

repealed, and that 42 new sections be and they are hereby enacted in lieu thereof, said new sections to be known as Sections 39 to 80, inclusive, to follow immediately after Section 38 of said Article and to read as follows:

39. The Boards of County Commissioners of the several counties in the State of Maryland shall have jurisdiction, power, and authority to establish Public Drainage Associations in their respective counties, and to locate and establish ditches, drains, or canals, and to cause to be constructed, straightened, widened or deepened any ditch, drain or watercourse for the purpose of draining wet, swampy or overflowed lands or lands subject to overflow; and it is hereby declared that such drainage shall be considered a public benefit and conducive to the public health, convenience and welfare.

40. Whenever a petition signed by not less than one-third of the landowners or by the owners of not less than one-third of the land in a contiguous body of wet, swampy or overflowed land is filed with the Clerk of the Board of County Commissioners of the county in which all or any part of such body of land is located, setting forth that such body of land, described in such a way as to convey an intelligent idea of its location, is subject to overflow or too wet for cultivation, and that the public benefit or utility, or the public health, convenience or welfare would be promoted by draining or ditching the same, or by changing or improving the natural watercourses, and asking for the establishment of a Public Drainage Association for such purposes, it shall be the duty of the Board of County Commissioners forthwith to appoint a Board of Drainage Viewers, to be composed of three or more judicious and impartial citizens, residing in the vicinity of the said body of wet, swampy or overflowed land, provided, however, that no member of the Board of Drainage Viewers shall be the owner of any land which will be affected by the proposed improvements. No person appointed as a member of the Board of Drainage Viewers shall act in that capacity until he has given the Board of County Commissioners written notice of his acceptance of his appointment.

If any member of the Board of Viewers appointed by any order of the county commissioners shall die, or remove from the county or counties in which the swamp or lowlands are situated, or otherwise be or become unable to act, the county commissioners shall appoint another person in his stead as soon as practicable, and such appointment shall in no wise affect the validity of any of the work of the Board of Viewers theretofore done.