

1876, ch. 304.

102. In the remaining eight election districts of said county, partition fences between the adjoining fields of different proprietors, established by mutual consent, shall be made and repaired by the parties respectively owning or occupying the adjoining fields, at their joint and equal expense; and upon failure of a party to make or repair, and keep in good order, his proportion of such fence, or to pay his equal share of the cost thereof, he shall be answerable for his proportion of the cost and expense of making the same, in an action of debt before any justice of the peace for said county; provided, that such fence be constructed or repaired out of the usual materials, and in the usual manner, and that the party desiring such repair to be made, shall give to the joint proprietor of the fence at least thirty days' notice of such repair being necessary, and of his intention to make it before proceeding to do so.

Ibid.

103. Whenever it shall cease to be the interest of any person, part owner of any partition fence, in any of said eight election districts, to continue such fence, he may give to the person jointly interested in keeping up such fence, sixty days' notice of his intention to discontinue such fence, and may at the expiration of that time, take down and remove his part of any such partition fence, and shall be no longer bound to keep up and repair the same.

Ibid.

104. No action shall lie for trespass committed by cattle, or other live stock, upon any unenclosed land, in any of said eight election districts; and upon a plea being entered in any suit to recover damages for trespass by cattle or other live stock, stating in effect, that the property said to be trespassed upon was not sufficiently enclosed, the justice or the court before which said suit is being tried, shall appoint three discreet men of the vicinage to view and examine into the sufficiency of the enclosure of said property; and if they report, in writing, that the enclosure at the part entered upon by said live stock was insufficient to keep out live stock not breachy or mischievous, or that not being able, after examining carefully, to discover where said live stock entered upon said property, they have examined said enclosure,