

damage done upon any enclosed land in the county aforesaid by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage, shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damages shall be alleged to have been done or committed, and if the said enclosures shall not be good and sufficient, according to the true intent and meaning of this act, he or they shall not make out any award, or assess any damages whatever.

This act
may be
plead.

SEC. 6. *And be it enacted,* That in all cases of action of trespass, quare clausum fregit, or legal process of any kind, hereafter to be sued out, commenced or prosecuted in the county aforesaid, to recover damages for trespass upon lands in said county 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 all and every such suit, shall be non-suited and mulct in costs, whenever it shall be clearly proven by legal and competent testimony, that the lands whereon the said trespass shall be alleged to have been done or committed, was not enclosed according to the provisions of this act.

A SUPPLEMENT to an ACT, entitled, an Act regulating Fences in Washington County.—1834, ch. 70.

Repeal six
feet.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That so much of the act, entitled, an act regulating fences in Washington county, passed at December session, eighteen hundred and thirty-three, chapter one hundred and forty, as requires all worm fences to be six feet high from the ground to the top of the upper rail, be, and the same is hereby repealed.

Five feet
high re-
quired.

SEC. 2. *And be it enacted,* That from and after the passage of this act, all worm fences in Washington county shall be only five feet high from the ground to the top of the upper rail, any law heretofore passed to the contrary notwithstanding.

FERRIES.

AN ACT authorizing the establishment of a Ferry over the Potomac River, from the Lands of George Lafevre, in Washington County, opposite the place called the Falling Water, in Virginia.—1822, ch. 67.

Preamble.

WHEREAS, it is represented to this general assembly, that the establishment of a ferry from the lands of George Lafevre, in Washington county, opposite to the place called the Falling Water, in Virginia, would be of great public benefit; therefore,

License.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That the court of Washington county be, and they are hereby authorized and empowered to grant a license to Geo. Lafevre,