

proceedings are pending that the said swine did not go, run or roam at large from any negligence or want of care on the part of the said owner, his agents, servants or employees, and that due diligence and care had been used to prevent said swine from going, running or roaming at large, the said justice of the peace shall order the said swine to be returned or delivered to the said owner, upon the said owner paying in advance all damages, to be ascertained as hereinafter provided, sustained by the person or persons upon whose land and property the said swine was trespassing, going, running or roaming at the time of said impounding, and all expenses incident to the impounding of said swine and of keeping the same while so impounding, including the sum of fifty cents (\$0.50) for each of said swine so impounded, to be paid to the constable or other person impounding the same, and the sum of fifty cents, for each of said swine so impounded, to be paid, to the justice of the peace for advertising the same, which said advertising fee of the justice of the peace shall be in addition to any other fees to which the justice of the peace may be entitled for services performed in the premises.

1914, ch. 811, sec. 228A3.

**386.** If any person or persons upon whose land or property the said swine was trespassing, going, running or roaming at the time said swine was so impounded shall claim to have sustained damages by the trespassing of said swine, such person or persons so claiming to have been damaged as aforesaid, shall, within two days after said swine has been impounded, notify the said justice of the peace before whom the said proceedings are pending, whereupon it shall be the duty of the said justice of the peace to forthwith issue his warrant to a constable of the said district, if there be one residing therein, and if not, then to a constable of some adjoining or nearby district, commanding him to summon three disinterested persons, to be named by the justice of the peace in said warrant, to go upon the premises, after being duly sworn so to do by the constable summoning them, and to ascertain, appraise and value in dollars and cents the damages, if any, done by said swine, and to make return thereof under oath as aforesaid to the justice of the peace issuing said warrant, which said appraisement shall be signed by the said appraisers, and returned by the said constable to the said justice of the peace; provided, that it shall be competent for the owner of said swine so impounded as aforesaid, if he shall feel aggrieved by the damages assessed by said appraisers to have the same reviewed by application to the said justice of the peace, who shall, upon being so requested, fix a day for trial, at some reasonable day before the day fixed for the sale of said property, at which trial it shall be competent for all parties concerned to be heard and to have such witnesses summoned and sworn as such parties, or any of them, may desire, and the decision of the said justice of the peace shall be final, unless an appeal to the Circuit Court for Dorchester County, shall be taken therefrom within five days from the date of said decision or judgment,