

fore a justice of the peace of said county, as the case may be, and the serving of the summons in such suit upon the agent, tenant or other representative, shall be a sufficient service of such writ upon the owner; and in case the owner of such fence shall be a married woman she shall be liable for the amount expended as aforesaid, in the repair of the same, and may be sued therefor, and judgment may be had against her as fully as if she were a femme sole, which said judgment may be enforced by execution against her separate estate.

SEC. —. If the said freeholders shall find that the said fence, or any part thereof, the making or repairing of which is sought to be enforced would be of no use or benefit to the party refusing, by reason of its lying contiguous to unenclosed or waste lands, or for any other reason, they shall so report in their award, and no one shall be required to make or repair more than one half of such fence as shall be to him necessary; the words waste lands, however, used in this section, shall not be construed to mean or include any body or bodies of wood land forming part or parts of fields or lots of arable lands, but whenever any such fields or lots of arable land as aforesaid are composed in part of wood land, they shall be enclosed as herein before required by this act, as fully as if all of said fields or lots of land was arable land.

Repair one-half.

How construed.

SEC. —. Each freeholder who shall be called upon to act under the preceding section of this act shall be entitled to one dollar and fifty cents per day for his services.

Compensation.

SEC. —. Whenever the owner of such division fence shall fail to keep in repair his portion of said fence according to the provisions of this act, the other person aggrieved, or likely to be injured by reason of such refusal or omission to keep in repair said portion of such fence, may, instead of pursuing the remedy hereinbefore provided, discontinue the said division fence upon giving one months' notice, in writing, to the defaulting party, his agent, tenant, or other representative.

May discontinue.