

enclose [said] THOSE lands at their joint expense, unless [said] THE lands are not cultivated and have been used as general outlets or commons.

172.

All [such] joint division fences shall be substantially built, and if made of iron, wire, stone, hedge, post and rail or plank, shall be four and a half feet high. [, but] HOWEVER, if THEY ARE made of cap and stakes or stake and rider, commonly called worm fences, THEY shall be five feet high.

173.

If either his tenant, [or] overseer, or other representative shall refuse or neglect to make or keep in good repair his portion of [said] THE fence after [thirty] 30 days' notice in writing [shall have been] WAS given TO EITHER him, his tenant, HIS overseer or SOME other representative by the person aggrieved, the person [so] aggrieved may [proceed to] make or repair the [said] portion of THE fence and file with [a justice of the peace of] THE CIRCUIT COURT FOR the [said] county an itemized statement showing the exact costs of making or repairing the [said] fence ALONG with proof of WRITTEN notice [aforesaid, whereupon the said justice shall docket a]. A case against the owner of the land SHALL BE DOCKETED, and [notify said] NOTIFICATION GIVEN THE owner, his tenant, overseer or other representative in case the [said] owner is a new resident of Calvert County. [, and five] FIVE days after [such] THAT notice the [said justice shall hear the] case[,] SHALL BE HEARD to determine whether the work has been performed, and the reasonableness of the charges for making or repairing the [said] fence. [, and enter] THE COURT SHALL ENTER judgment in favor of THE plaintiff for the actual cost of making or repairing [said] THE fence and THE costs of THE suit. [, which] THIS judgement shall become, when recorded, the first lien upon the land over and above any mortgage judgement or any other evidence of debt.

174.

If any owner, his tenant, HIS overseer or other representative OF HIM having an interest in any joint division fence [, shall fail] FAILS to make or keep in repair his part [thereof] OF IT, he [shall not be] IS NOT entitled to damages on account of any trespass through [said] HIS part[,] by stock belonging to another joint owner, his tenant, overseer or other representative. [; and if said] IF THE owner or other person [shall kill, maim] KILLS, MAIMS or otherwise wilfully [injure such] INJURES THE stock, he shall PAY, upon conviction, [pay] to the owner the full value of [said] THE stock, with costs of suit, and shall [also] be liable ALSO to a fine of not less than [ten dollars] \$10 [nore] NOR more than [fifty dollars] \$50, and, in default of payment of [such] THE fine, to be imprisoned