

SEC. 2. *Be it enacted*, That all fields and other grounds, kept for enclosure in Worcester county, shall be fenced with post and rails, or plank, or worm fence, made of good and substantial rails, at least four feet high, from the ground to the top of the upper rail, and the first or under rail, in post and rail, or plank, or worm fence, shall not exceed three inches from the ground or embankment on which the same is, or may be built, and the width between the rails or plank, comprising the fence, shall be such as is usual in the construction of a good post and rail, plank or worm fences; and if any live stock of any kind or discription whatever, shall break into any person's enclosure, the same being of the height and sufficiency aforesaid, then the owner or owners of said live stock shall be liable to make good all such damages to the owner or owners of such enclosures, as shall be found and awarded by two or more judicious persons, to be appointed by a justice of the peace, in said county; said persons to view the same under oath and make return before the justice of the peace by whom they were appointed, and the said damages to be recovered in the same manner that is or shall be prescribed by law for the recovery of small debts; provided, 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, not to exceed three to prove the facts in question.

Fences

Height

Depth

Liable to damages

SEC. 3. *And be it enacted*, That wherever joint fences have been, or may be established, in said county, for the mutual benefit and advantage of different owners or possessors of adjoining lands, 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 feet high, and all worm and other fences shall be at least four feet and one-half high, the height in every case to be computed from the ground or base of the embankment, upon which said fence is or may be placed.

Joint fences