

1880, ch. 289.

**143.** If the said freeholders shall find that the said fence, or any part thereof, the making or repairing of which is sought to be enforced, would be of no use or benefit to the party refusing, by reason of its lying contiguous to unenclosed or waste lands, or for any other reason, they shall so report in their award; and no one shall be required to make or repair more than one-half of such fence as shall be necessary to him; the words waste lands, however, used in this section, shall not be construed to mean or include any body of wood land forming part of fields or lots of arable lands; but whenever any such fields or lots of arable land as aforesaid are composed in part of wood land, they shall be enclosed as hereinbefore required by this sub-title of this article, as fully as if all of said fields or lots of land were arable land.

Ibid.

**144.** Each freeholder, who shall be called upon to act under the preceding sections of this sub-title of this article, shall be entitled to one dollar and fifty cents per day for his services.

Ibid.

**145.** Whenever the owner of such division fence shall fail to keep in repair his portion of said fence, according to the provisions of this sub-title of this article, the other person aggrieved, or likely to be injured by reason of such refusal or omission to keep in repair said portion of such fence, may, instead of pursuing the remedy hereinbefore provided, discontinue the said division fence upon giving one month's notice in writing to the defaulting party, his agent, tenant or other representative.

Ibid.

**146.** If any person having an interest in any joint division fence shall fail to make or keep in repair his part thereof, he shall not be entitled to any damages on account of any trespass through said part by stock belonging to the other joint owner of said fence; and if he shall kill, maim, or otherwise injure such stock, upon conviction thereof, he shall pay to the owner of said stock the full value thereof, with costs of suit; and if such person be a married woman, she shall be liable under this section of this