

the swamps or low grounds mentioned in the petition, and lay out, by specified courses, distances and breadths such ditch or ditches, or drains, as shall have sufficient fall to carry water and to drain the said swamp or low grounds. They shall estimate the probable cost or expenses, including damages, if any, of cutting such ditch or ditches, or installing drain tile, and the sum or proportion thereof which each owner or possessor or person benefited shall be bound to pay.

An. Code, 1924, sec. 112. 1920, ch. 507, sec. 81AC.

**113.** The Drain Commissioners so appointed shall make out and return to the County Commissioners, at their next meeting thereafter to which it may be practicable a report 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 grounds 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 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 Drain Commissioners so appointed may determine any matter connected therewith. They shall, if they consider that the making of such a ditch or ditches or drains will injure any person through or upon whose land the same 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 or drains, and to be paid or tendered before cutting the ditch or ditches.

Should it be impossible for the Drain Commissioners to reach an agreement with the owners of any land or property through which it is proposed to construct a ditch or drain as herein provided, a right-of-way may be condemned, and the procedure shall be as provided for in Article 33A of the Annotated Code of Maryland, title "Eminent Domain," and any amendments thereto, and such damages as may be awarded as compensation shall be paid by the Board of Managers the same as any other damages awarded under this law.

An. Code, 1924, sec. 113. 1920, ch. 507, sec. 81AD.

**114.** All persons through whose lands such ditches or drains 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 Drain Commissioners shall adjudge thereof, and shall assess by way of tax upon such persons, respectively a sum proportional to the advantages they may receive. The sum so levied shall be appropriated to the making of such ditches or drains and to the payment of the damages awarded (if any), and the costs of the Drain Commission. The said Drain Commissioners may adopt in the whole or as a part of the ditch or ditches or drains to be located and laid out under Sections 112-136 any ditch or ditches or drains 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 or drains, to be paid by those benefited; provided that the owners