

SEC. 4. *And be it enacted*, That in case joint fences are not made and kept in repair according to the provisions of this act, it shall be also lawful for the party aggrieved, or likely to be injured, instead of pursuing the remedy above allowed, to discontinue the said fence by giving three months' notice in manner aforesaid; and in all other cases, unless by mutual consent, twelve months, notice shall be required to discontinue any joint fence.

Not made and kept in repair.

SEC. 5. *And be it enacted*, That whenever any person or persons shall, under and by virtue of this act, or any law of this State, be summoned or called upon to value and assess the damages done upon any enclosed land in the county aforesaid, by trespassing livestock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damages, 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 enclosure 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.

To value and assess damages

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 or commenced to recover damages for trespass upon lands in said county by any kind or description of livestock, the defendant or defendants may plead the general issues, and give the special matter in evidence under this act, and the plaintiff or plaintiffs in each and every suit shall be nonsuited and mulcted in costs wherever it shall be clearly proven by legal and competent testimony that the lands, wherever the said trespass shall be alleged to have been done or committed, were not enclosed according to the provisions of this act.

Cases of action of trespass.

SEC. 7. *And be it enacted*, That it shall not be lawful for any person in Garrett county to impound any horned or black cattle, sheep or hogs, unless the same shall be found trespassing within an enclosure surrounded by a good and substantial fence, at least four and one-half feet high.

Not lawful to impound