

C H A P.
XV.

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, receiving, and in case of refusal, suing for and recovering from the said director or directors, such sum or sums of money misapplied, or refused to be paid over as aforesaid, in which said suit or suits to be brought in virtue of this act, it shall and may be lawful for the person appointed as aforesaid, his executor or administrator, to declare generally for money had and received for his or their use, and give this act and the special matter in evidence, and in which said suit or suits the defendant shall be allowed but one imparlance, and the money so received and recovered shall be paid to the directors chosen in virtue of this act for the time being, who shall apply the same to the opening, cutting, cleansing and repairing, the said ditch or drain, in the manner herein before directed.

How vacancies are to be filled.

VIII. And be it enacted, That in case of death or resignation, refusal or disqualification to act, of any of the persons chosen directors at any time hereafter, it shall be lawful for the said other director or directors to meet as soon as conveniently may be thereafter at the Nine Bridges aforesaid, and elect a person or persons in his or their stead, to act as director or directors till the next annual meeting of the said proprietors, and if any two directors should disagree in such election, they shall determine the same by drawing lots for the persons put in nomination, and the person or persons in whose favour the matter shall be so determined, shall be and is hereby declared elected directors to all intents and purposes, until the succeeding annual election.

C H A P. XVI.

Passed December 25.

An ACT to enable certain commissioners to make partition of a tract or parcel of land called Bohemia Manor, lying in part within Cæcil county, of this state, and part in Newcastle county, in the state of Delaware, and for other purposes therein mentioned.

Preamble.

WHEREAS Charles Carroll, Edward Oldham and Mary his wife, by their petition to this general assembly, have set forth, that a certain Joseph Enfor, an idiot, of whose person the said Edward Oldham and Mary his wife are appointed, by an act of assembly of this state, guardians and trustees to take the possession, direction, management, and disposition of his estate, is possessed of part of a tract of land called Bohemia Manor, lying and being part in Cæcil county, in this state, and part thereof in Newcastle county, in the state of Delaware, which was heretofore mortgaged by Joseph Enfor, now deceased, the father of the said idiot, unto the said Charles Carroll, and that the equity of redemption in and to such part of the said tract or parcel of land as lieth in this state, to which the said Joseph Enfor, deceased, had title, by his death hath descended to the said idiot, his son and heir at law, who is also seized and possessed of such part of one other undivided fourth part of the said tract of land, which lieth in this state, that hath descended to him as heir at law of a certain Anne Bouchel, deceased, but that as part of the said tract of land lieth in Newcastle county, in the state of Delaware, as to such part thereof the said idiot, by the laws of that state, is entitled to one undivided moiety of the respective parts descended from his said father and the said Anne Bouchel, in common with the said Edward Oldham and Mary his wife, who are seized of the other moiety of the same in right of the said Mary, who is sister of the said idiot, and daughter of the said Joseph Enfor, deceased: And whereas the said Charles Carroll, Edward Oldham and Mary his wife, by their petition aforesaid, have further set forth, that a certain Peter Lawson is possessed of one undivided moiety of the said tract of land, and that the said Charles Carroll had filed a bill in the high court of chancery of this state, which now remains undetermined, against the said Peter Lawson, Edward Oldham and

Mary