rested; and in case of their disagreement, it shall be lawful for the referees to call in a third person, who shall qualify. as above required, and the decision of any two of them shall be final, and the damages by them awarded, may be recovered in the same manner as small debts.

96. Each freeholder who shall be called upon to value and assess such damages, shall be entitled to one dollar per day for his services.

97. No action of trespass *quare clausum fregit* 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 Kent county, or by proof that any such animal trod down or ate the grass or herbage, or rooted up or destroyed the soil or earth on any such waste or unenclosed lands; and the defendant in any such action may plead the general issue and give the special matter in evidence.

98. No person shall distrain any horse, hog or other beast damage feasant upon any waste or unenclosed land in Kent county.

### GALENA.

99. The town formerly known as Georgetown Cross Roads in Kent county shall be called Galena.

100. The citizens of said town are a body politic by the name of the "Town Commissioners of Galena, Maryland," and by their corporate name may sue and be sued, grant, receive, convey, bargain and sell and hold real, personal and mixed property, and have a common seal, and the same alter at pleasure, and do all acts and things for the benefit of said town as may not be contrary to law.

101. An election shall be held on the first Monday of May in each year for the purpose of electing five persons out of the legal voters of said town as commissioners, who shall hold their office for one year, and until their successors are chosen and qualified.

102. All elections for said commissioners shall be held as the town commissioners shall direct; *Provided,* they be held annually; and all persons who shall have resided in said town for six months