

C. H. A. P.
XV.

be paid; and for the purpose of cutting and opening 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 authorized 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 the said work, or after the same is finished; provided always, that inasmuch as it may be inconvenient to some of the proprietors of the said marsh and branch, through whose lands no ditch has yet been cut, to satisfy and answer all the expences of cutting and opening the said ditch or drain at one-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 marsh and branch in which no ditch has already been cut, and apportion the same as above directed, and that the same be paid by the proprietors respectively of that particular part of the said marsh and branch unto the said directors at three annual payments, one third of which to be discharged on or before the first day of July next ensuing, one other third on or before the first day of July, seventeen hundred and ninety-one, and the remaining third on or before the first day of July, seventeen hundred and ninety-two.

Proprietors not
to obstruct the
drain, &c.

V. AND BE IT ENACTED, That the proprietors of the said marsh or branch, or any of them, shall not, at any time after the said ditch or drain is cut and opened, permit or suffer any of his, her or their horses, cattle or hogs, to go into the same, or to make water-holes in the said ditch or drain, or put fences or other obstructions across or in the same; and the said directors, or any two of them, in the case of horses, hogs or cattle, of the said proprietors, or any of them, being permitted to go into the said drain or ditch aforesaid, may take and impound them as for damage feazant; in which case the usual proceeding in such distresses shall be observed; and if any of the said proprietors shall at any time make watering-holes in the said ditch or drain, or run fences across, or otherwise obstruct the same, the said directors, or a majority of them, may remove the nuisance, and fine the offender any sum not exceeding twenty shillings current money for any one offence, to be recovered as hereafter directed, and applied to defray the general expences of cleaning the said ditch or drain.

Money due to
be collected by
distress, &c.

VI. 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 as aforesaid, for the purpose of opening, cutting, cleansing or repairing, the said ditch or drain, or fine or fines 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 marsh, or any of his, her or their land adjoining thereto, of which sale five days notice, excluding the day 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 marsh or branch (a) 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 or lease and sale 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.

(a) By 1790, ch. 24, the directors may lease or dispose of any upland, either clear or in wood, in the same manner, &c. as marsh land, by this act, so as not to exceed one third of such upland, or to include the dwelling-houses.

Directors to
produce a fair
account, &c.

VII. 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 or their hands, to the directors to be 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 to be received in virtue of this act, it shall and may be lawful for the proprietors of the said marsh or branch, or a majority of them, to nominate and appoint one of the said proprietors for the purpose of asking, demanding, recovering, and in case of refusal, suing for and recovering from the said director or directors, such sum or sums of money misapplied,