

who shall thenceforth be considered as the defendant or defendants in the case, requiring him or them to appear at the same time and place, to shew cause why the person or persons claiming payment, as aforesaid, who shall thenceforth be considered as the plaintiff or plaintiffs in the case, should not recover the same.

Fence viewers duly served eight days previous, and having examined fence and received evidence,

Or any two of them, to determine whether plaintiff shall recover;

When commencement and extent of fence which such party should repair has not been previously settled, fence viewers to determine the same;

Their determination final;

Report to Commissioner of Court of Requests;

Stating extent which defendant should have made or repaired.

Fence viewers to give copy of determination before making their report.

Witnesses may be summoned;

Evidence on oath;

V. *And be it further enacted by the authority aforesaid,* That such Fence Viewers, upon being personally served at least eight days previously with such summons, at the time and place therein mentioned, and after having duly examined the fence and received evidence, which, if required by either party, or if the said Fence Viewers shall think it expedient, shall be given under oath, they, or any two of them, shall determine whether the said plaintiff is entitled to recover any, and if any, what sum, from the said defendant or defendants, under the provisions of this Act; and in all cases where the commencement or extent of the part of such division or line fence which each party should make or repair, has not been determined by the award of Fence Viewers, as aforesaid, the said Fence Viewers, or any two of them, shall determine the same; which determination shall be final and binding on the occupiers of the said tracts or parcels of land, and have the same effect as if it had been made by three Fence Viewers in the manner aforesaid; and shall report their determination upon the matters aforesaid in writing, under their hands, to the said Commissioner of the Court of Requests by whom the said summons shall have been issued; and shall also, in all cases where they determine that the said plaintiff is entitled to recover any thing from the said defendant or defendants, state what distance of fence they have determined that the said defendant or defendants should have made or repaired.

VI. *And be it further enacted by the authority aforesaid,* That the said Fence Viewers, if they shall be required by either party, before they shall have made a report, as aforesaid, of their determination to the said Commissioner of the Court of Requests, shall give to such party requiring the same a true copy of their said determination.

VII. *And be it further enacted by the authority aforesaid,* That if either of the said parties shall desire to procure the attendance of any person to give evidence before such Fence Viewers, it shall and may be lawful for the Commissioner of the Court of Requests, by whom any summons shall have been issued as aforesaid to such Fence Viewers, to issue, upon the application of either of the said parties, a summons to any person to attend as a witness before the said Fence Viewers, at the time and place mentioned in the said summons to the Fence Viewers; and that the said Fence Viewers, when met as aforesaid, at the time and place mentioned in the summons, shall be and are hereby authorised, whenever it shall be desired by either party, or they shall think it proper, to administer an oath to any person, except the parties or persons interested, whose evidence they shall wish to take, which oath shall be in the following form: