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.

1870, ch. 64.   1878, ch. 83.   1880, ch. 244.   1882, ch. 361.   1882, ch. 483.
1884, ch. 445.

169. In case joint fences are not made and kept in repair according to the provision of sections 164, 165 and 166, 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.

170. 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.

Ibid.

171. In all actions of trespass *quare clausum fregit,* or legal process of any kind hereafter to be sued out or commenced, to recover damages for trespass upon lands in said districts of the county by any kind or description of live stock, the defendant may plead the general issue, and give the special matter in