

the said managers, in double the amount of the assess- **CHAP. 278.**
 ment, which he may be authorised to receive, condition-
 ed for the faithful performance of his trust and duty, and
 the payment of any money in his hands as treasurer over
 to his successor at the expiration of his office.

SEC. 11. *And be it enacted,* That it shall be lawful for any person taxed for any ditch which does not pass through, or upon his land, to open a ditch or ditches through the intervening lands into such main ditch or ditches, and to 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 said cross-ditch shall 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 to be appointed by the county court, for the purpose of assessing such damages, 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 pay, or tender all damages awarded to such persons as may be injured thereby, but whenever in the opinion of the said commissioners the owner of the intervening land, or any other person whose lands are situated at the head of, or above the said cross-ditch will desire any benefit from the cutting the same, then the said owner of the intervening land, or other person benefitted, shall contribute, and pay such sum, or sums respectively, as the said commissioners shall determine to be his, or their proportionable part of the damages, costs and expenses for laying out, and making such cross-ditch or ditches.

Lawful for persons taxed for ditch not passing thro' his land, to open, &c.

Proviso.

SEC. 12. *And be it enacted,* That every ditch that shall be cut and opened in pursuance of this act, shall always remain open, for the benefit of such persons, their heirs, and assigns as the commissioners in their report shall return as being benefitted 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, and be of no effect, and the power and authority under it shall cease.

Ditches to remain open.

SEC. 13. *And be it enacted,* That if any person shall stop up any ditch, cut in pursuance of this act, every such person so offending and being thereof lawfully convicted before a justice of the peace, of the county wherein such ditch shall have been cut, shall forfeit, and pay for every such offence a sum not less than two, nor more than twen-

Penalty for offending, &c.