

county, shall be fined not less than fifty nor more than one hundred dollars, and shall, in the discretion of the court, be discharged from office.

FENCES.

1886, ch. 117.

74. All owners or proprietors of lands in Calvert county who may have such lands lying contiguous to or adjoining other lands belonging to different owners or proprietors, shall make and keep in repair division fences to bound and enclose said lands at their joint expense, unless said lands are not cultivated and have been used as general outlets or commons.

Ibid.

75. All such joint division fences shall be substantially built, and if made of iron, wire, stone, hedge, post and rail or plank, shall be four and a half feet high, but if made of cap and stakes, or stake and rider, commonly called worm fences, said fences shall be five feet high.

Ibid.

76. If either party, his tenant, overseer or other representative, shall refuse or neglect to make or keep in good repair his portion of said fence, after ten days' notice shall have been given him, his tenant, overseer or other representative, by the person aggrieved, the person so aggrieved may apply to a justice of the peace of said county, who shall, upon affidavit and proof of the notice aforesaid, appoint three discreet and sound-judging freeholders of said county, not related to either party, and whose lands do not adjoin the parties litigant, who shall have full power to hear and determine all matters in dispute connected with said fences; and the testimony of one disinterested witness shall be proof that notice has been served by the party aggrieved; and said notice may be either oral or in writing.

Ibid.

77. The said freeholders, if they, or a majority of them, upon examination, find the allegations of the persons aggrieved to be sustained, shall proceed to apportion to each owner, his tenant, overseer or other representative, his just proportion of said divi-