

select a person to assess the cost and expenses of the same; and if the party neglecting to repair or construct, shall also refuse to make such selection, the party aggrieved may, after ten days' notice in writing to the refusing party, his agent, tenant or overseer, or left at his usual place of abode, select two sensible and discreet persons, with power in case of disagreement to call in an umpire, to value and assess under oath the cost and expenses aforesaid, and their award under their hands and seal shall be final and conclusive, and the party, in whose favor it is made, may recover the same in the same manner as other debts of a like amount are recoverable, and shall also have a lien on the adjacent land of the party neglecting to construct or repair, as further security for the reimbursement of the cost and expenses of said construction or repair; provided, the proceedings to enforce said lien shall be commenced by the party or his representatives within twelve months thereafter.

Recover

Give notice in writing.

SEC. 4. *Be it enacted*, That should any person wish to fence in any land which has hitherto been unenclosed after having erected his proportion of said fence, he shall give the person, whose land adjoins his, notice in writing that he must construct his proportion of said fence within sixty days, and if the person so notified shall refuse or neglect to construct his proportion thereof, the same remedy as given in preceding sections shall apply.

DIVISION FENCES

SEC. 5. *Be it enacted*, That whenever division fences are made and kept in repair according to the provisions of this act, the party aggrieved or likely to be injured instead of pursuing the remedy hereinbefore provided, may discontinue the said division fence upon giving three months' notice in writing to the defaulting party, his overseer, tenants, or agent.

Damage

SEC. 6 *Be it enacted*, That if any person not having his grounds enclosed with such sufficient fence as aforesaid, shall hurt, kill, or do any damage to any horse, sheep, hogs, or any other kind of cattle, belonging to any other person, or cause the same to be done, he shall make good all such damages sustained thereby to the owner or owners of such stock, as shall be awarded by two respectable disinterested freeholders of the vicinity under their oath, who