

may be summoned to view the same by the respective parties interested, and in case of their disagreement it shall be lawful for the referee 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 other debts of like amounts.

SEC. 7. *Be it enacted*, That each free holder who shall be called upon to assess such damages, shall be entitled to one dollar per day, for his services. Compensation.

SEC. 8. *Be it enacted*, That 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 or hog, or domestic animal belonging to such defendant, passed on or over any waste or unenclosed land in Prince George's county, or by proof that any such animal trod down or ate the grass or herbage, or rooted up or injured the soil or earth on any such waste or unenclosed lands, and the defendant in such action may plead the general issue and give the special matter in evidence. Trespass

SEC. 9. *Be it enacted*, That no person shall distrain any horse, hog or other beast, *damag feasant* upon any waste or unenclosed land in Prince George's county. Distrain

SEC. 10. *Be it enacted*, That this act shall take effect from the date of its passage. in force.

Approved, April 11th, 1874.

CHAPTER 280.

AN ACT to amend section eighteen of an act passed at the January session of the General Assembly in the year eighteen hundred and sixty-eight, chapter one hundred and ninety-five, entitled an act to incorporate the Emmittsburg Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That section eighteen of chapter one hun- Repealed and re-enacted