

Dec Ses 1822

ceive 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 expense 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 said 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 in 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 days 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 and sale or lease 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.

5. *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

Payment may  
be enforced—  
exception.

Proviso

Directors to  
account—case  
of neglect.