

the purpose of holding court and returning therefrom; and that such mileage be levied and collected as other county charges for the county are levied and collected.

Levy therefor.

AN ACT for the protection of Oysters in Somerset County.—1839, ch. 224.

Preamble.

WHEREAS, it is represented to this general assembly, that a destructive practice prevails of catching oysters within the waters of Somerset county, solely for the purpose of manuring land, and the destruction of the oysters will be inevitable in said waters, unless the same be prohibited by law; therefore,

Oysters not to be caught for manure.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That from and after the last day of April next, it shall not be lawful for any person or persons to take oysters within the waters of Somerset county, for the purpose of manuring land.

No person to purchase oysters caught in Somerset for manuring.

SEC. 2. *And be it enacted,* That from and after the last day of April next, it shall not be lawful for any person or persons in Somerset county, or for any person or persons whatever, to purchase any oysters for the purpose of manuring land, from any person or persons, when said oysters have been caught within the waters of Somerset county; *Provided,* that the person or persons purchasing the same, be acquainted with the fact that the said oysters were caught as aforesaid.

Penalty.

SEC. 3. *And be it enacted,* That any person or persons violating any of the sections of this act, shall be liable to a penalty of not less than ten dollars, nor more than twenty dollars, to be recovered before any justice of the peace in Somerset county, one-half of said penalty, thus to be imposed by said justice, shall be for the use of the informer, and the other half for the use of the school fund of Somerset county.

AN ACT relating to Partition Fences in Somerset County.—1839, ch. 314.

Partition fences to be made and repaired at joint expense of owners.

*Be it enacted, by the General Assembly of Maryland,* That partition fences between the adjoining fields of different proprietors now existing, or which hereafter may be established by mutual consent, in Somerset county, 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 and keep in good order, his or her respective proportion of such fence, or to pay his equal share of the costs 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 recovering 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

Proviso.