

shall be at least four feet and a half high, and all worm fences at least five feet high, in every case to be computed from the ground or base of any embankment on which said fence may be placed.

87. If either of the parties making or keeping a joint fence shall not comply with the provisions of the preceding section, and shall refuse or delay to make or repair his proportion of such joint fence within twenty days after notice in writing shall be given to him, or his overseer or tenant, upon proof thereof before a justice of the peace, the said justice may, under his hand and seal, authorize the party aggrieved to make or repair said fence, and for so doing he shall be reimbursed all costs and reasonable expenses, to be recovered from the party so refusing or delaying, in the same manner as debts of a like amount are recoverable.

88. In cases in which joint fences are not made or kept in repair according to the directions of section 86th of this article, the party aggrieved, instead of pursuing the remedy prescribed by the preceding section, may discontinue such joint fence, after giving three months' notice in writing to the party, his agent or overseer; in all other cases (unless by mutual consent) twelve months' notice shall be given to discontinue any joint fence.

89. In all suits or actions brought to recover damages for trespass upon any land in said county by any kind of live stock, the defendant may plead the general issue and give the special matter in evidence, and the plaintiff shall be non suit whenever it shall be clearly proven that the lands whereon the trespass is alleged to have been done were not enclosed according to this law.

FISH.

90. It shall not be lawful for any person other than residents of this State to take or catch fish within the waters of Caroline county.

91. It shall not be lawful for residents of this State other than the citizens of said county, or residents of this State, with the permission of the owner or occupant of land bordering on the waters of said county, to take or catch fish within the said waters with seines having meshes of a size less than five inches square.