

fore 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 situate at the head of or above the said cross-ditch will derive any benefit from the 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 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.

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 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 and be of no effect, and the power and authority under it shall cease.

Ditch always to remain open.

SEC. 13. *And be it enacted*, That if any person shall stop up any ditch cut in pursuance of this act, except by such fixtures under fences as may be necessary to prevent trespass of stock through or by said ditch, every such person so offending and being thereto 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 twenty dollars, to be recovered by the managers for the time being and applied to the use of said ditch.

Penalty for stopping up ditch.

SEC. 14. *And be it enacted*, That the commissioners appointed under this act shall each receive for every day's attendance in viewing a swamp or low ground, and laying out a ditch, one dollar, the managers appointed as aforesaid shall each receive one dollar and fifty cents for every day they shall be actually engaged in the discharge of their duty; the surveyor shall be paid a reasonable compensation for his services and

Compensation.