

mile of the ditch or proposed improvement, signed by two or more sureties or by some lawful and authorized surety company, to be approved by the Board of County Commissioners and conditioned for payment of all costs and expenses incurred in the proceedings in case the board does not grant the prayer of said petition, the said clerk shall issue a summons to be served on all the defendant landowners who have not joined in the petition and whose lands are included in the proposed drainage districts. The summons may be served by publication as to any defendants who cannot be personally served as provided by law. When a mortgage is held on land within the proposed drainage district, notice shall be given to the holders of mortgages in all respects as is provided in sections 84-110 for defendant landowners, and they shall have the right to appear before the commissioners in person or by counsel. Upon the return day the said Board of County Commissioners shall appoint a disinterested and competent civil and drainage engineer who shall be recommended by the State drainage engineer (or if there is no drainage engineer then by the state roads engineer), and two resident freeholders of the county or counties in which said lands are located as a board of viewers to examine the lands described in the petition and make a preliminary report thereon. When the lands proposed to be drained and created into a drainage district are located in two or more counties the Board of County Commissioners of either county shall have and exercise the jurisdiction herein conferred, and the venue shall be in that county in which the petition is first filed.

An. Code, sec. 81C. 1912, ch. 656, sec. 3.

**86.** The Board of Viewers appointed under section 85 shall at once proceed to make a careful and thorough examination of the lands described in the petition, and other land if necessary to locate properly such improvement or improvements as are petitioned for, along the route described in the petition or any other route answering the same purpose if found more practicable or feasible, and shall see that the lands of all who desire to come within the drainage district have been included within said district, and they may make surveys necessary to determine the boundaries and elevation of the several parts of the district, and to enable them to form a tentative plan for development, and shall make and return to the clerk of the Board of County Commissioners, to be placed on public file in his office within thirty days, unless the time shall be extended by the board, a written report which shall set forth :

1. Whether the proposed drainage is practicable or not.
2. Whether it will benefit the public health or any public highway or be conducive to the general welfare of the community.
3. Whether the improvement proposed will benefit the lands in question sufficiently to warrant the probable expenditure.
4. Whether or not all the lands that will be benefited are included in the proposed drainage district.

They shall also file with their report a map of the proposed drainage district, showing the location of the ditch or ditches, or other improvements to be constructed with an approximate estimate of the cost, and the lands