

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 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.

Trespass.
Costs.

Sec. 6. *And be it enacted*, That in all cases of action of trespass, *quare clausam fregit*, or legal process of any kind hereafter to be sued out or commenced, to recover damages for trespass upon lands in said districts of said county 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 non-suited and mulcted in costs, whenever 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 was not enclosed according to the provisions of this Act,

To take effect.

Sec. 7. *And be it further enacted*, That this Act shall take effect on the first day of June, eighteen hundred and seventy.

Approved March 2, 1870.

CHAPTER 65.

AN ACT to incorporate Mount Hope Retreat, in Baltimore County.

WHEREAS, an institution wherein persons laboring under mental or bodily infirmity may be properly attended to, benefitted or cured, is of importance to the public; therefore,

Incorporators.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Catharine Mullen, Veronica Wheeler, Serena Kimm, Mary Frances Mattingly, Fidelis Manning and their associates, be and they are hereby created and constituted a body corporate and politic, with succession, by the name,