

CHAPTER 179 GAME--DOGS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO DOGS, PERSONAL PROPERTY WHEN LICENSED: NO LEGAL PRESUMPTION OF GUILT ARISES WHEN A LICENSED DOG IS ON THE PREMISES OF ANOTHER; DUTY TO NOTIFY THE BOARD OF GAME AND FISH COMMISSIONERS WHEN A LICENSED DOG IS FOUND ON THE PREMISES OF ANOTHER; PENALTY FOR VIOLATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 2870. Section 69 and inserting in lieu thereof the following Section to be known as 2870. Section 69:

2870. Section 69. All dogs licensed under the provisions of this Act upon which said license tax is not delinquent, shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass, and the owner thereof may maintain any action for injury thereto, or unlawful detention thereof, as in the case of other personal property. Any warrant or other process issued for the arrest of any person charged with larceny under this section may be executed by any sheriff, police officer, constable, or game warden. Any game warden or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action of a Justice or the Court trying the case. If no action is instituted within a reasonable time the game warden or other officer shall deliver the dog to its legal owner.

Any person taking or stealing any dog, the property of another, on which taxes are not delinquent, shall be guilty of a misdemeanor, punishable as hereinafter provided. The presence of any dog, regardless of age, not confined on the premises of a person other than the lawful owner of such dog or dogs shall raise no presumption of theft against the owner or tenant of such premises. Any person or persons who shall confine any licensed dog with or without collar and license tag or any dog or dogs not legally required to be licensed, not his or her lawful property, without first notifying the Board of Game and Fish Commissioners, Dover, Delaware, or a game warden or other officer either by registered mail or by a messenger, of his or her intentions to do so and giving a complete description of the dog or dogs, the exact location of the premises on which such dog or dogs are to be detained and the name of the owner or tenant of such property, shall upon conviction be guilty of a misdemeanor and be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and cost for each offense and upon failure to pay such fine and costs shall be imprisoned for thirty days in any county jail or workhouse in this State.

Approved May 20, 1937.

