

the last year, as they may deem just and proper, over and above the sum allowed by the act to which this is a supplement.

Repealing  
clause.

SEC. 3. *And be it enacted*, That the provisions of the act to which this is a supplement, in relation to the compensation and salary of the clerks, so far as the same may be inconsistent with this act, be, and the same are hereby repealed.

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C R O W S .

See 'Calvert County,' title 'Crows,' ante page 1730.

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F E N C E S .

AN ACT regulating Fences in Charles and Allegany Counties.—1826, ch. 82.

Merged in 1827, ch. 150, as to Charles, which was repealed by 1828, ch. 101.

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A further SUPPLEMENT to an ACT regulating Fences in Charles and Allegany Counties, passed at December session, eighteen hundred and twenty-six, chapter eighty-two.—1828, ch. 101.

No action  
of trespass,  
&c. here-  
after com-  
menced  
shall be  
adjudged to  
be main-  
tained by  
evidence,  
&c.

SEC. 1. *Be it enacted, by the General Assembly of Maryland*, That no action of trespass, quare clausum fregit, hereafter commenced, shall be adjudged to be maintained or supported by evidence, that any defendant in such action, or any horse, cow, hog, or other domestic animal, belonging to such defendant, passed on or over any waste or unenclosed land in Charles and Kent counties, or by proof that any such animal trod down or eat the grass or herbage, or rooted up or disturbed the soil or earth, on any such waste or unenclosed lands, and the defendants in any such action may plead the general issue, and give this act and the special matter in evidence.

Not lawful  
for persons  
to distrain  
any horse,  
&c.

SEC. 2. *And be it enacted*, That it shall not be lawful for any person to distrain any horse, hog, or other beast, damage feasant, upon any waste or unenclosed land in Charles and Kent counties.

Partition  
fences.

SEC. 3. *And be it enacted*, That partition fences between the adjoining fields of different proprietors, shall be made and repaired by the parties respectively, owning or occupying the fields, at their joint and equal expense, and upon failure of either party to make or repair his or her respective proportion of such fence, or to pay his equal share of the cost thereof, the party so failing or neglecting shall be answerable for his proportion of the cost of making or repairing such fence, to the other, in an action of debt, to be recovered before a justice of the peace in the manner prescribed for the recovery of small debts out of court; *Provided*, that no person shall be answerable, unless the said fences shall be constructed out of the usual materials, and in the ordinary way that fences are constructed in the said counties.

Proviso.