

holds part of the said branch or low grounds adjacent to, or which may be drained and improved thereby, or through which the said ditch or drain shall pass, adjoining each other, part on one side thereof and part on the other, in which case each shall pay in proportion to the part he shall or may hold.

3. AND BE IT ENACTED, That the said directors, or any two of them, shall have full power and authority at any time thereafter, to cut, open and complete, the said ditch or drain, and also from time to time to repair, cleanse and keep open, and in good repair, the said ditch or drain so to be opened and cut in virtue of this act, at the expense of the said proprietors, in the same proportion that the expense of opening and cutting the said ditch or drain in the first instance, and of repairing and cleansing the same when cut and opened, the said directors, or any two of them, are hereby authorised to apportion what they may conceive the expenses thereof will amount to, and demand and receive such proportions respectively from the said proprietors before or at any time after the commencement of said work, or after the same is finished; *Provided always*, that inasmuch as it may be inconvenient for some of the proprietors through whose lands the said ditch or drain shall pass, to satisfy and answer the expenses of cutting and opening said ditch or drain at any time, the said directors, or any two of them, may make an estimate of the expenses of cutting the said ditch or drain through that part of the branch in which the said ditch or drain 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 branch, unto the said directors, at three equal payments, one third of which to be paid in four months after the commencement of said ditch, one other third in eight months, and the remaining one third in twelve months.

4. 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 for the purpose of opening, cutting, cleansing or repairing the said ditch or drain, 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 the said branch, or any of his, her or their lands adjoining thereto, of which sale five days notice, (excluding the day of notice and sale,) shall be given, which said sale 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 said branch or adjoining upland, belonging to such delinquent proprietor or proprietors, for any term not exceeding five years, and disposing of the 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 shall 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