

IV. *And be it further Enacted*, That of Inheritances that be intire, where no Division can be made by Metes and Bounds, so as a Woman cannot be endowed of the Thing itself, she shall be endowed thereof in a special and certain Manner, as of a Third Part of the Rents, Issues, or Profits thereof, to be computed and ascertained in Manner as aforesaid. And no Woman that shall be endowed of any Lands, Tenements, or other Inheritances, as aforesaid, shall commit or suffer any Strip or Waste thereupon, but shall maintain the Houses or Tenements, with the Fences and Appurtenances thereof, with which she shall be so endowed, in good Repair during her Term, and leave the same so at the Expiration thereof, and shall be liable to Action for any Strip or Waste by her done, committed or suffered.

Widow shall not  
make Strip or  
Waste.

### C A P. IX.

*An ACT* in further Addition to and in Amendment of an Act made and passed in the Thirty Fourth Year of his late Majesty's Reign, intituled *An Act for appointing Commissioners of Sewers.*

*HEREAS* in an Act made and passed in the Thirty Fourth Year of his late Majesty's Reign, intituled *An Act for appointing Commissioners of Sewers*, it is amongst other Things Enacted, "That the Commissioners of Sewers shall be impowered to meet and convene together from Time to Time, as occasion may require, to view, consider, consult, and contrive such Ways and Methods for building and repairing such Dykes and Wears, as are necessary to prevent Inundations, and for drowning and draining of Swamps and other unprofitable Grounds, and to employ Workmen and Labourers for such reasonable Wages as may be agreed on for effecting the Premises, and from Time to Time, to assess and tax all such Persons as may or shall be Owners of such Meadows, Marshes, or such unprofitable Swamps or Lands aforesaid: towards the Charge thereof." *And Whereas many of the Commissioners of Sewers complain that assessing the Owners of such Lands as aforesaid, by no means answers the Intention proposed by said Act, as Labourers cannot be hired in lieu of such Owners of Lands as aforesaid, whereby it may happen that large Quantities of Corn or Grass on the Marsh Lands, may be greatly damaged or utterly spoiled by the Sea overflowing the same, for want of immediate Labour, to the great Loss and Discouragement of the industrious Farmer, and to the Detriment of the Province; For Remedy whereof, Be it Enacted by the Lieutenant Governor, Council, and Assembly*, That from and after the Publication hereof, each and every Owner or Possessor of Marsh Lands in any Township, District, or Place, within this Province, (where Commissioners of Sewers are appointed) shall in all common Cases, either in raising new or repairing old Dykes, or ditching or drain-

Owner &c. of  
Marsh Lands shall  
attend himself or  
send a sufficient  
hourer in

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ing Lands, attend either by himself or provide a sufficient Labourer with proper Tools, to work at the Time and Place appointed by the said Commissioners of Sewers, agreeable to the Rules and Regulations made for that purpose; and when it shall happen that any Owner or Possessor of any such Marsh Lands in any Township, District, or Place, shall have, occupy, or receive, the Produce of a greater Quantity of said Lands than one Right or Share, in such Marsh, that then and in such Case every Owner or Possessor shall furnish a Number of Labourers in Proportion to their respective Quantities of Lands, as agreed on by the Commissioners of Sewers: And where it may be necessary to employ Oxen or Carts, for the more expeditiously carrying on their Work, each and every Owner or Possessor of such Lands, who have Oxen or Carts, shall in like Manner be obliged to attend with, or send such Oxen or Carts for the Work aforesaid, and in the aforesaid Proportion, in Lieu of Labourers.

in Proportion to the Quantities of Lands he shall possess.

Oxen and Carts may be employed in lieu of Labourers

Six Days Notice to be given of the Time and Place where the work is to be done.

II. *Provided always* That such Owner or Possessor of such Lands to be dyked or drained, shall have at least *Six Days* Notice of the Time and Place where such Work is required to be done, by one or more of the Commissioners of Sewers, or by some Person appointed by them for that Purpose.

In Case of any sudden Breach in any Dyke &c., every Owner or Possessor of Lands within such Dyke, shall immediately repair to the Place directed, and endeavour to repair such Breach. &c.

III. *And be it further Enacted*, That in Case of any sudden Breach in any Dyke, or where any Breach is likely to be made or Inundation occasioned by Storms, high Tides, or otherwise, each and every Owner or Possessor of Land within such Dykes shall immediately, on Notice being given by any one or more of the Commissioners of Sewers or Persons appointed by them, repair to the Place directed, with proper Tools, to labour and use their utmost Endeavours to repair such Breach or Place likely to be a Breach; and shall continue to work from Day to Day on the same, so long as the Commissioners of Sewers shall judge it absolutely necessary, for preserving the Land and Produce within such Dyke from Damage.

Owners or Possessors of Marsh or Dyke Lands, refusing or neglecting to Labour.

IV. *And be it also Enacted*, That if any Owner or Possessor of any Marsh or Dyke Lands within any Township, District, or Place within the Province as aforesaid, shall neglect or refuse to attend and labour, or to send a sufficient Number of Labourers at the Time and Place to be appointed by the Commissioners of Sewers as aforesaid, in Proportion to the Quantity of Land in his or their Possession, (due Notice having been given as aforesaid) each and every delinquent Owner or Possessor of such Lands shall forfeit and pay, over and above their Assessment or Tax to be made by virtue of the aforementioned Act, the Sum of Five Shillings for every Day's Neglect or Refusal for each and every Labourer such Owner or Possessor of such Land ought to have sent. And if such Owner or Possessor of such Lands shall neglect or refuse to attend and labour, where any sudden Breach shall happen, or be likely to happen to any such Dykes, on immediate Notice given to such Owner or Possessor, such Delinquent Owner or Possessor shall forfeit and pay the Sum

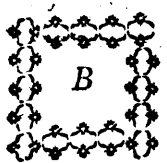
of Ten Shillings for each Day's Neglect, for each and every Person which should have been sent by him, and so in like Proportion for Oxen and Carts; to be recovered by Warrant of Distress, on Conviction before any one of His Majesty's Justices of the Peace for the County where the Offence shall be committed, and for want of Goods and Chattels to satisfy such Distress and Charges, the Lands of such Delinquent, or so much as shall be sufficient, shall be held and let out by said Justice until the Produce thereof shall amount to the Fine and Charges so levied, in the same Manner as is directed by Law for a Delinquent's Proportion of Assessments or Taxes for making and repairing Dykes; and the Monies arising from such Fines to be paid into the Hands of the Commissioners of Sewers to be appropriated for the making and repairing Dykes, in the Township, District, or Place, where the same shall be recovered.

To be recovered before any Justice of the Peace for the County,

and appropriated for making and repairing Dykes.

## C A P. X.

*An ACT* for discharging the Penalties and Forfeitures in Bonds, Contracts, and Agreements, on Payment and Satisfaction of the principal Sum and Damages due upon the same.



*E it Enacted by the Lieutenant Governor, Council, and Assembly,* That in every Action upon any Bond, Contract, and Agreement, with Penalty for Performance of the Condition contained in such Bond, Contract, or Agreement, it shall and may be lawful for the respective Courts, where such Action shall be brought, upon due Proof of the just Sum due upon the Condition of such Bonds, Contracts, and Agreements, together with all such Damages and Costs as have been incurred by Non performance of the Condition, to direct and receive a Verdict for the Sum and Damages so proved at the Trial; and to cause Satisfaction to be entered upon the Judgment upon such Bond, Contract and Agreement, upon Payment of the Debt and Damages, so to be ascertained by Verdict or otherwise.

4. Ann. c. 16.

In Actions brought upon Bonds, &c. with Penalties, Verdict shall be only for the Sum justly due.

II. *And be it further Enacted,* That when any Action of Debt shall be brought on any single Bill, or where Debt or *Scire facias* shall be brought on any Judgment, if the Defendant hath paid the Money, such Payment may be pleaded in Bar; and where Debt is brought on any Bond which hath a Condition or Defeazance to make void the same upon Payment of a lesser Sum, if the Obligor,

In Action of Debt brought on single Bill or Judgment, after Money paid, such Payment may be pleaded in Bar.