

for the mutual advantage of owners of adjoining arable lands, each shall keep in good repair his respective proportion thereof in the manner following, that is to say: All post and rail or plank 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.

How high.

Refuse or delay.

May recover.

Lien.

Sec. 148. *And be it enacted*, That if either of the parties making or keeping a joint fence between arable or enclosed 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 lands 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 cost 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.

Aggrieved—redress.

Sec. 149. *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 said fence, upon giving three months notice in writing to the party refusing or delaying, his agent or tenant, and in all other cases, unless by mutual consent, twelve months 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 April 4, 1870.