

ties disagree, the same may be submitted to three Fence Viewers, as heretofore provided in cases of disagreement; and if in the opinion of such Fence Viewers such brook, river, pond or creek, is not of itself a sufficient fence, and that it is impracticable to fence at the true boundary line, they shall judge and determine how or on which side thereof the fence shall be set up and maintained, or whether partly on one side and partly on the other side, as to them shall appear just, and reduce such their determination to writing, as heretofore provided in other cases; and if either of the parties shall refuse or neglect to make up and maintain the part of the fence to such party belonging, according to the Fence Viewers' determination in writing, as aforesaid, the same may be done and performed as is in this Act before provided in other cases, and the delinquent party shall be subject to the same costs and charges, and to be recovered in like manner.

Who shall determine on kind of fence to be added;

Party refusing to do his part subject to liabilities as heretofore provided;

And to the like costs and charges.

XV. *And be it further enacted by the authority aforesaid,* That in all cases where any party shall desire to have a lane between his land and any adjoining tract or parcel of land, and shall make the fence on one side of the said lane on his own land, he shall not be obliged to make or repair, or pay for making or repairing any part of the fence on the other side of such lane, any thing herein contained to the contrary in any wise notwithstanding.

Person making a fence adjoining a lane not liable to make any fence on the other side of such lane.

XVI. *And whereas* it is expedient to provide for the opening of water courses in this Province, *be it therefore enacted by the authority aforesaid,* That in all cases when it shall be the joint interest of parties resident within this Province to open a ditch or water course, for the purpose of letting off surplus water from swamps or sunken miry lands, in order to enable the owners or occupiers of such swampy or sunken land to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair share of such ditch or water course in proportion to the several interests that such parties may have in the same; and in cases where a dispute shall or may arise as to the part, width, depth or extent, that any party so interested ought to open or make, the same may be referred to three Fence Viewers, in the same way and manner as is heretofore by this Act provided in cases of disputes between parties relative to line or division fences; and it shall be the duty of such Fence Viewers, to whom such matters shall be referred, to divide or apportion such ditch or water course among the several parties, as in the opinion of such Fence Viewers shall be a just and equitable proportion, having due regard to the interest each of the parties shall have in the opening of such ditch or water course; and the Fence Viewers shall at the same time decide what length of time shall be allowed to each of the parties to open his or her share of such ditch, and the determination or award of such Fence Viewers shall be made in the same form, and signed and executed in the same manner, and have the same effect in regard to ditches or water courses, as is provided by this Act in regard to line or division fences.

Drains to be made in proportion to the several interests of the parties benefited;

Disputes to be settled by fence viewers in manner prescribed with regard to line fences;

Fence viewers to apportion the drains among the several parties;

And to decide in what time each party is to open his portion;

Award in same form as in case of fences.