled, see 1 *Dallas' Rep.* 311.

A creditor taking bond from an executor or administrator discharges the old debt; and the executor or administrator, calling himself such in the bond, is surplusage. 1 *Dallas' Rep.* 347, (note *)

An administrator is chargeable with interest, where he has been guilty of neglect in not putting out the money of the intestate, or has used it himself; and it lies upon him to shew what has been done with it. But he is not liable for interest until after twelve months from the intestate's death. 1 *Binney*, 194, (see vol. 1, pa. 88.)

An executor who receives the surplus proceeds of his testator's land, which has been sold under execution, is chargeable with them in account as executor, notwithstanding he is husband of the devisee of one half the estate, and claims to have received them in that character. 2 *Binney*, 294.

If an executor purchase the real estate of his testator at Sheriff's sale, and it is afterwards sold again, in consequence of his not adhering to his purchase, he is chargeable in account with the largest of the sums at which it was struck off. 2 *Binney*, 294.

If there are errors in an account reported by auditors to the Orphans' Court, and confirmed by their decree, the Supreme Court, upon an appeal, will rectify them as the Orphans' Court should have done, and not set aside the whole account. The auditors are mere clerks. 2 *Binney*, 296.

If a devisee, or one of the heirs, loses his lands by an execution, he is entitled to a contribution from the owners of the remaining part of the testator's lands. 2 *Binney*, 299.

CHAPTER MDCCXLI.

An ACT to suspend, for the time therein mentioned, part of an act, entitled "An act to appropriate certain sums of money, for the laying out, opening and improving sundry roads within this commonwealth, and for other purposes therein mentioned," and to confirm part of a road laid out in pursuance of said act. ()*

(* Chap.
1683.)

WHEREAS, in and by the act, entitled "An act to appropriate certain sums of money for the laying out, opening and improving sundry roads within this commonwealth, and for other purposes therein mentioned," passed the eleventh day of April, one thousand seven hundred and ninety-three, it is, among other things, enacted, that the sum of four hundred dollars be appropriated for viewing and laying out a road from Philadelphia to the borough of York, in York county, through West-Chester and Strasburg, and crossing the Susquehanna at the place commonly called the Blue Rock: And whercas it appears, as well from the representations of a great num-

ber of the inhabitants of the county of Lancaster, as otherwise, that the opening of a certain part of the said road would be not only burthensome and oppressive, but at present useless, as there is not, neither can there be, established any convenient ferry over the Susquehanna, at the Blue Rock aforesaid :

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SECT. I. *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* so much of the aforesaid road, directed to be laid out from Philadelphia to the borough of York, as lies between the city of Philadelphia and the village of Strasburg, is hereby confirmed, as viewed and laid out, agreeably to the report, and supplementary report, made on that part of the said road by the commissioners appointed for that purpose, and filed in the office of the Secretary of the commonwealth; and the Courts of Quarter Sessions of the respective counties, through which the said road passes, are hereby authorized and required to cause the same to be opened agreeably to the said reports, and the existing laws of this commonwealth: *Provided always, That* nothing herein contained shall extend to confirm or authorize the opening of that part of said road, which lies between the village of Strasburg and the borough of York, but the same shall be and is hereby suspended, until a permanent bridge shall be built over the Susquehanna, at or near the Blue Rock.*

A certain road confirm- ed.

And to be opened.

Part of same road suspended.

(* Chap. 1684.)

Passed 19th April, 1794.—Recorded in Law Book No. V. page 236.

CHAPTER MDCCXLIV.

A further SUPPLEMENT to the act, entitled "An act for erecting the town of Carlisle, in the county of Cumberland, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned," passed the thirteenth day of April, one thousand seven hundred and eighty-two.

[Original act, vol. 2, pa. 17.]

SECT. 1. [HOW taxes may be assessed and levied, to improve the police of Carlisle. 2. Accounts how to be kept. 3. Monies to be paid over, on a change of borough officers.]

Passed 19th April, 1794.—Recorded in Law Book No. V. page 248.

CHAPTER MDCCXLVI.

An ACT for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation.

[See notes to chap. 1502, vol. 2, page 531.]

WHEREAS the act of Assembly, entitled "An act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation,"* passed the twenty-fifth of September, one thousand seven hundred and eighty-six, will soon expire by its limitation, and it is proper and requisite to con-

(* Chap. 1237. See the act against masquerades.)