

and a half feet high, but if made of cap and stakes or stake and rider, commonly called worm fences, shall be five feet high.

P. L. L., 1888, Art. 5, sec. 76. 1886, ch. 117. 1896, ch. 6, sec. 76.  
1910, ch. 95, sec. 76 (p. 665).

**146.** If either his tenant or overseer, or other representative shall refuse or neglect to make or keep in good repair his portion of said fence after thirty days' notice in writing shall have been given him, his tenant, overseer or other representative by the person aggrieved, the person so aggrieved may proceed to make or repair the said portion of fence and file with a justice of the peace of the said county an itemized statement showing the exact costs of making or repairing the said fence with proof of notice aforesaid, whereupon the said justice shall docket a case against the owner of the land, and notify said owner, his tenant, overseer or other representative in case the said owner is a new resident of Calvert County, and five days after such notice the said justice shall hear the case, to determine whether the work has been performed, and the reasonableness of the charges for making or repairing the said fence, and enter judgment in favor of plaintiff for the actual cost of making or repairing said fence and costs of suit, which judgment shall become, when recorded, the first lien upon the land over and above any mortgage judgment or any other evidence of debt.

P. L. L., 1888, Art. 5, sec. 79. 1886, ch. 117. 1896, ch. 6, sec. 79.

**147.** If any owner, his tenant, overseer or other representative having an interest in any joint division fence, shall fail to make or keep in repair his part thereof, he shall not be entitled to damages on account of any trespass through said part, by stock belonging to another joint owner, his tenant, overseer or other representative; and if said owner or other person shall kill, maim or otherwise wilfully injure such stock, he shall, upon conviction, pay to the owner the full value of said stock, with costs of suit, and shall also be liable to a fine of not less than ten dollars nor more than fifty dollars, and, in default of payment of such fine, to be imprisoned in the county jail until such fine be paid, or until discharged by due process of law; but in all other cases of trespass, the party trespassed upon shall be entitled to recover from the owner of the stock the amount of damages done by such trespass, as is provided for by law, except that if the stock so trespassing shall enter through its owner's enclosures, the party maiming, killing or otherwise injuring said stock shall be entitled to prove the amount of the damage done by such stock in mitigation of the damage for the killing and maiming thereof.

#### FINES.

1892, ch. 170, sec. 1.

**148.** All moneys, fines, penalties and forfeitures collected by or coming into the hands of the sheriff, justices of the peace and other officers of Calvert County, and which are now paid or may hereafter be made