

* CHAPTER 267.

Passed March 7, 1862. AN ACT to add new sections to Article five of the

Code of Public Local Laws for Calvert county, for the settlement of disputes growing out of joint division fences and the trespassing of stock in said county.

Additional sections.

Be it enacted by the General Assembly of Maryland, That the following sections be added to Article five of the Public Local Laws for Calvert county :

Division fences—expense of making, &c., by whom paid.

Sec. 1. All division fences between the lands of different proprietors in Calvert county, which may be necessary for their mutual protection, shall be made and repaired at the joint and equal expense of the parties interested.

Character and height of fences.

Sec. 2. All such joint division fences, if made of posts and rails or plank, or with caps and stakes, shall be four feet and a half high; all worm division fences shall be five feet high, made of good and sound rails, staked and ridered, and substantially built.

Repair of fences—power of summoning freeholders to determine matters in dispute.

Sec. 3. 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.

Duty of party summoned.

Sec. 4. 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 and 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 mak-