

of them, to make and open a drain or ditch down said branch, from the said road, until it shall intersect the main ditch of Long Marsh aforesaid, in such direction, and of such width and depth, as they, or a majority of them, may judge most proper to carry off the water from said branch, (provided the width does not exceed sixteen feet, or depth three feet,) and reduce the same to dry land; and the power and authority of said directors, so to be chosen, shall continue and be in force until the next annual election of directors.

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III. AND BE IT ENACTED, That the cost, charges and expences, of cutting and opening said ditch or drain, shall be paid by the respective proprietors of the same, each paying for the cutting and opening the said drain or ditch through his own land, except where it shall so happen that two or more of the said proprietors hold parts of the said branch through which the said ditch or drain shall be made, adjoining each other, part on one side thereof and part on the other, in which case each shall pay in proportion to the part he shall or may hold.

IV. AND BE IT ENACTED, That the said directors, or any two of them, shall have full power and authority, at any time thereafter, to cut, open and complete, the said drain or ditch, and also from time to time to repair, cleanse and keep open and in good order, 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 expences of cutting and opening the said ditch or drain are to 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 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 the 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 said ditch or drain shall pass, to satisfy and answer all the expences of cutting and opening 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 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 annual payments, one third of which to be discharged on or before the first Monday of April, eighteen hundred and seven, one third on or before the first Monday of April, eighteen hundred and eight, and the remaining third on or before the first Monday of April, eighteen hundred and nine.

V. AND BE IT ENACTED, That the proprietors of said 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 ditch or drain aforesaid, may take and impound them, as for damages feasant, 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 a 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.

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 pro-