

sent in Somerset County, shall be made, cleaned out and repaired by the parties respectively owning or occupying the said adjoining lands, at their joint and equal expense; and upon failure of either of the said parties to make, cut, dig, clean out and keep in good order his portion of said line ditch or drain, or to pay his equal share of the costs thereof, he shall be answerable to the other party making the expenditure therefor in an action of debt before a justice of the peace.

SEC. 47. *And be it further enacted*, That if either one of the two adjoining proprietors of lands desires to construct, make, dig out or repair such partition drain or line ditch as a boundary line between his own lands and those of the adjoining proprietor (in case the same can not be done by agreement) he shall proceed to give at least thirty days' notice to the owner of the adjoining lands, or to his tenant or agent, of such partition drain or line ditch or of repairs thereon being necessary, and of his intention to proceed to make the same himself in case said adjoining proprietor during said time neglects or refuses to assist therein to the extent of bearing one-half the cost and expense thereof; and if said adjoining owner shall fail or neglect within the said thirty days to assist him as aforesaid therein, he may proceed to construct, make, dig out, or repair the said partition drain or line ditch constructing or repairing the same to a sufficient width and depth on the said boundary line with the boundary line in the center of said ditch, at his own cost and expense and in the ordinary way by paying the current prices for labor, and he shall keep an itemized account of such costs of construction or repairs, and the said adjoining proprietor shall be responsible and liable for one-half thereof, to be recovered by him from said adjoining proprietor as in action of debt before a justice of the peace if the same be under one hundred dollars and before the Circuit Court if one-half thereof amounts to more than one hundred dollars. Provided the said adjoining proprietor, after receiving said notice, if he thinks the making or repairing of such partition drain or line ditch unnecessary, shall have the right to an arbitration thereon in the following manner; he shall 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 arbitra-