

P. L. L., (1860,) art. 21, sec. 98.

129. If either of the parties so making or keeping a joint fence, shall not comply with the provisions of the preceding section, and shall refuse or delay to make or repair the said fence within twenty days after notice in writing shall be given to him or his agent, overseer or tenant, upon proof thereof before a justice of the peace, the said justice may, under his hand and seal, authorize the party aggrieved 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 delaying or refusing, in the same manner as debts of like amount are recoverable.

Ibid sec 99.

130. If joint fences are not made and kept in repair according to the provisions of section 128 of this sub-title of this article, the party aggrieved, instead of pursuing the remedy prescribed in the preceding section, may discontinue said fence by giving three months' notice in writing to the party refusing or delaying to make or repair the same, or his tenant, overseer or agent; in all other cases (unless by mutual consent) twelve months' notice shall be required to discontinue any joint fence.

Ibid. sec. 100.

131. Whenever any person shall, under and by virtue of this law or any law of this State, be summoned or called upon to value and assess the damage done upon any enclosed land in said county by the trespassing of live stock of any kind and description whatever, they 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 enclosures shall not be good and sufficient, according to the provisions of section 128 of this sub-title of this article, they shall not assess any damages whatever.

Ibid sec. 101.

132. In all actions and suits to recover damages for trespass upon lands in said county, by any kind of live stock, the defendant may plead the general issue and give the special matter in evidence; and the plaintiff shall be non-suited whenever it shall