

made under this Act shall cease, in the opinion of either of the parties, to be equitable between them, it shall be in the power of either to obtain another award of Fence Viewers, by the same mode of proceeding as is hereinbefore directed; and that if the Fence Viewers who shall have been called upon to make such subsequent award shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

Cost of subsequent award.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons who may be in the occupation of any tract or parcel of land, shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the division or line fence between such tract or parcel of land and the adjoining tract or parcel of land, for a period of thirty days after being required by a demand in writing by the person or persons occupying such adjoining tract or parcel of land, or after the award of the Fence Viewers, as aforesaid, to make or repair such equal or just proportion of the division or line fence, or if the party making such demand shall for such period neglect or refuse to make or repair an equal or just proportion of the division or line fence, it shall and may be lawful for either of the said parties, after first completing his own proportion of such fence, to make or repair in a substantial manner, and of good sound materials, the whole or any part of the said division or line fence which ought to have been by the other party made or repaired, and to recover in the manner hereinafter mentioned of the person or persons who may have neglected or refused, in manner aforesaid, to make or repair such proportion of the division or line fence, the just and full value of such proportion, not exceeding the sum of two shillings and six pence per rod, to be ascertained and determined in the manner hereinafter provided: *Provided always,* that any fence coming within the meaning and intent of the resolution, resolving what shall be considered to be a lawful fence for that year, entered into by the inhabitant householders at their annual Township meeting, shall be considered by all Fence Viewers to be a lawful fence; and when the householders, as aforesaid, shall neglect or refuse to decide by such resolution what shall be a lawful fence, then and in that case it shall be lawful for such Fence Viewers, when called upon, to exercise their own judgment, and decide what they consider to be a lawful fence.

Party refusing to make or repair his proportion of division line thirty days after notice, complainant, after completing his own part, may make or repair remainder,

and recover the amount from party so refusing,

not exceeding two shillings and six pence per rod;

Township meetings to determine what shall be a lawful fence,

and in default thereof, the fence viewers to exercise their own judgment.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Commissioner of the Court of Requests for the division in which such fence may be situated, and he is hereby required, upon the demand of any person or persons, to issue a summons under his hand and seal, directed to three Fence Viewers (by their proper names) of the Township in which such fence is situated, requiring them to attend on the day and at the hour therein mentioned, and at a place therein mentioned, to view such fence, and to appraise the same; also, to issue his summons to the person or persons so having neglected or refused to make or repair such proportion of the division or line fence,

Commissioner of Court of Requests may issue summons to three fence viewers,

requiring their attendance, &c.;

Also to summon the party neglecting to repair to shew cause why plaintiff should not recover.