

Damages—
how recovered

be found and awarded by two or more judicious persons to be appointed by a justice of the peace for said county, the said persons to view the same under oath and make return before the justice of the peace before whom they were appointed, and the said damages to be recovered in the same manner that is or shall be provided by law for the recovery of small debts; provided, nevertheless, upon the trial before any justice of the peace for damages, at the instance of either party, it shall be the duty of said justice of the peace to issue a *subpœna* for witness as either plaintiff or defendant may require.

Who to keep
in repair.

SEC. 2. *And be it enacted*, That whenever joint fences have or may be established in said part of Hooper's Island, lying between the ferry or narrows, and the thoroughfare in district number six of Dorchester county, for the mutual benefit or advantage of different owners or persons of adjoining lands, it shall be the duty of each party to keep up in good repair his, her or their just and respective proportion thereof, in manner following, that is to say: all post and rail or plank fence shall be of the heights above prescribed, the height in every case to be computed from the ground or bank, if any embankment, upon which said fence is or may be placed.

Repairs—how
to be made.

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 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.

SEC. 4. *And be it enacted*, That in case joint fences are not made and kept in repair according