

ten days notice in writing shall be given to such refusing party, his agent, or overseer, or left at the usual place of his abode, to select two sensible and discreet individuals, with power in case of disagreement to call in an umpire to value and assess under oath the said costs and expenses, and which amount of damages so assessed and certified to, under their hands and seals shall be final and conclusive, any law or usage to the contrary notwithstanding.

Sec. 3. *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 allowed by this act, to discontinue the said joint fence upon 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.

Or discontinuance authorised

Legal notice for discontinuance

Sec. 4. *And be it enacted,* That whosoever, not having their grounds enclosed with such sufficient fence as aforesaid, shall hurt, kill, or do damage to any horse, sheep, hogs, or any kind of cattle belonging to any other person or persons or cause the same to be done, shall make good all such damages sustained thereby to the owner or owners thereof, as shall be awarded by two respectable disinterested men of the vicinity, under their oath or affirmation, who may be summoned to view the same by the respective parties interested, and in case of their disagreement, it shall be lawful for the referees to call in a third person, who shall qualify as above required, and the decision of any two of them shall be final, the said damages to be recovered in the same manner as is, or shall be prescribed for the recovery of small debts.

Damage to stock

Mode of assessing and recovering

Sec. 5. *And be it enacted,* That each freeholder who shall be called on to value and assess the damages, shall be allowed for his services one dollar per day; the fees of officers for duties performed under this act, shall be the same as allowed by law for similar duties in cases of debt.

Compensation

Sec. 6. *And be it enacted,* That the act passed at December session, eighteen hundred and thirty-three, chapter forty-seven, and all other laws or parts of laws inconsistent with or repugnant to the provisions of this act so far as the same relate to Kent county, be and the same are hereby repealed.

Repeal