

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 be 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.

1904, art. 25, sec. 61. 1888, art. 25, sec. 60. 1860, art. 28, sec. 89.
1858, ch. 271, sec. 11.

62. The person applying for such 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.

Ibid. sec. 62. 1888, art. 25, sec. 61. 1860, art. 28, sec. 90.
1858, ch. 271, sec. 11.

63. 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 proportionate part of the damage, costs and expenses for laying out and making such cross-ditch or ditches.

Ibid. sec. 63. 1888, art. 25, sec. 62. 1860, art. 28, sec. 91.
1858, ch. 271, sec. 12.

64. 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.

Ibid. sec. 64. 1888, art. 25, sec. 63. 1860, art. 28, sec. 92.
1858, ch. 271, sec. 13. 1904, ch. 391.

65. Any person who shall stop up, or in any way obstruct any ditch made in pursuance hereof, so as to impede the free flow of water therein, shall be deemed guilty of a misdemeanor and on conviction thereof by any justice of the peace shall be fined not exceeding twenty dollars for each offense and the costs of prosecution, and, in the discretion of the said justice, may be committed to jail until such fine and costs are paid. All such fines when collected shall be paid to the treasurer of the ditch on which the offense was committed for the use of such ditch; provided, properly constructed swinging water gates may be placed