

covered from the party so refusing or delaying, in the same manner as debts of a like amount are now recoverable.

1872, ch. 11.

**44.** In case joint fences are not made and kept in repair, according to the foregoing provisions, it shall be also lawful for the party aggrieved or likely to be injured, instead of pursuing the remedy above allowed, to discontinue the said fence by giving three months' notice in manner aforesaid; and in all other cases, unless by mutual consent, twelve months' notice shall be required to discontinue any joint fence.

Ibid.

**45.** Whenever any person, under and by virtue of section 41, shall be summoned or called upon to value and assess the damages done upon any enclosed land in Wicomico county, by trespassing live stock of any kind or description whatsoever, the said person so valuing or assessing the said damages shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damages shall be alleged to have been done or committed; and if the said enclosures shall not be good and sufficient, according to the true intent and meaning of section 41, he shall not make out any award or assess any damages whatever.

Ibid.

**46.** In all actions of trespass *quare clausum fregit*, or legal proceedings of any kind sued out or commenced, to recover damages for trespass upon lands in said county, by any kind or description of live stock, the defendant may plead the general issue and give the special matter in evidence, and the plaintiff, in each and every suit shall be non-suited and mulcted in costs wherever it shall be clearly proven, by legal and competent testimony, that the lands upon which said trespass shall be alleged to have been done or committed were not enclosed according to the provisions of section 41.

1886, ch. 285. 1888, ch. 440.

**47.** The provisions of this sub-title of this article shall not apply to the fourth, fifth, eighth and ninth election districts of Wicomico county.