

the assessment to pay for cutting said ditch or ditches, and not including the proportion necessary to pay damages and other expenses, and the managers' certificate for work done, shall be received by the treasurer in payment of the tax.

Treasurer authorised.

SEC. 10. *And be it enacted*, That the treasurer appointed as herein directed shall be authorised, empowered and required, to ask for, demand and collect all sums levied for the purpose of cutting, making and opening, or for cleansing and repairing the said ditch or ditches, or for payment of damages and expenses as aforesaid, and in case of refusal or neglect of any person bound to pay the same, the treasurer shall proceed to recover and collect the same in the way and manner that county rates and levies are made recoverable by law, the treasurer shall settle with the taxables, at their annual meeting in March, for all sums collected by him, he shall be entitled to retain five per centum per annum on the amount of his receipts as compensation for his services; the treasurer shall give to the said taxables bond and security, to be approved by the said managers, in double the amount of the assessment which he may be authorised to receive, conditioned 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 term of office.

May open ditch.

Proviso.

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 Circuit Court, for the purpose of assessing such damages, the person applying for such cross-ditch shall pay all the cost of laying out and opening the same, and shall also be

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