

C H A P. X.

“said office, he the said — —, his executors or administrators, shall surrender and deliver up, or cause to be surrendered and delivered up, to the next person who shall succeed him in the said — — office, all the papers and record books now being in the said — — office, in good order and repair, as also all such other papers and record books which shall be by him added, in like good order and repair, with the records and entries faithfully, legally and truly made up and entered during the time he hath officiated in the said — — office, without favour or affection, but according to the truth, the nature of the thing, and the duty of his office, and all other the duties of his said office legally, duly, and faithfully shall discharge, according to law, and the true intent and meaning of the acts of assembly in such cases made and provided, that then the above obligation to be void and of none effect, or else to be and remain in full force and virtue in law.”

Which shall be passed, &c.

III. AND BE IT FURTHER ENACTED, by the authority aforesaid, That the said bonds shall be passed, proved, recorded and sued in the same manner and form as directed by the afore-mentioned recited act for repairing the damages already sustained in the records of the land, secretary's, commissary's and county court offices, and for security of the same records for the future, and likewise that copies of such bonds, attested under the hand and seal of the office of either the clerk of the provincial or county courts, shall be good evidence in law to maintain any action of debt to be brought for any breach or breaches of the condition aforesaid, according to the direction of the said act, and that likewise the sureties be subject to the proviso in the said act.

Courts may require new security, &c.

IV. BE IT FURTHER ENACTED, by the authority aforesaid, That as often as the several and respective justices of the several and respective county courts within this province shall see cause, they shall oblige the several and respective clerks of the counties aforesaid to renew such bonds with other sureties, where they disapprove the ability or sufficiency of such sureties, from time to time, as the nature of the case may require, and the said clerks respectively are hereby obliged in such case to renew such security, to the approbation of the respective justices aforesaid.

Proviso.

V. PROVIDED ALSO, That where the public or county shall sue the aforesaid bond, that neither shall be burthened with costs.

Provincial court may require new security, &c.

VI. AND BE IT FURTHER ENACTED, by the authority, advice and consent aforesaid, That as often as the provincial justices for the time being shall see cause, they shall and may oblige the secretary, commissary-general, register in chancery, register in the land-office, or whoever shall receive the fees and perquisites of the said offices respectively, to renew such bond or bonds with other surety or sureties, where they disapprove the ability or sufficiency of such securities, from time to time, as the nature of the case shall require; and the said secretary, commissary-general, register in chancery, register in the land-office, or whosoever shall have and receive the fees and perquisites of the same offices, are and shall be hereby obliged to renew such security when required as aforesaid.

Proviso.

VII. PROVIDED ALWAYS, AND BE IT LIKEWISE ENACTED AND DECLARED, by and with the authority, advice and consent aforesaid, That when or as often as any of the bond or bonds to be given by virtue of this act shall be sued, and judgment on them or any of them rendered, that the penalties in such bond or bonds, or any part thereof, shall not be applied to any other use than the making good the damage which may be suffered by the public, counties, or private person or persons, according to the true intent and meaning of this and the former act in that case made and provided.

C H A P. XI.

Passed 29th of October, 1742.

An ACT for laying out the town anew, commonly called Snow-Hill-town, in Somerset county. Lib. B.L.C. fol. 251.

N.B. Snow-Hill was first erected into a town by the act of 1686, ch. 2, and again confirmed by 1706, ch. 14. By the present act, 1. Certain commissioners appointed, and empowered to survey and lay out the same 100 acres formerly laid out, as agreeable as conveniently may be to the original survey thereof when first laid out into a town, having regard to the lots already improved and built upon, &c. 2. The land so surveyed, &c. to be erected into a town, and called Snow-Hill-town. 3. The owners of any of the lots formerly taken up, but not built upon, are required to build (within two years after the survey made as aforesaid,) upon such lot or lots, one house to cover 400 square feet of ground, with one brick chimney at least, and on neglecting to build as aforesaid, the right, title and property of such owner to such lot, at the expiration of the said two years, shall cease, and the same lot or lots become the property of the proprietor of the town land, as if the same had never been sold or conveyed; but owners of such lots, if under age or beyond sea, shall have liberty to improve and build on their lot as aforesaid, at any time within two years after such owner's arriving at full age, or returning into this province. 4. The commissioners to appoint a sufficient clerk, who shall make a fair entry of all their proceedings in a book, to whom the surveyor shall deliver a fair plot of the lots, &c. which plot, with the proceedings, shall be transmitted to the clerk of Somerset county, to be lodged among the county records; and upon the death or resignation of such town clerk, the commissioners to nominate and appoint another, as often as need shall require. 5. The commissioners empowered to agree with the proprietor of the land, not already taken up, for the price or use same, and, in case of such agreement, to set a price on each lot, not already taken up or purchased, for which the taker up shall pay, but in case they cannot agree for the said ground, they shall cause the same to be valued by a jury, and the payment of