

menced in any of the districts herein provided for, to recover damages for trespass upon land, by any kind or description of live stock, the defendant or defendants may plead the general issue and give the special matter in evidence under this act, and the plaintiff or plaintiffs in each and every suit shall be nonsuited and mulcted in costs wherever it shall be clearly proven by legal and competent testimony that the land, wherever the said trespass was committed, was not enclosed according to the provisions of this act; but nothing in this act shall be construed or held to authorize any justice of the peace to have jurisdiction in any case where the title to land is involved.

May plead  
general issue

SEC. 7. *And be it enacted*, That on the day for holding the election in November, eighteen hundred and seventy-eight, the judges of election in the above named election districts in Somerset county, to wit; Brinkley's, Lawson's and Hungary Neck Districts, shall receive tickets, written or printed, from the legal voters in said districts, on which shall be written or printed, "For fence," or "Against fence," and shall deposit them in a separate box provided for the purpose, and the said tickets shall be counted and returned as other ballots are counted and returned, and the result shall be certified by said judges, as other elections are certified, to the clerk of the Circuit Court for Somerset county, whose duty it shall be to proclaim the result by publication in at least one newspaper in the county, within ten days after the returns shall have been received by him; and the same notice shall be given by the sheriff of these elections as is required in other elections; and the said election shall in all respects be subject to and governed by the election laws of this State, so far as they are applicable thereto.

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Result to be  
published.

SEC. 8. *And be it enacted*, That if at said elections provided for in the preceding sections a majority of the votes in either of the said election districts shall be cast "For fence," then the provisions of this act shall continue in force in any of the several districts in which the majority of the votes so cast was cast in favor of the fence; and if a majority of the votes be cast "Against fence," in any one of the above named election districts, then the provisions of this

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tive.