

Not complying
with provisions

SEC. 4. *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 ten 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 cost 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.

Not kept in
repair

SEC. 5. *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 month's notice in manner aforesaid, and in all other cases, unless by mutual consent, twelve month's notice shall be required to discontinue any joint fence.

Assess dam-
ages

SEC. 6. *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 county, aforesaid, by trespassing live stock, of any kind or description whatever, 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 enclosure 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 damages whatever.

Cases of tres-
pass

SEC. 7. *And be it enacted,* That in cases of action of trespass or legal process, of any kind hereafter, to be sued out or commenced to recover damages for trespass upon lands, in said Worcester county, by