

No. 242.

AN ACT

Relating to dogs, and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock and poultry by dogs, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes; directing the payment of all moneys collected into the State Treasury; and making an appropriation thereof; and providing penalties.

Dog Law of 1921. Section 1. Be it enacted, &c., That this act shall be known and may be cited as the "Dog Law of 1921."

Definitions. Section 2. For the purpose of this act, the following terms shall have the following meanings respectively designated for each:

"Live stock." The term "live stock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined domesticated hares and rabbits.

"Poultry." The term "poultry" shall include all domestic fowl.

"Person." The word "person" shall include State and local officers or employes, individuals, corporations, copartnerships, and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

"Owner." The word "owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

"Kennel." The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or show purposes.

"Police officers." The term "police officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or township, and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State constabulary, game, fish, and forest wardens.

Application for license. Section 3. On or before the fifteenth day of January, one thousand nine hundred and twenty-two, and on or before the fifteenth day of January of each year thereafter, the owner of any dog six months old or over

shall apply to the county treasurer of his respective county, or to a qualified justice of the peace, alderman, magistrate, or notary public of his respective district, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color, and marking of such dog, and the name and address of the last previous owner; an' shall be accompanied by a license fee of one dollar for each male dog and each spayed female dog; and by a license fee of two dollars for each unspayed female dog. The applicant shall also pay an additional fee of ten cents for the services of the county treasurer in issuing, recording, and reporting said license to the Secretary of Agriculture and remitting fees and fines to the State Treasurer.

Contents.

Fee.

Section 4. Such license shall be issued on a form prepared and supplied by the Secretary of Agriculture. Such license shall be dated and numbered, and shall bear the name of the county where such license is issued and a description of the dog licensed. All licenses shall be void upon the fifteenth day of January of the following year. The Secretary of Agriculture shall also furnish, and the county treasurer shall issue, with each license, a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and, with the tag attached, shall at all times be kept on the dog for which the license is issued, except when confined in the kennel.

License.

Duration.

License tags.

It shall be unlawful for any person, except the owner or authorized agent, to remove any license tag from a dog collar, or to remove any collar with a license tag attached thereto from any dog.

Removal of tags.

Section 5. The Secretary of Agriculture shall prepare, and furnish annually to the treasurer of each county of the Commonwealth, metal tags to be given by the county treasurer to the owners of dogs when such owners shall pay the license fee for said dogs. Such tags shall be of metal, and shall bear the name of the county where such license is issued, and a serial number corresponding with the number on the license issued to said owner, as provided in the preceding section of this act. Such tags shall also have impressed thereon the calendar year for which such tag is valid, and shall not contain more than one square inch of area within the ears or fastening device. The general shape of said tag shall be changed from year to year. If any such tag is lost, it shall be replaced, without cost, by the county treasurer, upon application by the person to whom the original license was issued and upon production of such license certificate.

Secretary of Agriculture shall furnish tags to county treasurers.

Character of tags.

Lost tags.

Section 6. Any justice of the peace, alderman, magistrate, or notary public, within this Commonwealth, who has qualified by having applied to the

Who may receive applications for license.

county treasurer of his county for and received application forms, may take applications for dog licenses, for which service the applicant shall pay fifteen cents, in addition to the license fee prescribed as the cost of said dog license and the compensation of the county treasurer. Said fifteen cents shall be retained by said official as his fee for taking such application and remitting payment therefor to the county treasurer of the county in which said dogs are located. Such application and remittance shall be forwarded to the proper county treasurer within twenty-four hours for issuance of the license. No dog license shall be issued, at any place other than the office of the county treasurer.

Fee.

Who may issue licenses.

Who are required to procure licenses.

Section 7. Any person becoming the owner, after the fifteenth day of January of any year, of any dog, six months old or over, which has not already been licensed, or any person owning or keeping a dog which becomes six months old at any time after the fifteenth day of January of any year, shall forthwith apply for and secure, from the county treasurer of the county where such dogs are kept, a license for such dog, in the same manner as the annual license is obtained under the provisions of this act. If any dog becomes six months old or comes into the possession of the owner after the fifteenth day of July of any year, the license fee shall be one-half of the amount fixed as the annual license.

When licenses shall be issued.

Section 8. The county treasurer shall issue licenses after January fifteenth of each year to all applicants. When any dog license is required by the provisions of this act to be secured on or before the fifteenth day of January, the securing of such dog license subsequent to January fifteenth does not remove the responsibility for such delinquency.

Transfer of licenses.

Section 9. No license or license tag issued for one dog shall be transferable to another dog, except as provided in sections eleven and twelve of this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial, or show, in this Commonwealth.

Possession of dog temporarily transferred.

Removal of dog to another county.

Section 10. Whenever any dog licensed in one county is permanently removed to another county, the county treasurer of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the treasurer of the county to which the dog is removed. Such treasurer shall thereupon, and upon the payment of a

fee of twenty-five cents, issue a license and tag for such dog in the county to which it is removed.

Section 11. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this act, apply to the county treasurer for a kennel license entitling him to keep or operate such kennel. Such license shall be issued by the county treasurer, on a form prepared and supplied by the Secretary of Agriculture, and shall entitle the licensee to keep any number of dogs six months old or over, not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be five dollars for ten dogs or less, and ten dollars for more than ten dogs, permitted to be kept under the kennel licenses. With each kennel license, the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county where it is issued, the number of kennel license, and shall be readily distinguishable from the individual license tags for the same year.

Section 12. The licensee of a kennel shall, at all times, keep one of such tags attached to a collar on each dog six months old or over kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel, except in leash or crate.

Section 13. Any person may bring, or cause to be brought, into the State, for a period of thirty days, one or more dogs for show, trial, or breeding purposes without securing such license.

This section does not apply to dogs used during the hunting season for hunting game or temporarily for breeding, trial, or show, nor for the transportation of dogs for hunting, breeding, trial, or show purposes, the home county license holding good for such purposes throughout the Commonwealth.

Section 14. The county treasurer shall keep a record of all dog licenses and all kennel licenses and all transfers issued during the year. Such record shall contain the name and address of the person to whom each license or transfer is issued. In the case of an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and, in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours.

Whenever the ownership or possession of any dog licensed under the provisions of this act is transferred from one person to another, as provided in section nine

Kennel licenses.

Fee.

Tags.

Attachment.

Transfer.

Dogs brought into State temporarily.

Hunting, breeding, and show dogs.

County treasurer's record.

Transfers of dogs shall be recorded.

of this act, except the temporary transfer of dogs for hunting purposes or for breeding, trial, or show, such transfer shall be noted on the record of the county treasurer.

Record of fees received by county treasurer.

Section 15. The county treasurer shall keep an accurate record of all license fees and fines collected by him or paid over to him by any justice of the peace, alderman, magistrate, or notary public, and of all money received from the sale of dogs. Such record shall be a public record and open to persons interested during business hours. All such moneys received by the county treasurer shall be remitted to the State Treasurer on the first Monday of each calendar month, together with a report of each payor, on forms furnished by the Secretary of Agriculture. A duplicate copy of each report shall be furnished the Secretary of Agriculture at the time of making such remittance.

Reports to be made by county treasurer.

"Dog fund."

Section 16. The State Treasurer shall establish a separate fund, to be known as the "Dog Fund," into which all moneys collected under the provisions of this act shall be paid, and from which all expenditures necessary in the carrying into effect the provisions of this act shall be paid. All moneys in the dog fund from time to time are hereby specifically appropriated to the Department of Agriculture for the purpose of carrying into effect the provisions of this act. All payments from the dog fund shall be made by the State Treasurer upon warrants of the Auditor General and upon the filing of itemized vouchers by the Secretary of Agriculture.

Disposition of fees and fines.

On the thirtieth day of November of each year, the State Treasurer, upon requisition of the Secretary of Agriculture, shall pay over into the general fund of the State Treasury all moneys remaining to the credit of the dog fund, with the exception of the sum of twenty-five thousand dollars, which amount shall remain in the dog fund.

Assessors.

Section 17. The assessors for taxation purposes, in each township, borough, town, and city, shall annually, at the time of assessing property as required by law, make diligent inquiry as to the number of dogs owned, harbored, or kept by each person in his district.

Inquiry as to number of dogs.

Report to Secretary of Agriculture.

The assessor shall, annually on or before the first day of January, make a complete report to the Secretary of Agriculture, on a blank form furnished by the Secretary of Agriculture, setting forth the name of every owner of any dog or dogs, how many of each sex are by him owned or harbored, and, if a kennel is maintained by any person, such fact shall also be stated. It shall be the duty of the assessor, at the time of making the enumeration, to notify the owner of such dog or dogs that he must obtain a license for the same as provided for in this act, but the neglect or failure so to notify such owner shall not relieve the owner from his

Notification to owners of dogs.

duty to obtain such licenses. For such service the assessor shall receive five cents for each name furnished the Secretary of Agriculture, to be paid from the "Dog Fund" by the State Treasurer, upon warrant of the Auditor General and approval of the Secretary of Agriculture.

Section 18. On and after the fifteenth day of January, one thousand nine hundred and twenty-two, it shall be unlawful for any person to own or keep any dog six months old or over, unless such dog is licensed by the treasurer of the county in which the dog is kept, and unless such dog at all times wears the collar and tag provided for by this act, unless such dogs are temporarily brought into the State for breeding, trial, or show purposes.

Section 19. It shall be the duty of every police officer to seize and detain any dog or dogs which bear a proper license tag and which are found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dogs, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper, when such police officer is in immediate pursuit of any such dog or dogs.

It shall be the duty of every police officer to kill any dog which does not bear a proper license tag, which is found running at large. The chief of police or his agents of any city, the high constable of any borough, or the constable of any borough not having a high constable, and the constable of any incorporated town or township, shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned.

Section 20. If, after ten days from the giving of such notice, such dog has not been claimed, such chief of police or his agent, constable, or high constable, shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention, shall be paid to the county treasurer, and by him paid to the State Treasurer. For services under section nineteen and twenty of this act, such officers shall be paid the sum of two dollars for

Fee.

Licenses required after January 15, 1922.

Seizure of dogs running at large.

Killing of unlicensed dogs running at large.

Disposition of licensed dogs seized.

Disposition of unclaimed dogs.

Vivisection.

Money derived from sale of dogs.

Fees of officers.

- detaining a licensed dog, and the sum of two dollars for the killing and properly disposing of carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses, incurred under this or the preceding section and not otherwise provided for, shall be paid by the State Treasurer, from the fund specifically provided for by this act and appropriated for this purpose, upon warrant of the Auditor General and approval of the Secretary of Agriculture.
- Expenses.** Section 21. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this act, or to refuse to assist in the enforcement of this law upon request of the Secretary of Agriculture.
- Refusal of officer to perform duties.**
- Interference with officer.** It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this law.
- Taking of dogs from officers.** It shall be unlawful for any person to forcibly cut the leash or take a dog away from such officer having it in his possession, when found running at large unaccompanied by the owner or keeper.
- Killing of dogs annoying live stock, etc.** Section 22. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any live stock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.
- Killing of trespassing dogs.** Any unlicensed dog that enters any field shall constitute a private nuisance, and the owner or tenant of such field, or their agent or servant, may kill such dog, while it is in the field, without liability or responsibility of any nature for such killing.
- Licensed dogs.** Licensed dogs, when accompanied by their owner or handler, shall not be included under the provisions of this section, unless caught in the act of worrying, wounding, or killing any live stock, or wounding or killing poultry, or attacking human beings.
- Larceny of dogs.** Section 23. All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in section twenty-two of this act, it is unlawful for any person, except a police officer, to kill, injure, or poison, or to attempt to kill, injure, or poison, any dog which bears a license tag for the current year.
- Killing of licensed dogs.** It is unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.
- Poisoning of dogs.** This section does not prohibit the Board of Game Commissioners, or any of its officers and agents, from using poison under the provisions of the game laws.
- Board of Game Commissioners.** Section 24. It is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any
- Female dogs.**

time she is in heat, unless such female dog is properly in leash.

Section 25. The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog either—(a) confined within an enclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

Dogs at night.

Section 26. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any live stock or poultry of any person is necessarily destroyed because of having been bitten by a dog, such person, or his agent or attorney, may, within ninety days after the damage was done, complain to any township auditor or to any justice of the peace, alderman, or magistrate of the township, town, borough, or city. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Such township auditor, justice of the peace, alderman, or magistrate shall at once examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed, if practicable. He shall then notify the Secretary of Agriculture or his authorized agent, and jointly they shall fix a time for taking testimony relative to such claim. He shall also notify the dog owner, if known. Such auditor, justice of the peace, alderman, or magistrate shall examine, under oath or affirmation, any witness called before him. After making diligent inquiry in relation to such claim, such township auditor, justice of the peace, alderman, or magistrate, and the agent of the Secretary of Agriculture, shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done.

Damage to live stock by dogs.

Complaint by owner.

Examination by officer.

Notification to Secretary of Agriculture and owner.

Determination of damages.

Liability of dog owner or keeper.

Any owner or keeper of such dog or dogs shall be liable, to the owner of such live stock or poultry, in a civil action, for all damages and costs, or to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided.

Section 27. Upon making the examination required in section twenty-six of this act, the township auditor, justice of the peace, alderman, or magistrate, and agent of the Secretary of Agriculture, shall immediately make a certificate, signed and sealed by them, that such appraisal was regularly and duly made. If, by such examination, it appears that any damage has been sustained by the complainant, the township audi-

Certificate of examination.

Report of examination.

tor, justice of the peace, alderman, or magistrate shall deliver the report of such examination, and all papers relating to the case, to the claimant, or his agent or attorney, upon payment of the costs incurred to that time. Such report shall by him be delivered to the Secretary of Agriculture.

Fees for special services.

Section 28. Township auditors, justices of the peace, aldermen, and magistrates, for the special service required under sections twenty-six and twenty-seven of this act, shall receive two dollars for each case, and five cents per mile for each mile traveled, to be paid by the claimant in each case. In all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

Payment of claim for loss or damage by Commonwealth.

Section 29. Upon the Secretary of Agriculture receiving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, he shall immediately draw his requisition on the Auditor General and State Treasurer in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid from the "Dog Fund." No person shall receive any requisition for any claim until the township auditor, justice of the peace, alderman, or magistrate, before whom the claim was made, had certified that due diligence was made to ascertain whose dog or dogs did the damage, and that the carcasses of the live stock or poultry killed and for which damages have been assessed were buried within twenty-four hours after the assessment of damages. The owners of any live stock or poultry killed by dogs, or live stock necessarily destroyed because of having been bitten by a dog, shall be paid a burial fee, as follows: For each horse, stallion, colt, gelding, mare, bull, bullock, steer, heifer, cow, mule, jack, jennet, or burro, two dollars and fifty cents each; for each sheep, ram, lamb, calf, goat, kid, or swine, two dollars each; for each head of poultry, domestic hare or rabbit, ten cents each, — to be included in said report and paid as other damages under this section. Where said carcasses are turned over to a scavenger or reduction plant, no burial fee shall be allowed.

Burial fee.

Reimbursement of Commonwealth by dog owner.

Upon payment by the State of damages of live stock or poultry by dogs, the rights of the owner of such live stock or poultry against the owner of a dog, to the extent of the amount of damages so paid by the State, shall inure to the benefit of the State.

Payment already made by dog owner.

Section 30. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the township auditor, justice of the peace, alderman, or magistrate.

When any payment is made by the State for any live stock bitten by a dog, such payment shall not exceed one hundred dollars for each horse or mule, sixty dollars for each head of cattle, or twenty dollars for each head of swine or sheep, and two dollars for each head of poultry or domesticated hare or rabbit.

Amounts to be paid by Commonwealth.

Section 31. Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine, or poultry, which have accrued under the provisions of the act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and eighteen), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties," at any time prior to the taking effect of this act, shall not abate by reason of the repeal of such act, but shall be paid out of the general fund of the proper county, and, for such purpose, the provisions of said act are hereby saved from repeal.

Claims accrued under the act of July 11, 1917 (P. L. 818).

Section 32. If, in the report of the township auditor, justice of the peace, alderman, or magistrate, the name of the owner of any dog or dogs having caused loss or damage to any live stock or poultry is definitely and conclusively shown, the Secretary of Agriculture may notify such owner or keeper to immediately kill said dog or dogs. The killing of such dogs does not remove the liability of the owner of such damage done by his dog or dogs.

Notice to kill dogs.

Upon failure, however, of such owner to comply with such order within a period of ten days, the chief of police, or his agent, of the township, town, borough, or city in which said dog or dogs are kept, upon notice from the Secretary of Agriculture, shall kill such dog or dogs wherever found. For such service, he shall be entitled to a fee of two dollars for each dog so killed, to be paid by the State, upon a certified statement to the Secretary of Agriculture that such dog or dogs have been killed by him. The Secretary of Agriculture shall issue his requisition on the State Treasurer for such amount, unless payment has been made by the owner or keeper of the dog or dogs.

Owner's failure to kill dogs.

False statements.

Section 33. It is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this act.

Burden of proof.

Section 34. In any proceedings under this act, the burden of proof of the fact that a dog has been licensed, or has been imported for breeding, trial, or show purposes, or that a dog is under the age of six months, shall be on the owner of such dog.

Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

Enforcement of act.

Section 35. The Secretary of Agriculture, through his officers and agents, shall be charged with the general enforcement of this law. To this end, the Secretary of Agriculture may employ all proper means for the enforcement of this act. Any other department, bureau, or commission of the Government of this Commonwealth shall, on request of the Secretary of Agriculture, assist in the enforcement of the provisions of this act.

Contracts for supplies.

The Secretary of Agriculture is hereby authorized to advertise for bids and let contracts for all supplies necessary for carrying out the provisions of this act.

Violations.

Section 36. Any person violating, or failing or refusing to comply with, any of the provisions of this act shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars, or to undergo an imprisonment not exceeding thirty days, or both.

Penalty.

All fines collected under the provisions of this act shall be forthwith paid to the county treasurer, and by him paid into the State Treasury.

Disposition of fines.**Recovery for dogs illegally killed.**

Section 37. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering, by action at law, the value of any dog which dog has been illegally killed by any police officer or any other person within this Commonwealth from said police officer or other person. In case such police officer or other person fails to pay the value of such dog so killed, the same shall be paid by the State. The value of said dog shall be ascertained in the same manner as provided in section twenty-six of this act for assessing the damage done to live stock by dogs, and shall in no case exceed one hundred dollars for any one dog.

Relation of act to other laws.

Section 38. Nothing in this act shall interfere with any law for the protection and preservation of game or the killing of licensed and unlicensed dogs under the provisions of the game laws of this Commonwealth, nor does this act repeal or affect any acts or parts of acts relating to mad dogs or dogs affected with any disease, nor prohibit the killing of licensed or unlicensed dogs in accordance with the provisions of any

of said acts or any quarantine regulations made in accordance with the provisions of said acts.

Section 39. In so far as this act provides for the licensing of dogs and the payment of damages for live stock or poultry injured by dogs or for licensed dogs illegally killed, it shall not apply to cities of the first and second class. Such licensing and payment of damages in cities of the first and second class shall continue to be carried on under the provisions of existing laws.

Cities of first and second classes.

Section 40. This act shall take effect on the fifteenth day of January, one thousand nine hundred and twenty-two, except that the Secretary of Agriculture may issue license blanks and tags, and the county treasurers may issue licenses for the year one thousand nine hundred and twenty-two, at any time after the passage of this act.

When effective.

Section 41. The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Construction.

Section 42. This act does not repeal or in any wise affect any of the provisions of the following acts:

Acts not repealed.

The act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred twenty-eight), entitled "An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof, imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein, and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act."

Act of July 22, 1913 (P. L. 928).

The act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred forty-four), entitled "An act to give additional protection to wild birds and animals and game within the Commonwealth of Pennsylvania; prohibiting the hunting for, or capture, or killing, of such wild birds or animals or game by unnaturalized foreign-born residents; forbidding the ownership or possession of dogs by any unnaturalized foreign-born resident within the Commonwealth; and prescribing penalties for violation of its provisions."

Act of June 1, 1915 (P. L. 644)

The act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five

Act of June 7, 1917 (P. L. 572).

hundred seventy-two), entitled "An act to provide for the protection and preservation of game, game quadrupeds, and game birds and song and insectivorous, and other wild birds, and prescribing penalties for violation of its several provisions."

Act of July 11,
1917 (P. L. 818),
repealed in part.

Section 43. The act, approved the eleventh day of July, Anno Domini one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred eighteen), entitled "An act relating to dogs, and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs, and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of livestock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, and on city councils of cities of the first and second class; and providing penalties," is hereby repealed, except in so far as it provides for the licensing of dogs and the payment of damages for livestock injured by dogs or for licensed dogs illegally killed in cities of the first and second class. The repeal of this act shall not revive any act or parts of an act repealed by it.

Repeal.

All other acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 11th day of May, A. D. 1921.

WM. C. SPROUL.

No. 243.

AN ACT

To amend the act, approved the fourth day of April, one thousand nine hundred and nineteen (Pamphlet Laws thirty-five), entitled "An act fixing the per diem compensation of borough and township assessors and assistant assessors, and the method of ascertaining the number of days employed," by fixing the per diem compensation of assessors and assistant assessors in boroughs, wards, and townships of the second class, and providing the method of ascertaining the number of days employed.

Assessors.
Boroughs, town-
ships and wards.

Section 1. Be it enacted, &c., That section one of the act, approved the fourth day of April, one thousand nine hundred and nineteen (Pamphlet Laws, thirty-five), entitled "An act fixing the per diem compensation of borough and township assessors and assistant assessors, and the method of ascertaining the number of days employed," which reads as follows:—