

CHAP. 100.

Directors to produce an account of money received and expended.

7. 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 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, cleaning and repairing, the said ditch or drain, in the manner hereof before directed.

How vacancies are to be filled.

8. 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 aforesaid, and choose a person in his stead to act as director till the next annual meeting of the said proprietors, and if any two directors therein disagree in such choice, they shall determine the same by drawing lots for the persons put in nomination, and the person in whose favour the matter shall be so determined, shall be and he is hereby declared a director, to all intents and purposes, until the succeeding annual election.

Commissioners appointed to examine branch prior to operation of this law, &c.

9. AND BE IT ENACTED, That White Turpin, William Whitely and Thomas Mason, be and they are hereby appointed commissioners to the said branch through which the said ditches or drains are to be cut and opened, prior to the operation of this law, and examine the same, and where it shall be found, upon examination by the said commissioners, that any person or persons through whose lands the said ditches or drains shall be cut, that such person is injured thereby, or is to receive no benefit from the same, then the person or persons so injured shall be exonerated from the effects of this law, so far as relates to the cutting the said ditches or drains, and that the cutting said ditches or drains through such person's lands, shall be equally defrayed by the joint expense of those persons benefitted thereby; and in case of the death, refusal or inability, of either of the said commissioners, the remaining two shall choose a third disinterested person, who shall all meet on the first Tuesday in March next ensuing, if fair, if not fair, on the next fair day; and the said commissioners are to receive the sum of two dollars per diem for their services, to be paid by the persons benefitted in the said ditches or drains.