
 COÖS.

BENTON v. GOODALE.

One who is compelled to pay more than his share of the fees of a collector of taxes, to prevent a tax sale of his land (included with lands of other persons in an advertisement of sale), may recover the excess in *assumpsit*.

ASSUMPSIT, against a tax-collector for excessive fees paid him by the plaintiff.

W. Heywood, for the plaintiff.

Ladd & Fletcher, for the defendant.

ALLEN, J. The defendant was entitled to one dollar and no more "for advertising" all the lands included in a single advertisement, and the plaintiff was holden to pay no more than "his just proportion" of the defendant's fees. G. L., c. 58, s. 15; c. 59, ss. 16, 17. The plaintiff's payment of more than his share was not voluntary. He was compelled to pay what the defendant demanded to prevent a sale. An action of debt for the penalty prescribed by Gen. Laws, c. 59, s. 18, was not the only remedy. *Cardigan v. Page*, 6 N. H. 182, 193.

Judgment for the plaintiff.

BINGHAM, J., did not sit: the others concurred.

 ROCKINGHAM, JUNE, 1891.

FOWLER v. BECKMAN & a.

Service of a copy of an injunction, order, or decree is sufficient notice of the injunction without a writ.

A person who knowingly aids and abets in the violation of a decree which enjoins the defendants, "their servants, aiders and abettors," is liable to attachment, though not a party to the bill and not personally named in the decree.

To a complaint alleging the respondent's violation of an injunction which required him to refrain from occupying a lot of land, it is no defence that a town passed a vote purporting to authorize his occupation.