

CHAP. 110.

Nevertheless, upon the trial before any justice of the peace for damages, at the instance of either party, it shall be the duty of said justice of the peace, to issue a subpoena for such witnesses as either plaintiff or defendant may require.

Joint fences

Sec. 2. *And be it enacted*, That whenever joint fences have or may be established in Dorchester and Caroline counties for the mutual benefit and advantage of different owners or possessors of adjoining land, it shall be the duty of each party to keep up in good repair, his, her or their just and respective proportion thereof, in manner following, that is to say, all post and rail or plank fences, shall be at least four and a half feet high, and all worm or other fences shall be at least five feet high, the height in every case to be computed from the ground or base of any embankment upon which said fence is or may be placed.

Dimension prescribed

Neglect to keep up

Sec. 3. *And be it enacted*, That if either of the parties so making or keeping a joint fence shall not comply with the foregoing provisions, and shall refuse or delay to make or repair the said fence, within twenty days after notice in writing shall be given to the said party, his agent, overseer or tenant, then upon proof thereof before a justice of the peace, it shall be lawful for the said justice under his hand and seal, to authorise the party aggrieved, and suffering by such refusal or delay, to make or repair the said fence, as above required, and for so doing, he, she or they, shall be reimbursed all costs and reasonable expences 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.

Remedy provided

Or discontinuance

Sec. 4. *And be it enacted*, That in cases joint fences are not made and kept in repair according to the provisions of this act; it shall also be 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.

Notice required

Duty of persons who assess damage for trespass

Sec. 5. *And be it enacted*, That whenever 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 counties aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage, shall inspect and examine into the state and condition of the enclosure of the land upon