

CHAP. 149 protect any property which he may now have, or hereafter acquire from the demand of his creditors.

CHAPTER 150.

Passed March 11,
1828.

A supplement to an act, entitled an act, regulating fences in Charles and Allegany Counties, passed at December Session, eighteen hundred and twenty-six, chapter eighty-two.

Method of ascertaining & settling damages by trespass.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, it shall be lawful in all cases where any horse or horses, hogs, sheep, or any kind of cattle shall break into any field or enclosed ground in Charles county, and do damage therein, for the owner or owners of such premises, to make complaint thereof to a justice of the peace, who shall summon two respectable disinterested men of the neighborhood, to attend on the premises, where such damage may have been done, at a time to be stated in said subpoena; who after having been duly sworn or affirmed, to decide justly and impartially in the matter submitted to them, shall proceed to examine the fence or other enclosure of such field or enclosed ground, and if in their opinion the same be good and sufficient, then the owner or owners of such horse or horses, hogs, sheep or cattle, shall be liable to pay such damages as shall be agreed upon, and awarded by the persons summoned as aforesaid: *Provided,* That the persons summoned as aforesaid shall not agree as to the sufficiency of the fence or enclosure, or as to the amount of damages, that in such case it shall be the duty of the justice of the peace upon application of the party or parties interested, to summon a third person, who shall qualify as herein before directed, and the decision of any two of the persons thus summoned, shall be final.

Proviso.

Fences adjoining—remedy in case either owner neglects

SEC. 2. *And be it enacted,* That whenever any person or persons have joined, or shall join fences, for their mutual benefit and advantage, it shall be obligatory on each of the parties, to keep up and in good repair, his, her or their respective portions thereof, and if any one of the owners or possessors upon the request of the other shall refuse or neglect to make or repair the said fence or fences within twenty days after notice shall have been given, that then upon proof thereof before a justice of the peace, it shall be lawful for the said justice to order the person aggrieved and suffering thereby, to repair the said fence or fences, who shall be reimbursed his costs and expenses, to be recovered in the same manner as is or shall be prescribed by law, for the recovery of debts.

Redress when stock is injured by owners of land not legally enclosed

SEC. 3. *And be it enacted,* That whosoever not having their grounds enclosed with such sufficient fence as aforesaid, shall embound, hurt, kill or do damage to any horse, sheep, hogs or any kind of cattle belonging to any other person or persons, or cause the same to be done, shall make good all