

CHAP. 278. ally, and taking to their assistance a skilful surveyor, sworn or affirmed, to do his duty in like manner, to go upon and view the swamps or low ground 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 ground, and estimate the probable cost or expense, including damages, if any, of cutting such ditch or ditches, and the sum or proportion thereof, which each owner or possessor or person benefitted shall be bound to pay and make out and return to the said levy court or commissioners, at their next session thereafter, to which it may be practicable to make said return, 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 said petition, and also, a delineation of each owners or possessors lot or parcel with the estimated quantity of acres the same may contain, with the name of every person to whom they shall award damages, and the amount thereof, and the sum or amount each owner or possessor or person benefitted, shall be bound to pay as his proportion of the cost or expense of cutting such ditch or ditches, and the damages aforesaid, if any, shall be awarded, and a majority of said commissioners may determine any matter.

Commissioners to award for damages.

To assess persons benefitted, &c.

SEC. 3. *And be it enacted,* That if the commissioners shall consider that the making such ditch or ditches will injure any person through or upon whose land the same shall be laid out, they shall award to the person or persons so injured, such damages as they shall judge to be just and reasonable, to be paid by the person or persons, chargeable with the cost and expense of making such ditch or ditches, and the same shall be paid or tendered to the persons respectively, to whom the same shall be so awarded before cutting the ditch through or upon the land of such person.

SEC. 4. *And be it enacted,* That all persons through or upon whose land such ditch or ditches shall be laid out, or whose lands are in the neighborhood of and drain into the said ditch or ditches, and who will derive benefit therefrom, shall be liable to contribute to the cost and expenses of cutting and making the same, and the said commissioners shall adjudge thereof, and shall assess by way of tax on such person or persons respectively, by them to be paid a fair and reasonable sum, proportioned to the benefit or advantage they may respectively receive by cutting and making the said ditch or ditches, the sum so levied and raised shall be appropriated to the cutting, open-

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