

or refuse when called on to make Distribution of the Deceased Estate, agreeable to this Act, all such Executor or Executors, Administrator or Administrators, shall for each and every neglect or Refusal forfeit and pay the Sum of Fifty Pounds, to be recovered by Bill, Plaint or Information in any of his Majesty's Courts of Record in this Province by any or either of the Heirs or Creditors of the Deceased.

C A P. VI.

AN ACT for altering and adding to the Times appointed for holding the *Court of Common Pleas and General Sessions of the Peace* in the Town and County of *Shelburne*.

HEREAS the stated Periods for holding the Court of Common Pleas and General Sessions of the Peace in the Town and County of *Shelburne*, has been found inconvenient, for the remedy whereof.

I. Be it Enacted, by the Lieutenant Governor, Council and Assembly, That the *Court of Common Pleas and General Sessions of the Peace* for the Town and County of *Shelburne*, shall be in future held on the first Tuesday in *March*, the first Tuesday in *July*, and the first Tuesday in *November* annually, any Law Usage or Custom to the Contrary notwithstanding.

Common Pleas and Sessions at *Shelburne* held on first Tuesdays of *March*, *July* and *November*.

C A P. VII.

AN ACT in Amendment of an Act, intituled, An Act for appointing Commissioners of Sewers,

HEREAS by an Act of General Assembly made and passed in the Thirty fourth Year of the Reign of his late Majesty, intituled, An Act for appointing Commissioners of Sewers, it is among other things, Enacted, that the Commissioners of Sewers, shall be empowered by their Commissions from Time to Time to assess and Tax all such Persons as may or shall be Owners of dyked Meadows, Marshes, &c. for and towards the repairing of Dikes and Wares or Building of new ones, and whereas it frequently happens, that the Commissioners of Sewers are Proprietors of a great Proportion of such Lands whereby equal Justice will not be done to the Proprietors in general, for remedy whereof.

I. Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof, whenever the building

building or repairing such Dikes and Wares, as are necessary to prevent Inundations or for the Draining or Flowing of Swamps, and other unprofitable Grounds, or for working and Draining Marsh Lands shall appear expedient to the Commissioners aforesaid, and the expences thereof shall exceed the Sum of five Shillings per Acre, it shall and may be lawful for the said Commissioners or the Major Part of them, and they are hereby requested to summon the Owners of such Meadows, Marshes, unprofitable Swamps and Lands to meet on a certain Day, and at a certain Place first giving reasonable Notice of the same for the Purpose of electing five Assessors, and the said Commissioners with such Assessors or the Majority of them, shall and may, and they are hereby authorized and empowered (the said Assessors being first duly sworn impartially to execute the said Office) to assess and Tax all such Persons as shall be Owners as aforesaid towards the Charge of repairing such Dikes and Wares and draining such unprofitable Grounds having regard to each Person's Quantity and Quality of Land, and the Benefits to be received thereby according to the best of their Judgment.

If the Expences of dying exceed 5s. per Acre Commissioner's to summon the Owners of the Lands to chuse five Assessors who with the Commissioner's may Assess and Tax such Owners according to the Quantity and quality of their Lands.

C A P. VIII.

AN ACT in Amendment of an Act for regulating the manner of issuing Process and Execution from the *Inferior Courts of Common Pleas* for the several Counties in this Province, and for altering the Form of the Summons heretofore used by his Majesty's Justices of the Peace, also in Amendment and declaratory of the Act for the Summary Trials of Actions.

*** E it Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof, all
 * B * Summonses issued by Justices of the Peace, shall be directed to either of the Constables of the County where the Justice issuing the same shall reside, and that the Party or Parties against whom such Summons shall issue, shall have three Days Notice to appear to such Summons, exclusive of the Day of Service, and the day of appearance, and where the Constable shall not be able to make a personal Service, a Copy of such Summons shall be left by the Constable, at the Defendant, or Defendants House, or last Place of Abode, with some Person residing there, of which Service the Constable shall if thereto required make Oath.

Summons issued by Justice of Peace to be directed to Constables, party to have three days notice, if personal Service cannot be made to be left at the Defendants last place of abode, of which Constable to make Oath.