

or lease as aforesaid, the said overplus shall be tendered or returned to the 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 managers or directors, during the infancy of such proprietor or proprietors, to raise the said arrears, or any part thereof, by distress and sale of any personal property as aforesaid; but if in case any proprietor or proprietors of the branch or land through which the said ditch or drain shall pass, shall be a minor or minors under the age of twenty-one years, the guardian or guardians of such minor or minors shall, and they are hereby compelled, to pay and satisfy to the said managers or directors, in the same manner and at the same time, the proper and proportionable part of the cost, charges and expenses, of the said ditch or drain, in the same manner as other owners or proprietors are compelled to do, or in the same manner, and at the same time as such minor or minors would have been compelled to do if of full age to contract for his, her or themselves, except as is herein before provided for in the case of minors in relation to personal property.

CHAP. 114.

*Proviso*

6. *And be it enacted*, That in any and in all cases of a disagreement or misunderstanding between the said managers or directors, and any proprietor or proprietors of the said branch, and the lands through which said ditch or drain shall pass, in ascertaining and apportioning the expenses, cost and charges, to be paid by such proprietor or proprietors, the said managers or directors, proprietor or proprietors, shall choose two discreet, disinterested men, no way connected with or related to either party, who shall enter upon and examine the matter or thing in controversy, and shall, as early as practicable thereafter, make their award and determination on the subject matter in dispute; and in case the persons so chosen to arbitrate shall not agree in their determination, then they shall immediately call in a third person, who is no way interested or concerned in the subject matter of dispute, or related to either of the parties, and the decision of any two of the said persons, thus chosen to arbitrate, shall be final and conclusive on the subject; and this mode of reference may be had as often as may become necessary, until a decision or determination can be had on the subject in dispute.

In case of disagreement, two disinterested persons to be appointed to examine matter

7. *And be it enacted*, That any timber which may be standing or lying on the line of location of the said ditch or drain, shall be taken and held as the right and property of the proprietor or proprietors of the land on which the same may be found, provided such proprietor or proprietors of any such land and timber shall cut and remove, or cause to be cut and removed, all such timber, within a reasonable time, which the said managers or directors shall allow, notify and stipulate for, with such proprietor or proprietors; but if in case the said proprietor or proprietors of any such timber as aforesaid, shall fail, neglect, or refuse, to cut and remove, to be cut and removed within the time limited or stipulated for, then it shall and may be lawful for the said managers or directors to cut and remove, or cause to be cut and removed, all such timber as aforesaid, and to sell the same

Timber lying on line of ditch, to be the right of proprietor