

SANBORN v. MEREDITH.

Notice of a petition for a highway is properly served, by leaving, at the places of abode of the parties entitled to notice, copies of the petition and order of notice, certified by the clerk of court. A sheriff's attestation of the papers, as true copies, is superfluous, and does not invalidate the service.

PETITION, for a highway. Motion to dismiss for defect in notice, given by the clerk's certified copies, attested and left by the sheriff.

Rollins, for the town.

Jewell, for the petitioner.

FOSTER, J. There was a strict compliance with the law in the service of the papers. Gen. St., c. 63, s. 2. The sheriff's attestation of them was superfluous and harmless. The service was not an official act. It might have been made by the petitioner, or by any other person. The person who left these copies, "as required by law," may make affidavit at the trial term, in proof of his unofficial act.

Case discharged.

BINGHAM, J., did not sit.

 BELKNAP v. CLARK.

Belknap county, plaintiff in a suit, is not properly described as "the inhabitants of the county of Belknap;" but the writ may be amended.

In assumpsit, the court may order an additional specification.

A county may recover, in assumpsit, of the clerk of the court of that county, its money, received by him and not accounted for, when he, in equity and good conscience, ought to account for it.

ASSUMPSIT, on the money counts. In the writ, the defendant is summoned to answer to "the inhabitants of the county of Belknap." The court refused to quash the writ, and allowed an amendment, describing the plaintiff as the county of Belknap, and the plaintiff excepted. The plaintiff having filed a specification, the court ordered an additional one, and the plaintiff excepted.

The suit embraced the defendant's accounts as clerk of that county for five years, as examined and certified by the judges, and was brought to recover the plaintiff's money, received by the defendant