

at once appoint a neighboring freeholder to represent him in the arbitration, and at once give notice to the adjoining proprietor who had originated the idea of making and repairing the drain of his intention to resist the expenditure of making or repairing the drain by arbitrating the same, giving him the name of the person he has selected, requesting him to select one also to represent him in the arbitration and these two arbitrators shall select a third, all of whom shall be neighboring freeholders; and the said arbitrators so elected shall meet not later than five days after the expiration of the said thirty days' notice on the boundary line of the proposed partition drain or line ditch, and determine the necessity therefor, and their decision therein shall be final and binding on the parties.

And further provided, that the two preceding sections (132 and 133) are to apply only to private ditches which are partition or line ditches between adjoining proprietors and not to apply to public, assessed or tax ditches.

An. Code, 1924, sec. 133. 1920, ch. 507, sec. 81AX.

**134.** Whenever the drainage of roads may be deemed advisable, even though it does not materially benefit any swamp or low lands, the State Roads Commission may petition the County Commissioners to appoint, or the County Commissioners of any county, where it is proposed to improve a county road, may appoint without petition, a Board of Drain Commissioners in the same manner as a landowner's petition under Section 112 of this Article. The said Drain Commissioners will view the land, without employing a surveyor or engineer, unless one is required to determine the extent of damages resulting from the construction of the ditch or drain, and will award damages to be paid by the party instituting the action. The laying out of the ditch, ditches, or drains shall be done by the party instituting the action at their own expense. The Drain Commissioners shall not pass on any of the details of engineering or costs of construction of the proposed ditch or drains, their sole functions being to award damages and exercise the right of eminent domain as provided in Section 113 of this Article. The cost of construction or maintenance of any ditches or drains as provided in this section shall be paid by the party instituting the action. Any party feeling aggrieved by a decision of the Drain Commissioners may appeal to the Circuit Court of the county as provided in Section 130 of this Article. This section shall not apply where the landowner adjacent to the road is benefited more than the amount of damages awarded and the party instituting this action desires that the landowner pay his proportion of the costs. In the latter event the party instituting the action will be considered the same as any freeholder under the provisions of this sub-title.

An. Code, 1924, sec. 134. 1920, ch. 507, sec. 81AY.

**135.** The provisions of sections 112-134 relating to draining lands shall apply to all lands requiring drainage in the State.

An. Code, 1924, sec. 135. 1920, ch. 507, sec. 81AZ.

**136.** All Acts and parts of Acts inconsistent with the provisions of sections 112-135, be and the same are hereby repealed, but nothing herein contained shall be construed to repeal existing sections of Article 25 of the Annotated Code of Maryland, title "County Commissioners," sub-title