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HOUSE, FARM AND GARDEN The Law of Division Fences. The fourth annual report of the Penn-
sylvania Board of Agriculture will consylvania Board of Agriculture will con-
tain a valuable article on "Farm Fences and Ways Over the Farm," an advance copy of which has been recelved througb the courtesy of Thomas J. Edge, secre-
tary of the Btate Board. It goes the legal aspect of the case very thor oughly, and gives the former and exist
ing legislation on this subject. There is a good deal of confusion in the minds of the average agriculturalists as to his
individual rights and his duties towards his neighbors.
Partition fences are expressly provided for by a statute passed March 11 ,
1842, which provides "that when any persons shall improve lands adjacent to each other, or when any person shan land alrendy fenced in, so that any part of the tirst perann's fence becomes the these cases the charge of such division fence, so far as it enclosed ou both
sides, shall be equally borne and maintained by both parties,"
the same act make the auditors of due notice shall examine such fences and state in writing whether, in their opinion, the fence of one already built the expense of building a new one or repsiring the old one sha
by the several parties. The opinlon or the viewers is to be delivered in writing ties refuse to comply with its provisions the aggrieved party has the right to the dellinquent before any justice of the peace or alderman for the labor and
material. If, therefore, one farmer does not keep his part of the line fence in if his neighbor's cattle trespass, as be suffers through his own neglect. farmer escape through the defective fence of his neighbor and trespass upon
the lauds of a third party, the latter an recover against the first, even tho common law a man is bound to keep his cattle on his own land. The only recourse in such a case is against the
neighbor through whose negligence he damage occurred. If stock is turned into a public highway, or if through
the neglect of a passer-by bars are let own and the cattle escape into the road the owner is responsible for the damage hey may cause. When, however, cattle
are driven along a public road and they any tault of the owner, and the latter Irives them off as soon as he can, he is
not liable for damages, because every one has a right to transact a legitimate Under the provisions
700 , still in force, it has been held that anless cultivated lands are properly enlosed the owner cannot maintain tres
ass for damages. The owner of improved lands must protect them against wise he has no legal recourse. In this han five feet high, of rail or logs, and
ufficiently elosed at the bottom. To recovertamagesitis only necoessary To
have the testimony of practical men When the owners of adjoining prop vision fences they are mutually linble
for the trespass of their cattle. Where a divibion rence has stood for twenty
one yars it can only be removed by
the Cousent of the joint owners, and
neither purty any ownershlp in the material of the Owners or unimprovedta to controute to the cost o
the othe to
puting ap a division fence. The obligation to erect division fences exints on
I where the lands of both parties i
lmproved, as it would be unjust to the owner of unimproved land to compel
hmm to assist ti p potecting that of nis
neighbor while he derived no benefit from wever, is compelled by law to build fence on the dividing line between him-
gelf and his neighbor. He can, if he must bulld it entirely on his own land must retain and keep it in repair, and
If his cattie breaks through and tespass
on the land of another be is liable for damages, Wbere division lines pase
throgeb wooded lands, neither owner is obliged to put up a fence.
Rallroad companies are
to fonce their roads, neither are they
liable to the owners for stray oattle that may be killed. Even though cattle en
cape from a properly enelosed lot and cape from a properiy enclosed lot an
are killed, the railroads are not liable.
Even where a ralt
 stock of the latter strays upon the trace stock is killed, the owner cannot recover These are the important laws now. in focees, whicing this question of division bear in mind.-Lancaster Ncu Era.
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