

DRAINING LANDS.

101. Whenever the owner or owners of any swamp or low grounds shall deem it fit to have them drained, if the owners of said lands cannot agree, or should any be *femes covertis*, infants, *non compos mentis*, or non-residents of the county or counties where the swamp or low lands are situated, they, or any of them, may petition the county commissioners sitting in the county where such swamps or low lands or any part thereof are situated for the appointment of commissioners to locate or lay out a ditch or ditches for the purpose; and when such swamp or low lands are situated in two or more adjoining counties, the county commissioners of the county to which the applications shall first be made as aforesaid by petition, shall have exclusive jurisdiction of the subject-matter, who shall thereupon appoint a board of three or more commissioners, to be composed of judicious and impartial freeholders, to be taken from the neighborhood or vicinity of said swamp or low lands, one of whom at least shall be taken from each of said adjoining counties where the swamp or low lands lie or are situated in two or more adjoining counties.

1878, c 478
Commissioners
to open ditches
to drain land

102. The commissioners so appointed shall first be duly sworn to execute their duties faithfully and impartially; and before proceeding to act, they shall give at least ten days' notice of their intention to proceed with the execution of their commission, by advertisement set up at four of the most public places in the neighborhood of the proposed ditch; and no report shall be confirmed by the county commissioners without such notice shall be shown to have been given.

Art 28, s 66
Oath

1867, c 127
Notice to be
given of laying
off ditch

103. The said commissioners shall call to their assistance a skillful surveyor, sworn in like manner, and shall go upon, and view the swamps or low grounds mentioned in the petition, and lay out by specified courses and distances, breadths and depths, such ditch or ditches as shall be sufficient to drain the said swamps or low grounds.

Art 28, s 66
1858, c 271, s 2.
Duties of
commissioners

104. They shall estimate the probable cost or expenses, including damages, if any, of cutting such ditch or ditches, and the sum or proportion thereof which each owner or possessor or person benefited shall be bound to pay.

Id s 67
1858, c 271, s 2
To estimate
costs and dam-
ages, and appor-
tion same

105. They 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 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

Id s 68
1858, c 271, s 2
Report to
county commis-
sioners