

FENCES.

43. Partition fences between the adjoining fields of different proprietors in said county established by mutual consent, shall be made and repaired by the parties respectively owning or occupying the adjoining fields, at their joint and equal expense.

44. Upon failure of a party to make or repair and keep in good order his proportion of such fence, or to pay his equal share of the cost thereof, he shall be answerable for his proportion of the cost and expense of making the same in an action of debt before any justice of the peace of said county.

45. Such repairs shall be made, or such fence shall be constructed, out of the usual materials and in the usual manner, and the party desiring such repair to be made, shall give to the joint proprietor of the fence at least thirty days' notice of such repair being necessary, and of his intention to make it, before proceeding to do so.

46. Whenever it shall cease to be the interest of any person or persons part owners of any partition fence to continue such fence by reason of the land enclosed thereby having been worn out, they may give to the person or persons jointly interested in keeping up such fence, sixty days' notice of their intention to discontinue such fence, and may, at the expiration of that time, take down and remove the one-half of any such partition fence, and shall be no longer bound to keep up and repair the same.

47. Upon application to any justice of the peace of said county on oath setting forth that any enclosure is insufficient for the protection of the property enclosed, the justice shall appoint three discreet men of the vicinage to view and examine into the insufficiency of such enclosure, and if they report that the same is insufficient, notice thereof shall be given by the justice, or by his direction, to the owner or occupier of such enclosure, who shall repair the same within twenty days thereafter, under a penalty not exceeding twenty dollars, and shall also pay the sum of three dollars for the services of said inspectors.

48. If such penalty and charges shall not be paid within twenty days from the return of the report of the inspectors to the justice by whom they were appointed, the same may be recovered before any justice of the peace for said county.