

distances, breadths and depths of such ditch or ditches as shall be sufficient to drain the said swamps or low grounds, 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 benefited, shall be bound to pay and make out, and return to the said 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 swamps or low ground mentioned in said 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 shall 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 the damages aforesaid, if any shall be awarded, and a majority of said commissioners may determine any matter.

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

May award
damages.

Expenses—
how paid.