

FENCES.

1904, ch. 538, sec. 138. 1912 Code, sec. 257. 1924, ch. 288.

459. Whenever joint fences have been or may be established in Prince George's County, for the mutual advantage of the owners of adjoining arable lands, each shall keep in good repair his respective portion thereof in the manner following, that is to say: Post, rail or plank fences shall be at least four feet and a half high; wire fences of at least six wires, and worm fences at least five feet high; and the distance in any case shall be computed from the base of any embankment on which the same may be placed. The fact that a wooded area intervenes between arable lands on two adjoining farms shall not be considered as relieving either of the owners from the provisions of this section or the other sections of this subtitle, but either of such owners shall have the right to the remedies provided in this subtitle if the other party fails or refuses to comply with the provisions of this subtitle, provided, however, that whenever a wooded area intervenes, this subtitle shall not apply unless there is more arable land in each of such adjoining farms than is in woods.

1904, ch. 538, sec. 139. 1912 Code, sec. 258.

460. If either of the parties shall refuse or neglect to keep in good repair his portion of said division fence after twenty days' written notice shall be given to him, his agent, employee, tenant or representative, by the person aggrieved, the person so aggrieved may apply to any justice of the peace of said county who, upon proof of notice aforesaid, shall appoint three discreet and sound judging freeholders of said county not related to either party to hear and determine all matters in dispute connected with said fence.

1904, ch. 538, sec. 140. 1912 Code, sec. 259.

461. The said freeholders, if they or a majority of them find that the making or repairing of said fence is for the mutual advantage and protection of both parties, shall apportion to each his just portion thereof and mark and bound the same, and shall make out their award in writing, under their hands and seals, verified by affidavit, require the recusant party to make or repair his part of said fence by a day to be specified in their award, and also giving their estimate of the cost of making or repairing said fence, and shall deliver a copy of said award to each party interested, or his agent, tenant or other representative.

1904, ch. 538, sec. 141. 1912 Code, sec. 260.

462. Each freeholder who shall be called upon to act under the preceding section of this subtitle of this article shall be entitled to two dollars and fifty cents per day for his services, to be paid by the party aggrieved, and recoverable by him as costs if the award of the examiners provided in Sections 462 and 463 be in his favor and so provided.

1906, ch. 350, sec. 142. 1912 Code, sec. 261.

463. If either of the parties keeping a joint fence between arable lands shall refuse or delay to repair his proportion thereof within twenty days