

Assess dam-
ages.

act or any law of this State, be summoned or called upon to value and assess the damages done upon enclosed lands in the part of the district aforesaid, by trespassing live stock of any kind or description whatsoever, the said person or persons so valuing or assessing the said damage shall inspect and examine into the state and condition of the enclosure of the land upon which the said trespass or damage shall be alleged to have been done or committed, and if the said enclosures 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.

Plead general
issue.

SEC. 6. *And be it enacted*, That in all cases of action of trespass quare clausam fregit or legal powers of any kind hereafter to be sued out or commenced, to recover damages for trespass upon land in said portion of said district by any kind or description of live stock, the defendant or defendants may plead the general issue 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, whenever the said trespass shall be alleged to have been done or committed, were not enclosed according to the provisions of this act.

When effec-
tive

SEC. 7. *And be it enacted*, That this act shall take effect on the first day of July, eighteen hundred and eighty.

Approved April 10, 1880.