

of building or repairing any bridge, they, or a majority of them on the part of each county, shall each appoint an arbitrator to determine the matter in dispute; and if the arbitrators cannot agree they shall appoint an umpire who shall not be a resident of either county, and the award and determination of the arbitrators or umpire shall be final and conclusive in the matter submitted.

See notes to sec. 20.

1904, art. 25, sec. 31. 1888, art. 25, sec. 31. 1860, art. 28, sec. 59. 1856, ch. 308, sec. 8.

32. Nothing contained in this article shall authorize any county commissioners to build or order to be built any drawbridge or any bridge across a navigable river.

If however the county commissioners are authorized by a subsequent law to build a bridge over a navigable stream, the procedure pointed out by sections 20 to 35 must be followed, unless the subsequent law provides a different procedure. *Bembe v. Anne Arundel County*, 94 Md. 332.

See notes to sec. 20.

See art. 23, sec. 131.

Ibid. sec. 32. 1888, art. 25, sec. 32. 1860, art. 28, sec. 60. 1856, ch. 308, sec. 9.

33. In all cases, upon representation in writing of any citizen or citizens of any county in which the county commissioners may determine to build or repair any bridge or unite with an adjoining county to build or repair any bridge between the said adjoining counties filed before a contract for building or repairing has been made that the said determination of the county commissioners is inexpedient, and desiring an appeal from such determination, the county commissioners shall grant such appeal and cease all further proceedings until the appeal is decided by the circuit court for the county.

If the action of the county commissioners is to be reviewed, it must be done in conformity with this section, and mandamus does not lie. *Bembe v. Anne Arundel County*, 94 Md. 333.

Cited but not construed in *Miles v. Stevenson*, 80 Md. 367.

See notes to sec. 20.

Ibid. sec. 33. 1888, art. 25, sec. 33. 1860, art. 28, sec. 61. 1856, ch. 308, sec. 9.

34. Upon such appeal being taken, the county commissioners shall immediately cause to be filed with the clerk of the circuit court all records, acts, papers and proceedings, or copies thereof which may be required by the appellant, with full opportunity for him or his counsel to examine the books and papers of the commissioner relative to the matter; and thereupon the circuit court shall proceed to try and determine the matter according to justice and right, with or without the aid of a jury, as the parties may agree or the court may order.

Cited but not construed in *Miles v. Stevenson*, 80 Md. 367.

See notes to sec. 20.

Ibid. sec. 34. 1888, art. 25, sec. 34. 1860, art. 28, sec. 62. 1856, ch. 308, sec. 9.

35. In all cases where the appeal is not sustained the appellant shall pay the costs, and in all other cases the court shall direct the costs to be paid in such manner and by such party as it may deem