

mutual benefit or advantage of different owners or possessors of adjoining land, it shall be the duty of each party to keep up in good repair his just and respective proportion thereof, in the manner following, that is to say, all post and rail or plank fences shall be at least four 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.*

P. L. L., 1888, Art. 10, sec. 168. 1870, ch. 64. 1878, ch. 83. 1880, ch. 244.
1882, ch. 361. 1882, ch. 483. 1884, ch. 445.
1888, ch. 387.

296. If either of the parties so making or keeping a joint fence shall not comply with Sections 290, 291, 293 and 295 shall refuse or delay to make or repair the said fence within twenty 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, 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 so doing he shall be reimbursed all costs 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.

P. L. L., 1888, Art. 10, sec. 169. 1870, ch. 64. 1878, ch. 83. 1880, ch. 244.
1882, ch. 361. 1882, ch. 483. 1884, ch. 445.

297. In case joint fences are not made and kept in repair according to the provision of Sections 290, 293 and 294, 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 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.

P. L. L., 1888, Art. 10, sec. 170. 1870, ch. 64. 1878, ch. 83. 1880, ch. 244.
1882, ch. 361. 1882, ch. 483. 1884, ch. 445.

298. Whenever any person shall be summoned or called upon, according to law, to value and assess the damages done upon any enclosed land in the districts aforesaid, by trespassing live stock of any kind or description whatsoever, the person so valuing or assessing the said damage, shall inspect and examine into the state and condition of the enclosures of the land upon which the said trespass or damages shall be alleged to have been done or committed; and if the said enclosures shall not be good and sufficient according to law, he shall not make out any award or assess any damages whatever.

*This section as enacted by ch. 361, 1882, was repealed and re-enacted by ch. 136, 1922, but as no reference was made to the subsequent amendments made to this section, there may be some doubt as to whether the Legislature intended to repeal this section as to the other election districts mentioned therein. Accordingly, this section as amended by ch. 379, 1890, has been included as well as ch. 136, 1922 (sec. 291).