

inches high, and the first plank or rail thereof shall be not more than four inches from the ground; the space between the second plank or rail shall not exceed five inches, and there shall not be a space between any plank or rail exceeding eight inches; and if any live stock of any kind or description whatever shall break into any person's enclosure, the same being the height and sufficiency aforesaid, then the owner or owners of such stock shall be liable to make good all such damages to the owner or owners 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 district, 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 costs 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 or owners 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 for Dorchester county, 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 that nothing in this act contained shall be construed to prevent any person having a sufficient fence as hereinbefore provided, from impounding, &c., 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; and provided that the provisions of this act shall only apply to outer fences and bound-

Penalty for trespassing.

Damages—how recovered.

May impound.

Right of appeal.

How construed.