

CHAP. 114. directors, or any three of them, are hereby authorised and empowered to ascertain and apportion what they may conceive the expenses thereof will amount to, and to demand and receive such proportions respectively from the said proprietor or proprietors, managers or directors, or others essentially benefited by cutting and opening said ditch or drain, before or at any time after the commencement of said work, or after the same is finished; *Provided always*, inasmuch as it may be inconvenient or impracticable for some of the proprietor or proprietors, managers or directors, through whose land the said ditch or drain shall pass, to satisfy and answer the expenses of cutting, excavating and opening, said ditch or drain, at the time when said managers or directors, or any three of them, may make an estimate of the expenses of cutting, excavating and opening, said ditch or drain, through that part of said branch in which said ditch or drain shall pass, and apportion the said expenses as above, that the said managers or directors, or any three of them, shall therefore allow such proprietor or proprietors, managers or directors, to pay their respective portions of said expenses, costs and charges, in three equal payments, with legal interest thereon from the time of ascertaining and apportioning thereof, until paid, one third part, with interest, in three months, one third part, with interest, in six months, and the remaining one third part, with interest, in ten months from the time of apportioning said costs, expenses and charges.

Proceedings against persons benefited failing to make payment

5. *And be it enacted*, That in case the said proprietor or proprietors, managers or directors, or others who are really and substantially benefited by said work, or any or either of them, shall neglect or fail to make payment to the said managers or directors of his, her, or their respective proportion of any sum of money fixed and apportioned by the said managers or directors, for the purpose of opening, cutting, cleansing or repairing, said ditch or drain, to be imposed as aforesaid, within thirty days after demand of the same by the said managers or directors, it shall and may be lawful for the said managers or 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 ten days notice, (excluding the days of notice and sale,) shall be given, which said sale shall be for current money; or if the said managers or directors, or any three of them shall think fit, they may raise the money due from such delinquent proprietor or proprietors, by making a lease of the whole or any part of said branch or adjoining upland, belonging to such delinquent proprietor or proprietors, for any term of years not exceeding five, and disposing of such lease, so made, 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 said managers or directors, after paying the proportion of the said proprietor or proprietors in arrear as aforesaid, and the expenses of the distress and sale,