

the ground to the top of the upper rail; the first or under rail in post and rail, or plank or worm fences, shall not exceed five inches from the ground or embankment on which the same may be built; the width between the rails composing the fence shall be such as is usual in the construction of good post and rail, plank or worm fences; all brush fences made upon an embankment shall be at least three feet six inches high, and the embankment eighteen inches high; and all stone fences made upon the ground shall be at least four feet high from the surface of the ground.

1886, ch. 401.

126. Nothing contained in the preceding section shall be construed to extend to other than outside fences.

Ibid

127. If any live stock of any kind or description whatsoever, shall break into any person's enclosure (the same being of the height and sufficiency prescribed in the preceding section), the owner of such live stock shall be liable to make good all such damage to the owners of such enclosures as shall be awarded by two or more judicious persons who may view the same, under oath made before some justice of the peace in said county; the said damages to be recovered in the manner prescribed by law for the recovery of small debts; provided, that upon the trial before any justice of the peace for damages at the instance of either party, the justice of the peace shall issue *subpoena* for such witnesses as either plaintiff or defendant may require; the provisions of these three sections, 125, 126 and 127, to apply only to election districts numbers two and eleven.

P. L. L., (1860,) art. 21, sec. 97.

128. Whenever joint fences have been or may be established in said county for the mutual benefit of different owners or possessors of adjoining lands, each party shall keep in good repair his just proportion thereof in the manner following: all post and rail or plank fences shall be at least four feet and a half high; all stone 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 may be placed.