

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.

P. G. L., (1860,) art. 28, sec. 61. 1856, ch. 308, sec. 9.

**33.** 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 commissioners 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.

Ibid. sec. 62. 1856, ch. 308, sec. 9.

**34.** 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 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.

#### Draining Lands.

P. G. L., (1860,) art. 28, sec. 65. 1858, ch. 271, sec. 1 1878, ch. 478.

**35.** 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 swamps or low lands, or any part thereof, are situated, for the appointment of commissioners to locate or lay out a ditch