

twenty days after notice in writing shall be given to said party, his agent, overseer or tenant, then, upon proof thereof before a Justice of the Peace in said county, it shall be lawful for the said Justice of the Peace, under his hand and seal, to authorize the party aggrieved and suffering by such refusal or delay, to make or repair the said fence as above required, and for doing so, he or they shall be reimbursed; all costs and reasonable expenses necessarily incurred, to be recovered from the party so refusing or delaying, in the same manner as debts of a like amount are now recoverable. Reimbursed.

SEC. 4. *And be it enacted*, That in case joint fences are not made and kept in repair according to the provisions of this Act, it shall be also lawful for the party aggrieved or likely to be injured, instead of pursuing the remedy above allowed, to discontinue the said fence by giving three months' notice in manner aforesaid, and in all other cases (unless by mutual consent) twelve months' notice shall be required to discontinue any joint fence. Joint fences are not kept in repair.

SEC. 5. *And be it enacted*, That wherever any person or persons shall under and by virtue of this Act, or any law of this State, be summoned or called upon to value and assess the damages done upon any enclosed land, in the said Atkinson's Election District in Worcester county aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damages, shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damages shall be alleged to have been done or committed, and if the said enclosures shall not be good and sufficient, according to the true intent and meaning of this Act, he or they shall not make out any award, or assess any damages whatever. Assess damages. For trespassing.

SEC. 6. *And be it enacted*, That in all cases of action of trespass, *quare clausum fregit*, or legal process of any kind, hereafter to be sued out or commenced, to recover damages for trespass upon lands in said Atkinson's Election District in Worcester county, by any Defendant may plead general issue.