

assessors appointed to value the damages, be sufficient to turn or keep out live stock, shall be considered a sufficient and legal fence within the meaning of this section; and, provided further, that nothing in this section shall be construed to prevent any person having a sufficient fence, as hereinbefore provided, from impounding any trespassing live stock as now provided by law, only as a part of his proceedings; any person in said district so trespassed upon, and having a sufficient fence as aforesaid, shall have the sufficiency of his fence passed upon as herein provided, before proceeding to sell the stock impounded by him. The provisions of this section shall only apply to outer fences and boundary fences in the districts aforesaid, and not to any person's interior fences upon his own property.

1884, ch. 445.

**166.** If the assessors appointed under sections 164 and 165 shall certify in writing to the justice of the peace hearing the complaint under said sections, that said fence at the particular point or place through or over which any live stock may have broken or trespassed, is of the height and sufficiency required in section 164, or is or has been freshly broken, then damages shall be awarded to and recoverable by the owner as required in sections 164 and 165,

1870, ch. 64. 1878, ch. 83. 1880, ch. 244. 1882, ch. 361. 1882, ch. 488.  
1884, ch. 445. 1888, ch. 387.

**167.** Whenever joint fences have been or may be established in the districts and parts of districts mentioned in sections 164 and 165, and in district number two or East New Market, and district number twelve or Williamsburg, for the 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.

Ibid.

**168.** If either of the parties so making or keeping a joint fence shall not comply with sections 164, 165 and 167, and shall