

FENCES.

1864, c. 204 adds the following sections to this article under the above title :

38. All division fences between the lands of different proprietors in Harford county, which may be necessary for their mutual protection, shall be made and repaired at the joint and equal expense of the parties interested.

1864, c 204, s. 1.
At whose ex-
pense division
fences to be
made, &c.

39. All such joint division fences, if made of post and rails or plank, shall be four feet and a half high ; all worm fences shall be five feet high, made of good and sound rails, staked and ridered and substantially built.

Ibid. s. 2.
Height of
fences.

40. If either party shall refuse or neglect to make or keep in good repair his portion of said division fence, after twenty days' notice shall have been given him, his tenant or overseer, by the person aggrieved, the person so aggrieved may apply to the county commissioners of said county, who shall, upon proof of the notice aforesaid, appoint three discreet and sound judging freeholders of said county, not related to either party, who shall have full powers to hear and determine all matters in dispute connected with said fence.

Ibid s 3.
Application to
be made to
county com-
missioners and
referred by
them to free-
holders if
fence not kept
in repair.

41. And the said freeholders, if they, or a majority of them, find that the making or repairing of said fences is for the mutual advantage or protection of both parties, shall apportion to each his just proportion thereof, and mark and bound the same, and shall make out their award in writing, under their hands and seals, verified by affidavit, requiring the recusant party to make or repair his part of said fence, by a day to be specified in the award, and also giving their estimate of the cost of making or repairing such fence, and shall deliver a copy of said award to each party interested, or his tenant, overseer or representative, in case one of the parties is a non-resident of the county.

Ibid s 4
Fence to be
apportioned