

fence as above required, and for doing so, he shall be re-imbursed 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.

1874, ch. 46.

99. In case joint fences are not made and kept in repair according to the provisions of the two preceding sections, in said first district, 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.

100. Whenever any person shall, under and by virtue of section 96, be summoned or called upon to value and assess the damages done upon any enclosed land, in said first district in said county, by trespassing live stock of any kind or description whatever, the said person, so valuing or assessing the said damages, 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 said enclosure shall not be good and sufficient, according to the true intent and meaning of said section 96, he shall not make out any award or assess any damages whatever.

Ibid.

101. In actions of trespass or legal process of any kind sued out or commenced to recover damages for trespass upon lands, in said first district in said county, by any kind or description of live stock, the defendant may plead the general issue and give the special matter in evidence, and the plaintiff, in each and every suit, shall be non-suited and mulcted in costs, where it shall be clearly proven, by legal and competent testimony, that the lands, wherever the said trespass shall be alleged to have been done or committed, were not enclosed according to the provisions of sections 96 and 97.