

ditches, and of the damages, if any shall be awarded, and a majority of said commissioners may determine any matter.

1867, c 127  
Day appointed  
to hear objec-  
tions

Notice

**106.** The county commissioners shall on their first meeting after receiving any return of proceedings of such ditch commissioners, appoint a day to hear objections to such return, and to ratify or reject the same, and they shall give at least twenty days' notice by publication in some newspaper published in the county, and if no paper be published in the county, by advertisement set up in at least four of the most public places in the neighborhood of such proposed ditch, of the time for such hearing, and the cost of such advertisement shall be taxed by them against the petitioner or petitioners for such ditch, unless the return shall be ratified and the ditch opened, when the same shall be charged against the fund provided for such ditch purposes.

Art 28, s 69  
1858, c 271, s 3.  
Award of  
damages.

**107.** They shall, if they consider that the making such ditch or ditches will injure any person through or upon whose lands 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.

1878, c 478  
Assessment of  
benefits

**108.** All persons through whose lands such ditch or ditches shall be located or laid out, or the water from whose lands by natural fall or otherwise shall drain into the same, and who shall desire benefit therefrom, shall contribute to the cost and expense of making the same, and the said commissioners shall adjudge whether and to what extent, if any, all such persons will derive benefit therefrom, and shall assess by way of tax upon such person or persons respectively a sum proportionate to the advantages which in their judgment such person or persons will derive therefrom.

Art 28, s. 71.  
1858, c 271, s 4  
Appropriation  
of sums so  
levied

**109.** 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.

1878, c 478.  
May adopt ditch  
already made.

**110.** 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 owner or 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.

Compensation.

Art 28, s 73  
1858, c 271, s 6  
Order of review.

**111.** 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 thereof, may apply to the county commissioners at any time before the confirmation of the return, for an order of review, and the county commissioners may, in their discretion, grant such order,