

and second, and not more than five between the second and third rails; and all worm or other fences shall be five feet high; the height of said fences to be in every case computed from the ground or base of any embankment upon which it may be erected.

92. If either of the parties so making or keeping a joint fence, shall not comply with the provisions of the last foregoing section, and shall refuse or neglect to repair the said fence within twenty days after notice in writing shall be given him, his agent, tenant or overseer, any justice of the peace, upon proof of such notice, may, by warrant under his hand and seal, authorize the party aggrieved to repair or construct said fence.

93. The party making such repairs or constructing said fence, and the party upon whose refusal or neglect they were made, shall each select a person to assess the costs and expenses of the same, and if the party neglecting to repair or construct, shall also refuse to make such selection, the party aggrieved may, after ten days' notice in writing to the refusing party, his agent or overseer, or left at his usual place of abode, select two sensible and discreet persons with power, in case of disagreement, to call in an umpire to value and assess, under oath, the costs and expenses aforesaid, and their award, under their hands and seals, shall be final and conclusive, and the party in whose favor it is made, may recover the same in the same manner as other debts of a like amount.

94. Whenever joint fences are made and kept in repair according to the provisions of section 91st of this article, the party aggrieved or likely to be injured, instead of pursuing the remedy provided in the two sections last preceding, may discontinue the said joint fence, upon giving three months' notice to the defaulting party, his overseer, tenant or agent. In all other cases (unless by mutual consent) twelve months' notice shall be required to discontinue any joint fence.

95. If any person not having his grounds enclosed with such sufficient fence as aforesaid, shall hurt, kill or do any damage to any horse, sheep, hogs, or any kind of cattle belonging to any other person, or cause the same to be done, he shall make good all such damages sustained thereby, to the owner or owners of such stock, as shall be awarded by two respectable disinterested freeholders of the vicinity, under their oath, who may be summoned to view the same, by the respective parties inte-