

agricultural districts, by a fair and sensible agreement between the owners. The nature of this agreement usually varies according to the locality. Sometimes the one owner or his tenant agrees to keep the ditch cleansed, while the other owner or his tenant undertakes the repair of the fence. In other cases the work is done jointly by a mutual contribution towards the labour. But where neighbours are reasonable there is little room for the lawyer. So we shall pursue our subject in another direction.

Apart from the point we commenced with—the repairing of fences to prevent the repairer's cattle straying and trespassing—is there such a thing as an obligation to repair a fence? This question must be answered in the affirmative. There are, indeed, several other grounds upon which a man may be made liable for not repairing a fence. We do not propose to deal with the position as between landlord and tenant. We shall deal only with cases where there is no relationship founded on tenure, between the parties. There are cases, as we shall see, where A.'s cattle or other animals getting through B.'s fence on to B.'s land and there suffering damage give A. a right of action against B. on the ground that B. ought at law to have kept his fence in such a state of repair that the animals could not have escaped from A.'s land.

The most usual case, apart from contract, where a man is held liable for not keeping his fences in such a state as to keep his neighbour's animals from wandering, arises under the Inclosure Acts. The general effect of these statutes was, of course, to allot in severalty lands which were formally subject to the old common field system of ownership, or which were part of the lord's waste subject to common rights. There were, of course, general Inclosure Acts, but, in the main, inclosures were carried out by local statutes. The method adopted was generally the same in every case, the variations being only in points of detail. The object aimed at was twofold. First, the partitioning of the lands amongst the various persons and classes of persons having various interests, estates, and rights in and over the lands. In carrying this into effect regard was had to the relative values of the respective interests, estates, and rights. Secondly, the laying out