

CHAP. 154. belonging to different proprietors, and intended to enclose the separate farms or plantations of such proprietors, in Anne-Arundel county, who have 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, and the average distance between the three 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; all other division fences of stone, to be four feet high, and if of wood, or embankment and wood, or hedges of thorn close and well set, to be at least five feet high; and all division brush fences, made upon embankment, to be at least three feet high, and the embankment to be not less than two feet high.

Expenses to be divided among parties interested

2. *And be it enacted*, That all division fences to be made as aforesaid, shall be kept in good repair, and the labour and cost of making the same shall be equally divided among the parties interested; and if either party shall neglect to make or keep in good repair, his, her or their part or portion of said division fence or fences, after twenty days notice shall have been given to him, her or them, by the person or persons aggrieved, he, she or they, may apply to a justice of the peace of said county, who is hereby authorised, upon proof of the notice aforesaid, to appoint two respectable freeholders, living near and not related to, the said litigant parties, whose duty it shall be to examine the said division fence or fences, and to fix the amount which, in their judgments, may be necessary to make or repair the one half or portion of the said division fence or fences; and the said freeholders are hereby empowered, in case they differ in opinion, to appoint a third person as umpire, and it shall be their duty, under their hands and seals, to make out their award, 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 determining on said award; and if the party owning that part or portion of the division fence or fences, required to be made or repaired by the decision of the said freeholders, shall fail to make or repair the same, according to the provisions of this act, within thirty days after the service of said award, then it shall and may be lawful for the other party who has his, her or their portion of said division fence or fences in good order, to proceed to make or repair said fence or fences, the expense whereof shall not exceed the amount fixed by said award; and as soon as the fence or fences shall be made or repaired in conformity with this act, and so certified by the freeholders aforesaid, or any one of them, then such person or persons shall be entitled to recover from the party neglecting or refusing as aforesaid, the amount expended, in the same manner as other small debts are now by law recovered, where the amount of damages awarded as aforesaid does not exceed the sum of fifty dollars.

Penalty on persons failing to keep his part of fence in repair

3. *And be it enacted*, That if any person or persons shall fail to make or keep in good repair his part of said division fence or fences, as directed by this act, and shall maim, kill, or otherwise injure, any description of stock found on his, her or their