

intended to enclose the separate farms of such proprietors, in Anne Arundel county, who have agreed or may agree to join in making the same, if made of posts and rails, shall be at least four feet high from the surface of the ground, of good materials, the average distance between the lower rails not to exceed four inches; all worm division fences to be made of good and substantial rails, staked and ridged, and at least five feet high from the surface of the ground to the top of the upper rail.

P. L. L., (1860,) art. 2, sec. 91.

136. All other division fences, if of stone, shall be four feet high; or, if of wood or embankment, and wood or hedges, shall be at least five feet high; and all division brush fences made upon embankments shall be at least three feet high, and the embankments shall be not less than two feet high.

Ibid. sec. 92.

137. All such division fences shall be kept in good repair, and the labor and cost of making and repairing the same shall be equally divided among the parties interested.

Ibid. sec. 93.

138. If either party shall neglect to make or to keep in good repair his portion of said division fence, after twenty days' notice shall have been given him by the person aggrieved, the person so aggrieved may apply to a justice of the peace of the county, who shall upon proof of the notice aforesaid, appoint two respectable freeholders living near, and not related to the parties, whose duty it shall be to examine said fence and fix the amount necessary to make or repair the one-half thereof.

Ibid. sec. 94.

139. The said freeholders, in case they differ in opinion, shall appoint a third person as umpire, and they, or the said umpire, if they cannot agree, shall make out their, or his award under their hands and seals, or his hand and seal, verified by affidavit, and deliver a copy of the same to the said justice of the peace, and to each party interested, within five days after making the same.