

and if any live stock of any kind or description whatever shall break into any person's enclosure, the same being of the height and sufficiency aforesaid, then the owner of such stock shall be liable to make good all such damages to the owner of such enclosure as shall be found and awarded by two or more judicious persons, to be appointed by any justice of the peace in and for the said election districts; the said persons to view the same under oath and make return before the justice of the peace by whom they were appointed; and the said damages may be recovered in the same manner as is now or hereafter may be provided by law for the recovery of small debts, together with the cost of the proceedings, including a fee of fifty cents to each assessor appointed by the justice to assess said damages, and also including a reasonable compensation to the owner so trespassed upon for the keeping of such trespassing stock if it shall be impounded, the same also to be found under oath by the assessors to be appointed as aforesaid; and any owner of such alleged trespassing stock, or owner of such land so as aforesaid trespassed upon, shall have the right of appeal to the Circuit Court from the judgment of the justice of the peace as in other cases provided by law; provided, that a hedge fence or any other kind of fence that shall, in the judgment of the assessors appointed to value the damages, be sufficient to turn or keep out live stock, shall be considered a sufficient and legal fence within the meaning of this section; and, provided further, that nothing in this section shall be construed to prevent any person having a sufficient fence, as hereinbefore provided, from impounding any trespassing live stock as now provided by law, only as a part of his proceedings; any person in said district so trespassed upon, and having a sufficient fence as aforesaid, shall have the sufficiency of his fence passed upon as herein provided, before proceeding to sell the stock impounded by him. The provisions of this section shall only apply to outer fences and boundary fences in the districts aforesaid, and not to any person's interior fences upon his own property.*

P. L. L., 1888, Art. 10, sec. 166. 1884, ch. 445.

294. If the assessors appointed under Sections 290 and 293 shall certify in writing to the justice of the peace hearing the complaint under said sections, that said fence at the particular point or place through or over which any live stock may have broken or trespassed, is of the height and sufficiency required in Section 290, or is or has been freshly broken, then damages shall be awarded to and recoverable by the owner as required in Sections 290 and 293.

P. L. L., 1888, Art. 10, sec. 167. 1870, ch. 64. 1878, ch. 83. 1880, ch. 244.
1882, ch. 361. 1882, ch. 483. 1884, ch. 445. 1888, ch. 387.
1890, ch. 379.

295. Whenever joint fences have been, or may be established in the districts and parts of districts mentioned in Sections 290 and 293, and in District Number Two or East New Market, District Number Twelve or Williamsburg, and District Number Thirteen or Buckstown, for the

*Ch. 364, 1894, repealed this section as to the Third Election or Vienna District.