

## FENCES.

82. All grounds kept for enclosure in Caroline county, unless and so far as they shall be enclosed by creeks, rivers or bays, shall be fenced with posts and rails, or plank or worm fence, well staked and ridered, made of good and substantial rails, at least four and a half feet high from the ground to the top of the upper rail; and all worm fences not staked and ridered shall be at least five feet high from the ground to the top of the upper rail, and the first or under rail in post and rail or plank or worm fences shall not be more than five inches from the ground or embankment on which the same is built, and the width between the rails composing the fence shall be such as is usual in the construction of good post and rail, plank or worm fence; and all brush fences made upon the surface of the ground shall be at least three feet high, and upon an embankment eighteen inches high.

83. The provisions of the foregoing section shall extend only to outside fences between different owners.

84. If any live stock of any kind or description shall break into any enclosure of the height and sufficiency prescribed in the 82d section of this article, the owner of such stock shall be liable to make good to the owner of such enclosure all such damages as shall be found and awarded by two or more judicious persons who may view the same, made and awarded by them under oath before a justice of the peace of the county, and to be recovered as small debts.

85. And in every suit for such damages, the justice before whom the same shall be brought shall summon witnesses at the instance of either party, to testify as to the sufficiency or insufficiency of such enclosure; and the persons called upon to view and assess the damages, shall make no award of damages unless upon examination they shall be satisfied that the enclosure is such as is required by the 82d section of this article; but their opinion upon this point shall not be final, but may be rebutted by other evidence.

86. Whenever joint fences are established for the mutual benefit of different owners or possessors of adjoining land, each party shall keep in good repair his respective proportion thereof in manner following, that is to say: all post and rail or plank fences