

No 8361 Equity.

in exact accordance with the location thereof as agreed upon by said Whittee and said Sappington when said parcel of land was surveyed with a view to said Exchange and said Whittee has ever since maintained a fence upon said line and location &c. and said fence was established and has been maintained as aforesaid as a division fence between the lands of said Plaintiff and the said Defendant, and that said Whittee said Maintenance of said fence upon and along the said northern line of said parcel of land, and his occupation use and cultivation of the land to the South of said fence had been adverse, continuous, ^{notorious} and Exclusive for more than twenty years prior to the Commission of the wrongs to the Defendant, hereinafter mentioned, that said Defendants on or about the 16th day of October, wrongfully and unlawfully tore down thirty three panels of said Plaintiff's fence along the said northern division line, between the lands of said Plaintiff and Defendant, the said portion of said fence so torn down by the Defendants extending easterly from a private road of said William A. Sappington leading into his lands from the County public road, that on the afternoon of the 19th day of October, instant, said Plaintiff replaced said fence upon the line it had heretofore occupied, - and on evening of same day the defendant again tore down said thirty three panels of said fencing - and later in the evening of same day said Plaintiff replaced said fencing, and still later in the evening of same day, the defendants tore down two panels of said fencing and on the following morning the defendant removed the remaining portion of said thirty three panels, and said fencing was again replaced by said Plaintiff and on evening of said day six panels of said fence were removed by defendant & on the following morning the 23rd inst. said fencing was again replaced by Plaintiff & about noon of said day thirteen or fourteen panels of said fence, extending from said private road, easterly were again torn down by defendant - in all such instances of the removal of said fence, the defendant, William A. Sappington was present in person and acted through his servant Perry G. Loman, and other servants agents and employees, - and said Plaintiff's group, that said Defendants and each of them, their and each of their agents, servants and employees may be