

person or persons receiving a majority of votes cast at such meeting shall be declared duly elected to serve until the annual election.

88. Any person taxed for any ditch which does not pass through or upon his land, may open a ditch or ditches through the intervening lands into such main ditch or ditches, and keep the same open at his own cost and charge; *Provided*, that no such cross ditch shall be cut through the land of any other person without the consent of the owner of such land, unless the same be laid out and approved, and the damages thereon accruing to the owner of the land assessed by the commissioners appointed to lay out the main ditch, or by three other freeholders appointed by the county commissioners for said county, for the purpose of assessing such damages.

89. The person applying for such cross ditch, shall pay all the costs of laying out and opening the same; and shall also, before making such ditch, tender or pay all damages awarded to such persons as may be injured thereby.

90. Whenever, in the opinion of the commissioners, the owner of the intervening land, or any other person whose lands are situated at the head or above such cross ditch, will derive any benefit from cutting the same, then the said owner of the intervening land, or other person benefited, shall contribute and pay such sum or sums respectively as the commissioners shall determine to be his or their proportionable part of the damage, costs, and expenses for laying out and making such cross ditch or ditches.

91. Every ditch so made shall always remain open for the benefit of such persons, their heirs and assigns, as the commissioners, in their report, shall return as being benefited thereby, and chargeable with the expense of making the same; but if any ditch laid out as aforesaid shall not be begun within two years from the confirmation of the return, or being begun, shall not be completed within seven years thereafter, the said order and return shall become void and be of no effect, and the power and authority under it shall cease.

92. If any person shall stop up any ditch made in pursuance hereof, except by such fixtures under fences as may be necessary to prevent stock from trespassing through said ditch, and shall