

sion fence to be built or repaired, and mark and bound the same, and shall make out their award in writing under their hands and seals, requiring the recusant party to make or repair his part of said fence by a day to be specified in said award, and also giving their estimate of the cost of making or repairing such fence, and shall deliver a copy of said award to each party interested, or his tenant, overseer or other representative, in case one of the parties is absent from or is a non-resident of the county.

1886, ch. 117.

**78.** If the party, his tenant, overseer or other representative being thus required to make or repair his part of said fence, shall fail to do so within the time specified, it shall be lawful for the other party interested to make or repair the same at an expense not exceeding that specified in the award; and a certificate of the freeholders, or a majority of them, certifying that the work has been satisfactorily done, shall entitle the party interested to the amount specified in the award, or any part thereof, which may be recovered of the owner as other debts are recovered; provided, if the owner of said land is a non-resident of the county, or is absent therefrom, the service of summons upon the tenant, overseer or other representative shall not be a sufficient service upon the owner; and the party making or repairing said division fences shall not be entitled to compensation therefor, unless notice shall have first been served upon said non-resident or absent owner according to section 76.

Ibid.

**79.** If any owner, his tenant, overseer or other representative having an interest in any joint division fence, shall fail to make or keep in repair his part thereof, he shall not be entitled to damages on account of any trespass through said part, by stock belonging to another joint owner, his tenant, overseer or other representative; and if said owner or other person shall kill, maim or otherwise wilfully injure such stock, he shall, upon conviction, pay the full value of said stock, with costs of suit; but in all other cases of trespass, the party trespassed upon shall be entitled to recover from the owner of the stock the amount of damages done by such trespass, as is provided for by law, except that if the stock so trespassing shall enter through its owner's enclosures,