

fences shall be at least four feet and a-half high ; stone fences four feet high, and all worm or other fences shall be at least five feet high, and the distance, in any case, to be computed from the ground or base of any embankment on which the same may be placed.

Refuse to
repair. Sec. 348. *And be it enacted*, That if either of the parties making or keeping a joint fence between arable lands shall refuse or delay to repair his proportion thereof within twenty days after notice in writing, given to him or his agent, upon proof thereof before a Justice of the Peace, the Justice may, under his hand and seal, authorize the party aggrieved to repair said fence, and for so doing he shall be reimbursed all costs and reasonable expenses necessarily incurred, to be recovered from the party so refusing and delaying in the manner debts of a like amount are recoverable, and he shall have a lien on the adjacent arable land or farm of the person who shall have refused or delayed to make and repair said fence, so as to secure the reimbursement of the costs and expenses of such making and repairing in the event of the transfer of said land ; provided, the proceedings to enforce such lien be commenced by the party or his representatives within two years next after such repair shall have been done.

Keep in
repair. Sec. 349. *And be it enacted*, That if joint fences are not made and kept in repair according to the provisions of this law, the party aggrieved or likely to be injured, instead of pursuing the remedy prescribed in the preceding Section, may discontinue the said fence upon giving three month's notice in writing to the party refusing or delaying, his agent or tenant, and in all other cases, (unless by mutual consent, twelve month's notice shall be required to discontinue any joint fence.

In force. Sec. 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved March 30, 1868.