

be also lawful for the party aggrieved or likely to be injured, instead of pursuing the remedy above allowed, to discontinue 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.

1878, ch. 108.

**100.** Whenever any person, under and by virtue of this sub-title of this article or any law of this State, shall be summoned or called upon to value and assess the damages done upon any enclosed land in the county aforesaid, by trespassing live stock of any kind or description whatsoever, the said person in assessing 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 sub-title of this article, he shall not make out, award or assess any damages whatever.

Ibid.

**101.** In all cases of action of trespass *quare clausum fregit* or legal process of any kind sued out or commenced to recover damages for trespass upon lands in said county, by any kind or description of live stock, the defendant may plead the general issue and give the special matter in evidence; and the plaintiff 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 whereon the said trespass shall be alleged to have been done or committed were not inclosed according to the provisions of this sub-title of this article.

Ibid.

**102.** 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 trespassing within an enclosure surrounded by a good and substantial fence at least four feet high.

Ibid.

**103.** If any person shall beat, dog, bruise, or in any manner injure any horned or black cattle, sheep or hogs, the owner or