

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 legatee 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.)