

the said directors, or any two of them, may make an estimate of the expence of cutting said ditch or drain, and shall pass and apportion the same as above directed, and that the same be paid by the proprietors respectively of that particular part of the said branch, unto the said directors, at three annual payments, one third of which to be discharged on or before the first day of July, eighteen hundred and six, one third on or before the first day of July, eighteen hundred and seven, and the remaining third on or before the first day of July, eighteen hundred and eight.

V. AND BE IT ENACTED, That the proprietors of said branch, or any of them, shall not, at any time after said ditches or drains are cut and opened, permit or suffer any of his, her or their horses, cattle or hogs, to go into the same, or to make water holes in the said ditches or drains, or put fences or other obstructions across or in the same; and the said directors, or any two of them, in the case of horses, hogs or cattle, of the said proprietors, or any of them, being permitted to go into any ditches or drains aforesaid, may take and impound them, as for damage feasant, in which case the usual proceeding in such distresses shall be observed; and if any of the said proprietors shall at any time make watering holes in the said ditches or drains, or run fences across, or otherwise obstruct the same, the said directors, or a majority of them, may remove the nuisance, and fine the offender in any sum not exceeding two dollars for any one offence, to be recovered as hereafter directed, and applied to defray the general expences of cleansing said ditches or drains.

VI. AND BE IT ENACTED, That in case the said proprietors, or any of them, shall not pay to the said directors his, her or their respective proportion of any sum of money fixed and apportioned by the said directors as aforesaid, for the purpose of opening, cutting, cleansing or repairing, said ditches or drains, or fine or fines to be imposed as aforesaid, within thirty days after demand of the same by the said directors, it shall and may be lawful for the said directors, or any one of them, to collect the proportion due from such delinquent proprietor or proprietors by distress and public sale of any goods or chattels of such proprietor or proprietors which shall be found on his, her or their part of said branch, or any of his, her or their land adjoining thereto, of which sale five days notice, excluding the day of notice and sale, shall be given, which sale shall be for current money; or if the said directors, or a majority of them, shall think fit, they may raise the money due as aforesaid from such delinquent proprietor or proprietors, by making a lease of the whole or any part of the land lying on said branch, or adjoining upland belonging to such delinquent proprietor or proprietors, for any term not exceeding five years, and disposing of said lease for the best price in current money that can be had for the same, at public sale, and on the same notice as is before directed, and if there be any overplus of the money raised by distress, or lease and sale as aforesaid, remaining in the hands of the said directors, after paying the proportion of the said proprietor or proprietors in arrear as aforesaid, and the expences of the distress, (or lease,) and sale as aforesaid, the said overplus shall be paid to the said proprietor or proprietors to whom it belongs; provided always, that if any proprietor or proprietors from whom any arrears shall be due as aforesaid shall be under the age of twenty-one years, it shall not be lawful for said directors, during the infancy of such proprietor or proprietors, to raise the said arrears, or any part thereof, by distress and sale of personal property as aforesaid.

VII. AND BE IT ENACTED, That the directors to be chosen in virtue of this act, and each of them, shall, at the expiration of the year for which they shall be chosen, produce to the proprietors a full and fair account of the money received by them, and each of them, and from whom received, and how expended, and shall pay the balance, if any, remaining in his, her or their hands, to the directors chosen for the next year; and in case any of the said directors shall misapply, or refuse to pay over as aforesaid, any sum or sums of money received in virtue of this act, it shall and may be lawful for the proprietors of the said branch, or a majority of them, to nominate and appoint one of the said proprietors for the purpose of asking, demanding and recovering, and in case of refusal, suing for and recovering, from the said directors, such sum or sums of money misapplied or refused to be paid over as aforesaid, in which said suit or suits to be brought in virtue of this act, it shall and may be lawful for the person appointed as aforesaid, his executor or administrator, to declare generally for money had and received for his, her or their use, and give this act and the special matter in evidence, and in which said suit or suits the defendants shall be allowed but one impariance, and the money so received and recovered shall be paid to the directors chosen in virtue of this act for the time being, who shall apply the same to the opening, cutting, cleansing and repairing, the said ditch or drain, in the manner herein before directed.

VIII. AND BE IT ENACTED, That in case of death or resignation, refusal or disqualification to act, of any of the persons chosen directors, at any time hereafter, it shall and may be lawful for the said other directors to meet as soon as conveniently may be thereafter, at their place of meeting as