

An Act to prevent Trespasses in Allegany County. Lib. TH. No. 3, fol. 388.

Passed Dec. 9.

A Supplement, 1816, ch. 215. See 1804, ch. 92

WHEREAS it hath been represented to this general assembly, that divers persons, not citizens of this state, are in the habit of bringing large numbers of cattle, horses and hogs, into the upper part of Allegany county, and there leaving them to graze and pasture during the summer season, to the great injury and annoyance of the settlers and citizens, thereby retarding the improvement and progress of said county; and it being the duty of the state to protect its citizens and encourage the settlement of its vacant lands, therefore,

1. BE IT ENACTED, by the General Assembly of Maryland, That from and after the first day of March next, it shall not be lawful for any person, not an inhabitant of Allegany county, to drive or keep, or cause to be driven or kept, in said county, any horses, cattle or hogs, and there suffer them to remain and run at large; and if any horse, cattle or hog, shall be found going and running at large therein for the space of two weeks, contrary to the provisions of this act, it shall and may be lawful for any person or persons(a) to impound the same, and such person or persons shall immediately give notice, by advertisement set up at two of the most public places of the hundred in which the said horse, cattle or hog, may be impounded, describing the horse, cattle or hog, so impounded, and if the owner or owners shall not within ten days thereafter prove his, her, or their property therein, and make compensation for the injury, (if any,) which may have been sustained by any inhabitants of said county, to be ascertained by any two disinterested persons, inhabitants as aforesaid, and shall not pay for every horse, bull, steer, cow, heifer or hog, the sum of twelve and a half cents for every day it shall be impounded, it shall and may be lawful for the person or persons so impounding as aforesaid, to sell or dispose of the same at public sale. the money arising from such sale to be applied to the payment of the damages sustained by any inhabitant as aforesaid, and the allowance for impounding as aforesaid, the balance to be paid to the owner when demanded; or it may be lawful for any person or persons whatsoever, who may feel himself or themselves aggrieved, to drive, dog, or in any manner force and compel the same without the limits of said county.

(a) By 1816, ch. 215, may apply to a justice of the peace, &c.

2. PROVIDED NEVERTHELESS, AND BE IT ENACTED, That the provisions of this act shall not extend to, or affect any person not an inhabitant of said county, who may actually hold in his own right, or in the right of his wife, a tract of land not less than fifty acres, and on which there shall be a settlement and improvement where a tenant shall constantly reside, and himself occasionally.

3. AND BE IT ENACTED, That if any person or persons shall be sued or impleaded for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff shall be nonsuit or discontinue his action, he shall pay costs and such damages to the defendant or defendants as the court shall adjudge.

Preamble.

Penalty on persons not inhabitants, driving and suffering to run at large any horses, &c. in county.

Not to extend to such as hold lands, &c. therein.

Persons sued to give this act in evidence.