

pressing through the same; and if a post and rail fence, shall be five feet in height, with not less than five rails in each panel; *Provided*, said fence be not within five miles from the city of Baltimore.

105. If any person not having his lands enclosed with such fence or fences as are mentioned in the last preceding section of this article, shall impound, kill or otherwise damage any hog, cow, sheep, horse or other cattle or stock, which shall be found on his lands, the owner of such hog, cow, sheep, horse or other cattle may apply to a justice of the peace of the county, who shall issue a summons for damages against the person so doing or causing such damage, for the use of the person injured.

106. The justice shall also, at the time of issuing said summons, issue a summons to three freeholders of said county, requiring them, or a majority of them, to meet on the premises, and ascertain and value the damages so done, and to appear before said justice on the return day of the summons against the defendant, to testify in the premises; and the said justice, upon due proof of all the facts aforesaid being made to him, shall give judgment in favor of the plaintiff against the defendant, for such sum as the said freeholders, or a majority of them, shall have testified to be correct and proper damages.

107. The said freeholders shall be allowed the same per diem as witnesses before a justice of the peace, for each day they may be engaged in the performance of the duties hereby imposed upon them.

108. Nothing contained in this article relating to fences, shall extend or be applicable to hogs or swine, going at large within five miles of the bounds of the city of Baltimore.

FISH.

109. No person shall destroy the fish in any branch or creek in Baltimore county, by putting quick lime therein, under the penalty of twenty dollars for each offence, to be recovered before a justice of the peace of said county, one-half to the informer, and the other half to the use of the county.