

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 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, the County Council shall prescribe by law the manner in which the powers, duties and responsibilities placed within its jurisdiction and control by this section shall be exercised. In Washington County no payments shall be made under this section unless the occurrence is reported to the [justice of the peace] *sheriff*, 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 to the [trial magistrate] *sheriff* shall be made within thirty days after the occurrence of the injury or destruction.

199. Penalty and prosecutions.

Any person violating or refusing to comply with any of the provisions of this subtitle shall be guilty of a misdemeanor, and upon conviction thereof before [any justice of the peace of the county in which he resides, or in the circuit court of said county] *a court of competent jurisdiction*, shall be fined a sum of not less than five dollars nor more than twenty-five dollars or shall be imprisoned in the county jail for not more than ~~30~~ THIRTY days, or shall be both fined and imprisoned in the discretion of the court. It shall be the duty of the State's attorney, *and* the sheriffs [and the constables] of the several counties of the State to prosecute all persons found violating the law by refusing to comply with its provisions. Provided that nothing in this subtitle shall apply to the City of Baltimore, the City of Cambridge, or the City of Crisfield.