

Justice to issue subpoena. be the duty of the said justice of the peace to issue a subpoena for such witnesses as either plaintiff or defendant may require.

Joint fences. SEC. 2. *And be it enacted*, That when joint fences have been now or may hereafter be established in either of the two districts hereinbefore mentioned in said county, for the mutual benefit of different owners or possessors of adjoining lands, it shall be the duty of each party to keep in good repair his, her or their just proportion respectively thereof, to wit: all fences of whatever kind shall be four feet high at least, the highest in every case to be computed from the ground upon which said fence rests to the top of the upper rail, whether the fence be placed upon the level earth or upon an embankment.

Duty of each party.

SEC. 3. *And be it enacted*, That 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 said fence where it is mutually beneficial, within twenty days after notice in writing shall have been given to said party or his agent, overseer or tenant, thereupon proof thereof before a justice of the peace of one of the said districts, it shall be the duty of the justice of the peace, under his hand and seal, to authorize the party so aggrieved and suffering by such refusal or delay to make or repair such fence as above required, and for so doing he, she or they shall be reimbursed, all cost 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.

Shall not comply.

Notice in writing

Shall be reimbursed.

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 shall be required to discontinue any joint fence.

Lawful to discontinue fence.

SEC. 5. *And be it enacted*, That whenever any person or persons shall, under and by virtue of this act, or