

CHAP. 47.

close and well set, to be at least five feet high; and all division brush fences, made upon embankment, to be at least three feet high; and the embankment to be not less than two feet high.

How repaired

Case of neglect

Proceedings directed

Costs assessed

Sec. 2. *And be it enacted*, That all division fences to be made as aforesaid, shall be kept in good repair, and the labour and cost shall be apportioned to each individual according to his, her or their respective portion of said fence; and if either party shall neglect to make or keep in good repair, his, her or their part or portion of said division fence or fences, after thirty days notice shall have been given to him, her or them, by the person or persons aggrieved, he, she or they may apply to a justice of the peace, of said county, who is hereby authorised, upon proof of the notice aforesaid, to appoint two respectable freeholders, living near and not related to the said litigant parties, whose duty it shall be to examine the said division fence or fences, and to fix the amount which in their judgments, may be necessary to make or repair the one half or portion of the said division fence or fences; and the said freeholders are hereby empowered in case they differ in opinion to appoint a third person as umpire, and it shall be their duty under their hands and seals, to make out their award, verified by affidavit, and deliver a copy of the same to the said justice of the peace, and to each party interested, within ten days after determining on said award; and if the party owning that part or portion of the division fence or fences, required to be made or repaired by the decision of the said freeholders, shall fail to make or repair the same according to the provisions of this act, within thirty days after the service of said award, then it shall and may be lawful for the other party who has his, her or their portion of said division fence or fences, in good order to proceed to make or repair said fence or fences, the expences whereof shall not exceed the amount fixed by said award; and as soon as the fence or fences shall be made or repaired in conformity with this act, and so certified by the freeholders aforesaid, or any of them, then, such person or persons shall be entitled to recover from the party neglecting or refusing as aforesaid, the amount expended in the same manner as other small debts are now by law recovered, where the amount of damages awarded as aforesaid, does not exceed the sum of fifty dollars.

Impounding without legal enclosures

Sec. 3 *And be it enacted*, That whosoever not having their grounds enclosed with such sufficient fence as aforesaid, shall empound, hurt, kill or do damage to any horse, sheep,