

owner of such live stock shall be liable to make good all such damages to the owner of such enclosures as shall be found and awarded by two or more judicious persons, to be appointed by a justice of the peace of the said districts where the enclosure so trespassed upon shall be located, which said persons shall view the place, after having been sworn to value and assess the damages truly as they shall to them appear; and after having so viewed the damages and assessed the same, under oath, they shall make return thereof before the justice of the peace by whom they were appointed, and then said damages shall be recovered in the same manner that is prescribed by law for the collection of other judgments upon the docket of a justice of the peace; provided, nevertheless, that upon the trial thereof before a justice of the peace, for the damages, at the instance of either the plaintiff or defendant, it shall be the duty of the said justice of the peace to issue a *subpoena* for such witnesses as either plaintiff or defendant may require.

1878, ch. 256. 1878, ch. 445. 1884, ch. 144. 1886, ch. 268. 1886, ch. 418.

109. When joint fences have been, or may hereafter be established in the districts hereinbefore mentioned, 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 joint properties, 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 the fence rests, to the top of the upper rail, whether the fence be placed upon the level earth or upon an embankment.

Ibid.

110. 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, upon proof thereof before a justice of the peace 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,