

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 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.

235. 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 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, she or they, 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.

*Ibid. s. 3.
How repair
compelled.*

236. 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 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.

*Ibid. s. 4.
Party may dis-
continue.*

237. Whenever 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 districts aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage, 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 en-

*Ibid. s. 5.
Before assess-
ing damages
fences to be in-
spected.*