

of ordinary good height and structure, the party so injured shall or may proceed to recover the damages as awarded in the mode and manner as at present prescribed by law.

Modified as to swine, by 1838, ch. 97.

Oath required.

**SEC. 3.** *And be it enacted,* That the persons so acting shall be required to make oath or affirmation, as the case may be, and if upon close examination the fence or fences of the person or persons so complaining, shall be found imperfect in height or structure, and in the general such as cannot be considered an ordinary good fence, the party aggrieved shall not be able to recover damages.

Repealing clause.

**SEC. 4.** *And be it enacted,* That all laws contrary to the provisions of this act be, and the same are hereby repealed.

A SUPPLEMENT to an ACT, entitled, an Act regulating Cases of Suits for Damages done by the Trespass of Stock, so far as relates to Baltimore County.—1838, ch. 97.

Repeal as to hogs or swine.

*Be it enacted, by the General Assembly of Maryland,* That the act to which this is a supplement, passed at December session, eighteen hundred and thirty-seven, chapter two hundred and eighty-seven, be and the same is hereby repealed, so far as relates to hogs or swine, going at large, within five miles of the city bounds.

#### WILD DEER.

AN ACT for the preservation of the breed of Wild Deer in Baltimore County.—1824, ch. 160.

Penalty for killing.

*Be it enacted, by the General Assembly of Maryland,* That from and after the passage of this act, it shall not be lawful for any person or persons whatsoever to shoot, or otherwise destroy any wild deer in Baltimore county, except from the first day of September, to the first day of January yearly, under the penalty of five dollars for every deer so killed or destroyed, to be recovered before a justice of the peace for said county, as other small debts are, one-half of which said sum of five dollars, shall be applied to the use of the county, and the other half to be received by the person who shall make information thereof, any law to the contrary notwithstanding.

#### WILD FOWL.

See 1837, ch. 162, ante page 1395, subdivision, 'Anne Arundel,' title, 'Wild Fowl.'

#### WITNESSES.

See 'County Court.'

By 1828, ch. 161, sec. 12, ante page 1665, witnesses from Baltimore City attending in Baltimore County Court, fifty cents per diem; out of the city, one dollar per diem.