

CHAP. 71. 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 or drain, one third in eight months, and the remaining one third in twelve months.

Penalty for neglecting payment of their proportion

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 money raised by distress, or lease and sale as aforesaid, remaining in the hands of said directors, after paying the proportion of the said proprietor or proprietors in arrear as aforesaid, and the expenses 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

Directors to produce accounts of receipt and expenditures

5. *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