

the confirmation thereon, and filing the same on record, twenty-five cents.

SEC. 37. *And be it further enacted,* That if any commissioner appointed in any order, original or of review shall die, or remove from the county, or be otherwise unable to act, the county commissioners, as soon as practicable thereafter, shall appoint another person in his stead, and the order and report thereon shall be executed and received in the same manner by the county commissioners as if the person originally appointed had acted.

SEC. 38. *And be it further enacted,* That nothing herein contained shall be so construed as to authorize the removal of any mill dam, or interference with the legal water rights appertaining to mills, nor to divert the water so as to deprive the owner over whose lands said water flows of the benefits and water rights now enjoyed by him.

SEC. 39. *And be it further enacted,* That in case of the property or interest of any minor not having a guardian being affected by the draining of any swamp or low grounds, as hereinbefore provided, the orphans' court of the county shall appoint a guardian to protect the interest of such minor.

SEC. 40. *And be it further enacted,* That if any owner of land or other property affected by any proceedings hereinbefore authorized lives out of the State, a written notice of thirty days served on the tenant or agent of such owner of the proceedings of the commissioners shall be as good and sufficient as if said owner resided in the State.

SEC. 41. *And be it further enacted,* That the county commissioners or circuit court for the county in which proceedings may be pending, at any time before a final decision is made, may upon application of any party thereto, grant leave, in their discretion, to said party to amend the petition, or any part of the proceedings thereunder that may be defective or informal so as to bring the merits of the case before said county commissioners or circuit court or jury for trial, and may award costs, in their discretion, according to the right of the matter.

SEC. 42. *And be it further enacted,* That if any person feeling himself aggrieved by any determination of the county commissioners, or by any proceedings had under this article relating to drains, may appeal to the circuit court of the county in, which