

No. 264.

## AN ACT

Authorizing the employment of stenographers by the district attorneys of certain counties.

Counties of sixth and seventh classes.

District attorney may employ stenographer.

Section 1. Be it enacted, &c., That from and after the passage of this act the district attorney of any county of the sixth and seventh classes may, with the consent of the county commissioners, employ a stenographer as an assistant in his office at a salary not to exceed six hundred dollars per year; to be fixed by the county commissioners in the same manner that other county officers and employes are paid.

APPROVED—The 2nd day of May, A. D. 1925.

GIFFORD PINCHOT.

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No. 265.

## AN ACT

To amend sections one and two of the act, approved the fourteenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred and sixty-two), entitled "An act regulating the method and procedure in the erection of line or partition fences;" providing for fence viewers in cities of the third class by the members of council.

Line and partition fences.

Section 1, of act of April 14, 1905 (P. L. 182), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the fourteenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred and sixty-two), entitled "An act regulating the method and procedure in the erection of line or partition fences," is hereby amended to read as follows:

Owners of improved and occupied land to maintain division fences.

Section 1. Be it enacted, &c., That from and after the passage of this act, owners of improved and occupied land shall erect and maintain an equal part of all line or division fences between them, nor shall any such owner be relieved from liability under the provisions of this act except by the consent of the adjoining owner. And if any owner of such improved and occupied land shall fail or neglect to erect or maintain his, her, or their share of such line or division fence, the party aggrieved shall notify the township or borough auditors, or in cities of the third class, the members of council, who shall act as fence viewers and whose duty it shall be to examine such line or division fence, so complained of; and if they find said fence sufficient, the complainant shall pay

Fence viewers.

the costs of their services, which shall be two dollars for each day's service; but if they find such fence insufficient, they shall so report to a justice of the peace or alderman, residing in the county where such fence is located, designating points and distances of such fence, whether a new fence is required or whether the old one can be repaired, and the probable costs of a new, or the repair of the old, fence; and said justice or alderman shall notify the delinquent owner of such improved and occupied land of the auditors' or viewers' report, and that his part of said fence, as found by the auditors or viewers, be erected or repaired within forty days from the date of such notice; and if such notice be not complied with, the aggrieved party may cause said line or division fence to be erected or repaired, and the costs thereof collected from the delinquent owner of such improved and occupied land, as other debts are collected by law: Provided, however, That no owner of improved land shall be compelled to build or repair fence during the months of December, January, February, and March: And provided further, That nothing herein contained shall be construed to apply to railroad companies.

Section 2. That section two of said act is hereby amended to read as follows:

Section 2. Where an owner has improved up to and erected upon the line a division fence, and an adjoining owner subsequently improves and occupies up to said line, he shall become liable to the former for such part of the cost of said fence as is just and reasonable, taking into consideration the quantity of the fence, the length of time it had been erected, and its condition. And in case the parties fail to agree on the amount to be paid, the owner who erected said fence may complain to the auditors, or in cities of the third class, the members of council aforesaid, who shall assess the amount which, in their opinion, the other party should pay; which amount, with costs, may be recovered as provided in section one of this act.

Report of viewers.

Notice to delinquent owner.

Proviso.

Proviso.

Section 2 of act amended.

Liability of owner making later improvement for share of cost of fence.

Assessment where owners disagree.

APPROVED—The 2nd day of May, A. D. 1925.

GIFFORD PINCHOT.