

CHAPTER 438
(Senate Bill 93)

AN ACT to authorize ~~and direct~~ the Board of County Commissioners of Prince George's County to pay a sum to be determined by them as an award in compensation for damages to Kenneth Leo Fowler.

WHEREAS, In March 1957, the Kenneth Fowler family purchased and moved into a home in the subdivision of Seabrook Acres in Prince George's County, and were thereby injured because of the large-scale public nuisance which existed therein due to raw sewage overflowing from many septic tank systems into the yards, ditches and streets of the community, such conditions having been created and maintained by the County, and

WHEREAS, Kenneth Fowler, who had been in perfect health before residence in Seabrook Acres, did become ill from amoebic dysentery, caused by the unsanitary and hazardous environment, and

WHEREAS, Mr. Fowler has incurred, and will incur in the future, medical expenses as the result of his injury and other expenses for which he ought to be compensated, and

WHEREAS, The family pet, a Gordon Setter, died from hepatitis caused by the same conditions, and the entire family suffered injury, and

WHEREAS, The County has been held immune to the suit of the Fowlers, and they have been deprived of remedy for their injuries after years of litigation, and

WHEREAS, It is desirable to authorize the County to pay a sum to Kenneth Leo Fowler to compensate him for his damages, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Board of County Commissioners of Prince George's County is authorized ~~and directed~~ to include in the next county budget a sum to be determined by the County Commissioners as an award in compensation for damages. ~~This sum shall~~ SUCH A SUM MAY be paid to Kenneth Leo Fowler in full compensation and satisfaction for damages suffered as a result of purchasing and moving into a home in Seabrook Acres, Prince George's County, in 1957. Before ANY payment of this sum, Kenneth Leo Fowler shall give to Prince George's County a full and complete release of his claims arising out of the injuries suffered consequent to his residence in Seabrook Acres, in such form as the County Solicitor may approve.

SEC. 2. *And be it further enacted,* That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

Approved May 2, 1969.