

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 two dollars for any one offence, to be recovered as hereafter directed, and applied to defray the general expences of cleansing the said ditch or drain.

C H A P.
LXI

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 branch, 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 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, (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.

Money due to
be collected by
distress, &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 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 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, 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 defendants 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.

Directors to
produce a fair
account, &c.

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 and may be lawful for the said other directors to meet as soon as conveniently may be thereafter, at their place of meeting as aforesaid, and choose a person in his stead to act as director till the next annual meeting of the said proprietors, and if any two directors therein disagree in such choice, they shall determine the same by drawing lots for the persons put in nomination, and the person in whose favour the matter shall be so determined, shall be and he is hereby declared a director, to all intents and purposes, until the succeeding annual election.

How vacancies
are to be filled.

C H A P. LXII.

A Supplement to an act, entitled, An act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes.

Passed 31st of
Dec. 1801.

BE IT ENACTED, by the General Assembly of Maryland, That from and after the twentieth day of March next, no justice of the peace of this state, before whom supersedeas on any judgment rendered

No justice to
make return,
&c.