

## CHAPTER 517.

AN ACT to repeal section one hundred and eight of the Code of Public Local Laws, article twenty, title "Somerset County," sub-title "Fences," and to re-enact the same to read as follows.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section one hundred and eight of article twenty, title "Somerset County," sub-title "Fences," <sup>Repealed and</sup> ~~is re-enacted.~~ hereby repealed and re-enacted so as to read as follows :

108. All fields and other grounds kept for enclosure in Mount Vernon and Tangier district, except that part of Tangier district which comprises Deal's Island, as the same is now surrounded by water, shall be fenced with post and rail, or plank, or with a worm fence made of good and substantial rails, at least four feet high from the ground to the top of the highest rail, and the first or under rail, in post and rail, or plank, or worm fences, shall not exceed in distance five inches from the ground or embankment upon which the same may be built, and the width between the rails or planks of which the fence may be built shall be such as is usual in the construction of fences of this kind, and all brush fences made upon the surface of the ground shall be at least four feet high, and all brush fences made upon an embankment of earth thrown up upon the ground shall be at least three feet high, the embankment, nevertheless, shall be eighteen inches high ; if any live stock of any kind or description whatever shall break into any person's enclosure, the enclosure of which shall be fences of the above description and proportions, then the owner of such live stock shall be liable to make good all such damages to the owner of such enclosures as shall be found and awarded by two or more judicious persons, to be appointed by a justice of the peace of the district where the enclosure so trespassed upon shall be located, which said persons shall view the place after having been sworn to value and assess the damages truly as they shall to them appear ; and after having so viewed the damages and assessed the same, under oath, they shall make return thereof before the justice of the peace by whom they were appointed, and then said damages shall be recovered in the same manner that is prescribed by law for the collection of other judgments upon the docket of a justice of the peace ; provided nevertheless, that upon the trial thereof before a justice of the peace, for the damages, at the instance of either the plaintiff or defendant, it shall be the duty of the

Mount  
Vernon  
and  
Tangier  
district.

Damages.