

by the said directors as aforesaid, for the purpose of opening, cutting, cleansing or repairing, the said ditch or drain, 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 the 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 said 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 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 arrear as aforesaid, and the expenses of the distress or lease and sale as aforesaid, the said overplus shall be returned 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 the 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.

CHAP. 150.

Proviso.

Accounts of receipts and expenditures to be produced to proprietors

6. 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 or their hands, to directors to be 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 to be 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, recovering, and in case of refusal suing for and recovering, from the said director or 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 or their use, and give this act and the special matter in evidence, in which said suit or suits the defendants shall be allowed but one imparlance; 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.