

CHAP. 154. the remainder of them shall and they are hereby authorised to fill such vacancy, and the Levy Court, is hereby required to levy as aforesaid the sum of two dollars per day, for each and every day the said commissioners act as such, for which an account shall be rendered to the said court with the oath or affirmation of said commissioners.

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CHAPTER 154.

Passed Mar. 11, 1835

*An act regulating Joint Fences in Kent County.*

Fence prescribed

Section 1. *Be it enacted by the General Assembly of Maryland,* That wherever joint fences have been, or may be established in Kent county, for the mutual benefit and advantage of different owners or possessors of adjoining lands, it shall be the duty of each party to keep up in good repair, his, her, or their just and respective portions thereof: in the manner following, that is to say, all post and rail or plank fences, shall be at least four feet six inches high, and not more than four inches between the lower and second, and not more than five between the second and third rails, and all worn or other fences shall be five feet high, the height of said fences in every case to be computed from the ground or base of any embankment upon which said fence may be erected.

Party failing

Sec. 2. *And be it enacted,* That if either of the parties so making or keeping a joint fence, shall not comply with the foregoing provision, and shall refuse or delay to repair the said fence within twenty days after notice in writing shall be given to the said party, his agent, tenant, or overseer, then upon proof thereof before any justice of the peace, it shall be lawful for the said justice under his hand and seal, to authorise the party aggrieved and suffering by such refusal or delay to repair or construct the joint fence, as above required and for such repairs or construction as the case may be, shall be reimbursed all costs and reasonable expenses incurred, to be recovered from the party so refusing or delaying, in the same manner as debts of a like amount are now recoverable, all which said costs and expenses shall be assessed by two discreet sensible individuals, one to be selected by each party, and in case of the neglect or refusal of the party so neglecting to repair or construct, then it shall and may be lawful for the party aggrieved, after

Method of redress