

Refuse or delay to repair. 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 before a justice of the peace, 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 so doing he, she or they, shall be reimbursed 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.

Notice in writing.

Lawful to authorize.

Reimbursed all costs.

Discontinue joint fence.

Notices.

SEC. 4. *And be it enacted*, That in case joint fences are not made and kept in repair according to the provisions of this act, 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.

Assess the damages.

Shall inspect and examine

Not make award.

SEC. 5. *And be it enacted*, That whenever any person or persons shall, under and by virtue of this act, or any law of this State be summoned or called upon to value and assess the damages done upon enclosed lands in the part of the districts aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage, shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damage shall be alleged to have been done or committed, and if the said enclosures shall not be good and sufficient according to the true intent and meaning of this act, he or they shall not make out any award or assess any damages whatever.

Recover damages.

May plead.

SEC. 6. *And be it enacted*, That in all cases of action of trespass *quare clausam fregit*, or legal powers of any kind hereafter to be sued out or commenced, to recover damages for trespass upon land in said portion of said district by any kind or description of live stock, the defendant or defendants may plead the