

Remedy  
provided.

then upon proof thereof before a justice of the peace, it shall be lawful for the said justice under his hand and seal, to authorize the party aggrieved, and suffering by such refusal or delay, to make or repair the said fence, as above required, and for so doing, he, she or they, shall be reimbursed all costs and reasonable expenses necessarily incurred, to be recovered from the party so refusing or delaying, in the same manner as debts of a like amount are now recoverable.

Or discontinuance.

SEC. 4. *And be it enacted*, That in cases joint fences are not made and kept in repair according to the provisions of this act, it shall also be lawful for the party aggrieved or likely to be injured, instead of pursuing the remedy above allowed, to discontinue the said fence by giving three months notice in manner aforesaid; and in all other cases (unless by mutual consent) twelve months notice shall be required to discontinue any joint fence.

Notice  
required.

Duty of  
persons  
who assess  
damage for  
trespass.

SEC. 5. *And be it enacted*, That whenever any person or persons shall, under and by virtue of this act, or any law of this state, be summoned or called upon to value and assess the damages done upon any enclosed land in the counties aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage, shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damages shall be alleged to have been done or committed, and if the said enclosures shall not be good and sufficient, according to the true intent and meaning of this act, he or they shall not make out any award or assess any damages whatever.

This law  
may be  
plead.

SEC. 6. *And be it enacted*, That in all cases of action of trespass quare clausum fregit or legal process of any kind hereafter to be sued out, commenced or prosecuted in the counties aforesaid, to recover damages for trespass upon lands in said counties, by any kind or description of live stock, the defendant or defendants may plead the general issue, and give the special matter in evidence under this act, and the plaintiff or plaintiffs in all and every such suit, shall be non-suited and mulct in costs, whenever it shall be clearly proven by legal and competent testimony, that the lands whereon the said trespass shall be alleged to have been done or committed, was not enclosed according to the provisions of this act.

A SUPPLEMENT to the ACT to regulate Fences in Dorchester and Caroline Counties, passed at December session, eighteen hundred and thirty-three, chapter one hundred and nineteen.—1834, ch. 225.

Certain  
enclosures  
exempt.

*Be it enacted, by the General Assembly of Maryland*, That all lands in Dorchester and Caroline counties, where enclosures consisted at the time of the passage of the act, to which