

in writing, under their hands, with a plat or map attached, containing a description by general delineation, without survey, of the boundary lines of the swamp or low ground mentioned in the petition, and also a delineation of each owner's or possessor's lot or parcel, with the estimated quantity of acres the same may contain, with the name of every person to whom they may award damages, and the amount thereof, and the sum or amount each owner or possessor, or person benefited, shall be bound to pay as his proportion of the cost or expense of cutting such ditch or ditches and of the damages, if any shall be awarded; and a majority of said commissioners may determine any matter.

See notes to sec. 20.

1904, art. 25, sec. 39. 1888, art. 25, sec. 39. 1860, art. 28, sec. 69. 1858, ch. 271, sec. 3.

**40.** They shall, if they consider that the making of such ditch or ditches will injure any person through or upon whose land the same shall be laid out, award to such person such damages as they may think just, to be paid by the persons chargeable with the costs and expenses of making such ditch or ditches, and to be paid or tendered before cutting the ditch or ditches.

*Ibid.* sec. 40. 1888, art. 25, sec. 40. 1860, art. 28, sec. 70. 1858, ch. 271, sec. 4.  
1878, ch. 478. 1880, ch. 275.

**41.** All persons through whose lands such ditches shall be laid out, or whose lands are in the neighborhood of and drain into the same, and who will derive benefit therefrom, shall contribute to the cost and expense of making the same; and the said commissioners shall adjudge thereof, and shall assess by way of tax upon such persons, respectively, a sum proportional to the advantages they may receive.

*Ibid.* sec. 41. 1888, art. 25, sec. 41. 1860, art. 28, sec. 71. 1858, ch. 271, sec. 4.

**42.** The sum so levied shall be appropriated to the making of such ditches, and to the payment of the damages awarded (if any), and the costs of said commission.

See sec. 7.

*Ibid.* sec. 42. 1888, art. 25, sec. 42. 1860, art. 28, sec. 72. 1858, ch. 271, sec. 5.  
1878, ch. 478.

**43.** The said commissioners may adopt in the whole or as a part of the ditch or ditches to be located and laid out under this article any ditch or ditches already made, cut or laid out, and shall in such case provide by assessment, as aforesaid, for their extension, straightening, enlargement and repair, and shall allow the owners thereof a fair compensation for the work already done on such ditch or ditches, to be paid by those benefited; provided, that the said owners of such ditch, so adopted in whole or in part shall be taxed their just proportion of the cost of the whole ditch, or of the new and additional work.

*Ibid.* sec. 43. 1888, art. 25, sec. 43. 1860, art. 28, sec. 73. 1858, ch. 271, sec. 6.

**44.** Any person who may be injured by the making of any ditch laid out as aforesaid or who shall be assessed for any part of the costs