

ROBERT BOWIE, ESQUIRE, GOVERNOR.

1805.

of that particular part of the said branch, unto the said directors, CHAP. 100
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.

5. AND BE IT ENACTED, That the proprietors of said branch, Penalty on prop-
rietors obstructing
ditch or suffering
cattle to go into
the same.
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 ob-
struct the same, the said directors, or a majority of them, may re-
move the nuisance, and fine the offender in any sum not exceeding
two dollars for any one offence, to be recovered as hereafter direct-
ed, and applied to defray the general expenses of cleansing said
ditches or drains.

6. AND BE IT ENACTED, That in case the said proprietors, or Proprietors ne-
glecting to pay
their proportion of
money the same
may be collected
by distress.
any of them, shall not pay to the said directors his, her or their res-
pective 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 direc-
tors, or any one of them, to collect the proportion due from such de-
linquent 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 prop-
rietors, 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 direct-
ed, 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 di-
rectors, after paying the proportion of the said proprietor or prop-
rietors in arrear as aforesaid, and the expenses 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.