

33. 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 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.

Discontinue
fence.

34. 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 live stock of any kind or description whatsoever, the said person or persons so violating or 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 act, he or they shall not make out award or assess any damages whatever.

Value and
assess.

Inspect and
examine.

35. In all cases of action of trespass *quare clavium frequit* 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 live stock, 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 non-suited 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 enclosed according to the provisions of this act.

Action of
trespass.

Non suited.

36. 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.

Not lawful
to impound.

37. If any person shall beat, dog bruise, or in any manner injure any horned or black cattle, sheep or hogs, the owner or tenant of the property whereon

Beat, dog
bruise.