

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 two of this act.

Non-resident.

SEC. 6. *And be it enacted*, That 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 cost 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, the party maiming, killing or otherwise injuring said stock shall be entitled to prove the amount of damage done by such stock in mitigation of the damage for the killing and maiming thereof.

Not entitled to damages.

Entitled to damage.

SEC. 2. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved April 1, 1886.