

Ibid. sec. 9.

197. That when any resident of Montgomery county shall have any domestic fowls or animals destroyed or injured by dogs, he may apply to any justice of the peace of said county, who shall appoint three disinterested persons as appraisers to view and appraise the damages by him sustained, and they or a majority of them, shall, under oath, state in writing to the county commissioners the number of fowls or animals so killed, the character and extent of the injury, if any, and the amount of damages sustained by the owner, and in like manner they shall give a general description of both the destroyed and injured fowl or animals, and both the appraisers and the owners shall make oath that they believe the same to have been destroyed or injured by dogs, and they or either of them shall state under oath the names of the owners of said dogs, and when the report of such proceedings shall have been filed in the office of the county commissioners the said commissioners shall review said report, and if in their judgment the amount of damages stated is unfair they shall award such amounts as they may deem fair; provided, that before the commissioners shall make any reward of damages for the killing of said fowls or animals the person claiming damages shall be required to prove to the satisfaction of the county commissioners that he does not know and is unable with reasonable diligence, to ascertain the owner of the dogs which did such damage, or if the said owner is known, to prove to the satisfaction of said commissioners that it is impracticable to collect the amount of damage sustained by suit against the owner of said dogs; and in case any dog shall be known to kill any domestic fowls or animals it shall be lawful for any person to kill such dog, and in case of damage to any person by reason of loss or injury to his domestic fowls or animals shall be from dogs, either his own or kept upon his premises, she shall be entitled to no compensation under this act; and provided, further, that said county commissioners may allow the costs of appraisement or such proportion thereof as in their discretion may seem reasonable out of said fund in each case where such damages are allowed; and may also allow payment for the treatment by the Pasteur or other treatment, of any person who may be bitten by a mad dog, cat, horse or other animal, and who is unable to pay for such treatment for himself or herself, out of such fund, if in the judgment of said county commissioners the circumstances justify such action.