

struction of good post and rail, plank or worm fences; and all brush fences, made upon the surface of the ground, shall be at least four feet high, and all brush fences, made upon an embankment, shall be at least three feet high; provided, the embankment be eighteen inches high; and if any live stock of any kind or description whatever shall break into any person's enclosure, the same being of the height and sufficiency aforesaid, then the owner of such live stock shall be liable to make good all such damages to the owner of such enclosure, as shall be found and awarded by two or more judicious persons to be appointed by a justice of the peace in said county; said persons to view the same under oath, and make return before the justice of the peace by whom they were appointed; and the said damages shall be recovered in the manner prescribed by law for the recovery of small debts. This section shall not apply to Trappe district, otherwise known as election district number seven.

1874, ch. 65. 1898, ch. 31.

42. Wherever joint fences have been, or may be established in said county, for the mutual benefit and advantage of different owners or possessors of adjoining land, it shall be the duty of each party to keep in good repair his just and respective proportion thereof, in manner following, that is to say: all fences of whatever kind, shall be at least four feet high, the height in every case to be computed from the ground or base of any embankment, upon which said fences are or may be placed. This section shall not apply to Trappe district, otherwise known as election district number seven.

1872, ch. 11.

43. If either of the parties so making or keeping a joint fence shall not comply with the foregoing provisions, and shall 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 in said county, 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 doing so he shall be reimbursed all costs and reasonable expenses necessarily incurred, to be re-