

pointed by the county commissioners for the county for the purpose of assessing such damages.

SEC. 32. *And be it further enacted*, That 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.

SEC. 33. *And be it further enacted*, That 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 making such cross-ditch or ditches.

SEC. 34. *And be it further enacted*, That any person who shall stop up, or in any way obstruct any ditch made pursuant 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 cost 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 across any such ditch on the fence lines to prevent stock from trespassing through said ditch.

SEC. 35. *And be it further enacted*, That the commissioners appointed as hereinbefore directed shall each receive for every day's attendance in the discharge of their duties the sum of three dollars.

SEC. 36. *And be it further enacted*, That the managers appointed as aforesaid shall receive two dollars for every day they shall be engaged in the discharge of their duty; the surveyor, such reasonable compensation as shall be agreed upon between the parties, and the clerk of the county commissioners, who is hereby required to keep a record of the order and report, shall be entitled to receive for every order made and certified under his seal of office fifty cents; for recording the report, endorsing