

198.

When any inhabitant of any county shall have any sheep, poultry, or livestock destroyed or injured by a dog or dogs, he may apply *within 30 days* to any trial magistrate of said county, who shall appoint three disinterested persons as appraisers to view and appraise the damages by him sustained, at least one of said appraisers shall be a deputy sheriff of said county and they, under oath, shall state in writing to the county commissioners of said county, the number of sheep, poultry, or livestock killed, the character and extent of the injury, if any done, and the amount of the damages, upon which they shall all agree, sustained by the owner; and both the appraisers and the owner of the sheep, poultry or livestock shall make oath that they believe the same to have been destroyed or injured by a dog or dogs, and when the report of such proceedings has been filed, the county commissioners of said county shall review said report, and if in their judgment the amount of damages stated is unfair, they shall award such amount as they may deem fair; which award shall be paid out of the fund hereby created; provided, however, that the said sworn report of the appraisers shall be deemed prima facie evidence of the fairness of the award of damages in each instance; and provided, further, that the county commissioners shall not change such an award unless they shall have personal knowledge of its unfairness, or shall receive competent testimony to the effect that the award is in excess of a fair commercial valuation of the sheep, poultry or livestock injured or destroyed by dogs. And if the owner of the dog or dogs doing the damage be known, it shall be the duty of the county commissioners to notify such owner or owners to kill said dog or dogs immediately. If such dog or dogs be killed by the owner, after notice as aforesaid, he shall be exempt from all further liability, but in case the said owner or owners shall refuse or neglect to kill said dog or dogs upon notice as aforesaid, the said owner or owners shall be liable to the county commissioners for said damages to the same extent as he would be liable in case of negligence or malicious destruction of property, and the said county commissioners may in their discretion have the special officers or constables to kill said dog or dogs. In Montgomery County, however, the county manager shall perform all powers, duties and responsibilities placed within the jurisdiction and control of the County Council by this section; and the county manager in lieu of notifying the owner or owners to kill such dog or dogs may require such owner or owners to execute and file with the county manager a bond in such amount and upon such terms as he shall determine to indemnify the County Council for any such damage as said dog or dogs shall have done, but in case the said owner or owners should refuse or neglect to execute and post such bond the said county manager may, in his discretion, provide for the humane destruction of said dog or dogs. In Washington County no payments shall be made under this section unless the occurrence is reported to the justice of the peace, in order to have appraisers appointed, within 48 hours of the damage complained of, and unless such appraisers file their report with the County Commissioners of Washington County within 15 days after their appointment. In Frederick County, the appraisers to be appointed as provided by this section may also be appointed by the Sheriff, or any deputy sheriff of said county. IN KENT COUNTY, THE APPLICATION