

DEC. SESS.
1815.

Proviso.

Defaulters.

drain, and also from time to time to repair, cleanse and keep open and in good repair the said ditch or drain so to be opened and cut in virtue of this act, at the expence of the said proprietors in the same proportion that the expence of opening and cutting the said ditch or drain in the first instance, and of repairing and cleansing the same when cut and opened, the said directors or any two of them are hereby authorised to apportion what they may conceive the expence thereof will amount to, and demand and receive 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 in as much 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 expences 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 expence 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 found on 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 expences 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.

Proviso.

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