

equitable and just; and the county commissioners shall be the appellee in such appeal, and shall levy as part of the county charges, and pay whatever costs and charges are so ordered to be paid by them, and all incidental expenses not therein provided for.

Cited but not construed in *Miles v. Stevenson*, 80 Md. 367.
See notes to sec. 20.

Draining Lands.

1904, art. 25, sec. 35. 1888, art. 25, sec. 35. 1860, art. 28, sec. 65. 1858, ch. 271, sec. 1. 1878, ch. 478.

36. Whenever the owner or owners of any swamp or low grounds shall deem it fit to have them drained, if the owners of said lands cannot agree, or should any be married women, infants, *non compotes mentis*, or non-residents of the county or counties where the swamp or low lands are situated, they, or any of them may petition the county commissioners, sitting in the county where such swamp or low lands or any part thereof are situated, for the appointment of commissioners to locate or lay out a ditch or ditches for the purpose; and when such swamp or low lands are situated in two or more adjoining counties, the county commissioners of the county to which application shall first be made as aforesaid by petition shall have exclusive jurisdiction of the subject-matter, who shall thereupon appoint a board of three or more commissioners to be composed of judicious and impartial freeholders, to be taken from the neighborhood or vicinity of said swamp or low lands, one of whom at least shall be taken from each of said adjoining counties where the swamp or low lands lie or are situated in two or more adjoining counties.

Cited but not construed in *Miles v. Stevenson*, 80 Md. 367.
See notes to sec. 20.

Ibid. sec. 36. 1888, art. 25, sec. 36. 1860, art. 28, sec. 66. 1858, ch. 271, sec. 2.

37. The commissioners so appointed, being first duly sworn to execute their duties faithfully and impartially, shall call to their assistance a skillful surveyor, sworn in like manner, and shall go upon and view the swamps or low grounds 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 grounds.

See notes to sec. 20.

Ibid. sec. 37. 1888, art. 25, sec. 37. 1860, art. 28, sec. 67. 1858, ch. 271, sec. 2.

38. They shall estimate the probable costs or expenses, 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.

See notes to sec. 20.

Ibid. sec. 38. 1888, art. 25, sec. 38. 1860, art. 28, sec. 68. 1858, ch. 271, sec. 2.

39. They shall make out and return to the county commissioners, at their next meeting thereafter to which it may be practicable, a report