

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 in conformity to the provisions of section 76.

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 to the owner the full value of said stock, with costs of suit, and shall also be liable to a fine of not less than ten dollars nor more than fifty dollars, and, in default of payment of such fine, to be imprisoned in the county jail until such fine be paid, or until discharged by due process of law; 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 the damage done by such stock in mitigation of the damage for the killing and maiming thereof.

Not entitled to damages for trespass.

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

Approved February 17th, 1896.

CHAPTER 7.

AN ACT to prohibit the sale of spirituous or fermented liquors, or lager beer at any place in Garrett county within two miles of Anderson Chapel, in the village of Swanton, Garrett county, Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That it shall not be lawful for the Clerk of Garrett county, Maryland, to issue license to any person or persons to

Intoxicating liquors, where unlawful to sell.