

No. 316

AN ACT

Concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto.

CONTENTS

		Sections
Article	I. Preliminary Provisions....	101- 104
Article	II. Pennsylvania Game Commission; Executive Director	201- 215
Article	III. Hunting Licenses	301- 321
Article	IV. Special Permits	401- 419
Article	V. Hunting Season; Bag Limits	501- 506
Article	VI. Fur-Bearing Animals	601- 610
Article	VII. General Hunting Regulations; Protected Birds ..	701- 731
Article	VIII. Property Damage and Safety Regulations	801- 840
Article	IX. State Game Lands, Hunting Grounds, and Game Refuges	901- 943
Article	X. Unnaturalized Foreign-born Residents	1001-1005
Article	XI. Bounties	1101-1105
Article	XII. Enforcement of Act; Procedure; Penalties	1201-1217
Article	XIII. Deer-Proof Fences; Bear Damages	1301-1307
Article	XIV. Game Fund	1401-1402
Article	XV. Acts of General Assembly Repealed; Saving Clause	1501-1503

Section 1. Be it enacted, &c., That the laws relating to game and other wild birds and wild animals are amended, revised, consolidated, and changed as hereinafter provided.

ARTICLE I

PRELIMINARY PROVISIONS

Section 101. Definitions.—Whenever used in this act, unless a contrary intention is evident from the context, the word “person” shall include individuals, copartnerships, associations, and corporations; the singular shall include the plural, and the masculine, and feminine and neuter. Definitions.

The word “commission” shall mean the Pennsylvania Game Commission.

The word “director” shall mean the Executive Director of the Pennsylvania Game Commission. Director.

- Game birds.** The term "game birds" shall include: (a) the anatidae, commonly known as geese, brant, and river and sea ducks; (b) the rallidae, commonly known as rails, coots, mudhens, and gallinules; (c) the limicolae, commonly known as shore birds, plover, surf birds, snipe, woodcock, sandpipers, yellowlegs, tattlers, and curlew; (d) the gallinae, commonly known as wild turkeys, grouse, pheasants, partridges, and quail; (e) the birds belonging to the order columbae, commonly known as doves; and (f) the grackles, commonly known as blackbirds.
- Game animals.** The term "game animals" shall include: (a) the wapiti or elk, (b) the deer, (c) the bear, (d) the wild rabbit and hare, (e) the red, gray, black and fox squirrel, (f) the raccoon, and (g) the woodchuck, commonly known as groundhog.
- Big game.** The term "big game" shall include: (a) the elk, (b) the deer, and (c) the bear.
- Small game.** The term "small game" shall include all species of game birds and game animals not classed as big game. The word "game" shall include "game animals" and "game birds."
- Fur-bearing animals.** Except as modified by the resolutions of the commission, the term "fur-bearing animals" shall include: (a) the mink, (b) the muskrat, (c) the opossum, (d) the otter, (e) the skunk, commonly called polecat, and (f) the beaver.
- Predators.** The word "predators" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds.
- Unprotected birds.** Except as modified by the resolutions of the commission, the term "unprotected birds" shall include: (a) the blue jay, (b) the English sparrow, (c) the European starling, (d) the kingfisher, (e) the goshawk, (f) the sharpshinned hawk, (g) the Cooper's hawk, (h) the great horned owl, (i) the snowy owl, and (j) the crow.
- Protected birds.** The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds."
- Wild birds.** The term "wild birds" includes all birds other than domestic birds.
- Wildlife.** The word "wildlife" shall mean and include wild birds and wild animals, regardless of classification, whether protected or unprotected, in a wild state in this Commonwealth.
- Changing classifications.** The commission may, by resolution, from time to time, after investigation or information otherwise obtained, remove any animal from the list of fur-bearing animals, or add any bird to the list of unprotected birds, in any part of the Commonwealth, by giving notice of such action in the manner hereinafter specified.
- Open season.** The term "open season" shall mean the time during

which game or fur-bearing animals may be legally taken or killed, and shall include both the first and the last day of the season or period designated by this act, or by the commission.

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed, and includes all periods of time not included within the open season. Close season.

The word "lands" as used in this act shall include land, waters, timber, minerals, oil, gas and all other appurtenances ordinarily connected therewith. Lands.

The word "lease" shall mean an agreement or contract by which the right to use real estate is granted or conveyed to or from the commission, or the act of such conveyance. Lease.

The term "hunting rights" shall mean the right to control the hunting, taking, killing, wounding or removal of game birds, game animals, fur-bearing animals and any other wild birds and wild animals on and within a specified area of land. Hunting rights.

The ownership, jurisdiction over, and control of wild animals and wild birds, as herein defined, are hereby declared to be in the Commonwealth, in its sovereign capacity, to be controlled, regulated, and disposed of in accordance with the provisions of this act. Jurisdiction.

Section 102. Short Title.—This act shall be known and may be cited as "The Game Law." Short title.

Section 103. Effect of Act on Existing Laws.—The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such law and not as new enactments. The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded; nor shall such repeal affect any regulation adopted thereunder, or any act done, or liability incurred, or any right accrued or vested, or affect, abate, or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. Existing laws.

Section 104. Constitutionality. — 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 the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included herein. Existing regulations.

ARTICLE II

PENNSYLVANIA GAME COMMISSION

Section 201. Appointment of Pennsylvania Game Commission. — An independent administrative commis- Appointment of commission.

sion to be known as the Pennsylvania Game Commission is hereby created. The commission shall consist of eight competent citizens of this State who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate. The members of the commission shall be so appointed that they shall fairly represent the several geographical sections of the State, and shall be well informed on the subject of wildlife conservation and restoration.

Term. The members of the commission shall hold office for terms of eight years each, and shall receive no compensation for their services.

Quorum. Five members of the commission shall constitute a quorum for the transaction of business.

Powers. Except as otherwise provided by this act, the Pennsylvania Game Commission shall have and possess all the powers generally conferred, and perform all the duties generally imposed upon, independent administrative boards and commissions by the Administrative Code of 1929 and its amendments.

Former commission continued. Section 202. Present Commission Continued. — The members of the Board of Game Commissioners in office at the date when this act becomes effective, shall constitute the Pennsylvania Game Commission created by this act, and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as hereinafter provided.

Appointment by Governor. Within sixty days after the date of the approval of this act, the Governor shall designate two commissioners to serve for a term expiring the third Tuesday of January, one thousand nine hundred and thirty-nine; two commissioners for terms expiring the third Tuesday of January, one thousand nine hundred and forty-one; two commissioners for terms expiring the third Tuesday of January, one thousand nine hundred and forty-three; and two commissioners for terms expiring the third Tuesday of January, one thousand nine hundred and forty-five. Thereafter such appointments of commissioners shall be for terms of eight years.

Vacancies. Section 203. Vacancies by Death, Resignation or Removal.—Upon the death, resignation, or removal from office of any person so appointed as aforesaid, the Governor shall appoint a competent person to serve for the unexpired term.

Meetings. Section 204. Meetings of Commission; Election of Officers.—The commission shall have an office at the Capitol, and shall hold meetings at such office in January and July, and at such other times and places within the State as the commission shall appoint, for the transaction of business. At the meeting held in January of each year, the commission shall elect one of its members as president and one of its members as vice-president.

Officers. Such officers shall hold office for a period of one year.

Section 205. Executive Director, Duties, and Powers.

Executive
director.

—The commission shall select a competent person to be known as the executive director, who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission. He shall remain such during the pleasure of the commission, and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth.

No member of the commission, nor anyone who has served as a member thereof within one year, shall be eligible for selection as executive director.

The executive director shall be the Chief Game Protector, and shall have charge of, direct, supervise, and control all other game protectors and employes of the commission. The compensation of the director shall be fixed by the commission. The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office.

Duties.

Bond.

The director shall occupy, as his permanent headquarters, the rooms assigned to the commission and shall be supplied, from time to time, by the Department of Property and Supplies, such furniture, equipment, and office supplies as may be necessary for the use of the commission.

Headquarters.

The director shall have authority to have printed the biennial report of the commission, and such bulletins, literature, posters, and other printing as may be necessary to the work of the commission, including the magazine known as Pennsylvania Game News, the subscription rates of which shall be fixed by the commission from time to time. Such publication shall at all times be maintained as a nonpartisan publication.

Printing.

Game news.

Section 206. Game Protectors and Employes.—The commission shall appoint such number of competent men as, in its opinion, may be needed to discharge properly the duties devolving upon said commission, whose powers and duties are hereinafter defined, and who shall be known as game protectors. Such number shall include men appointed game protectors and detailed to such administrative or office duty as, in the opinion of the commission, may be advisable. The commission shall also appoint such employes and stenographers as may be deemed necessary.

Game protectors.

Other employes.

The compensation and duties of such game protectors, employes, and stenographers shall be fixed by the commission. All game protectors, and such other employes as the commission may designate, shall give a bond in the amount of one thousand dollars unless a larger amount is required by the commission.

Compensation.

Bond.

- Removal.** Game protectors and all other employes shall be removable at the discretion of the commission or may be suspended without compensation by the director pending action of the commission: Provided, however, That prior to such removal all game protectors and other regular employes shall be given a fair and impartial hearing before the commission's established trial board, unless the employe waives such hearing. The trial board's findings and recommendations shall be given due consideration by the commission.
- Hearing.**
- Political activity.** Section 207. Political Activity Prohibited. — While retaining the right to vote as he may choose and to express privately his opinion on all political subjects, no salaried employe of the commission shall take any active part in political management or in political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof, or for the purpose of coercing the political action of any person or body, nor solicit, demand or receive contributions or assessments to be used for political purposes. Violation of this provision shall subject such employe to immediate dismissal.
- Soliciting funds.**
- Deputy game protectors.** Section 208. Deputy Game Protectors. — The commission may appoint competent men throughout the Commonwealth, to be known as deputy game protectors, in such numbers as the commission may deem necessary, who shall possess the rights and powers given by law to game protectors, and be subject to all requirements and regulations, either of the law or of rules of the commission, controlling the action of such game protectors.
- Employment.** Such deputy game protectors shall not be entitled to recompense for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the executive director, in which the rate of compensation and allowance for expenses shall be stipulated. The commission shall from time to time fix the rate of compensation for such services.
- Fees.** Any deputy game protector while not specifically employed in writing for special duties, as above stipulated, shall be entitled to collect such fees as are now, or may hereafter be, paid to constables, to be assessed and collected as costs of prosecution, for services legally rendered in the performance of any duties in the enforcement of the several provisions of this act.
- Bond.** All deputy game protectors shall give a bond in the amount of three hundred dollars.
- Employes continued.** Section 209. Present Game Protectors and Other Employes Continued.—All game protectors and deputy game protectors and other employes holding office at the

date of the approval of this act shall remain in office until removed by the commission, and the commissions of said officers shall continue in force, under the provisions of this act, with the same effect as prior to the passage of this act.

Section 210. Duties of Commission.—It is the duty of said commission to protect, propagate, manage, and preserve the game, fur-bearing animals, and protected birds of the State, and to enforce, by proper action and proceedings, the laws of this Commonwealth relating thereto. The commission shall collect, classify, and preserve all such statistics, data, and information as in its judgment will tend to promote the objects of this act; to take charge of and keep all reports, books, papers, and documents which shall, in the discharge of its duties hereunder, come into its possession or under its control.

Duties of
commission.

Section 211. Biennial Report.—It is the duty of said commission, on or before the first day of October of each even-numbered year, to prepare and present to the Governor of this Commonwealth a biennial report, showing what has been done by it during the two fiscal years immediately preceding, the amount of money received by it, and from what sources, and the amount expended by it, and for what purposes, with such recommendations for legislative action as the commission may deem wise.

Biennial report.

Section 212. Director to Make Return to State Treasurer Through Department of Revenue.—The director to the commission or his agent shall pay over all moneys received and collected under the provisions of this act to the State Treasurer, through the Department of Revenue, for deposit into the Game Fund.

Returns to
Treasurer.

Section 213. Reports by Protectors. — Each game protector shall keep a record of his official acts, receipts, and expenditures, and at the close of each month make summary of such record, with* such statements in detail as shall be necessary, and report the same to the director. At such intervals as the director may direct, not to exceed a period of six months, each game protector shall file an affidavit covering the correctness of all accounts and reports rendered during the intervening period. The director shall report to the commission any negligence or dereliction of duty or incompetency on the part of any protector with the facts relating thereto, and shall make such further reports as may be required by the commission.

Reports by
protectors.

Affidavit.

Section 214. Powers of Members of Commission, Director, and Game Protectors.—Each member of the commission, the director, and each of its lawfully qualified representatives shall have the power:

Powers of
officers.

* "which" in the original.

- Entry upon property.** (a) To enforce all laws relating to game and other wild birds and wild animals, and to go upon any property outside of buildings, posted or otherwise, in the performance of his duty;
- Execute warrants.** (b) To execute all warrants and search warrants for the violation of the laws relating to game and other wild birds and animals;
- Serve subpoenas.** (c) To serve subpoenas issued for the examination, investigation, and trial of all offenses against the laws relating to game and other wild birds and animals, or other requirements of this act;
- Carry firearms.** (d) To carry firearms or other weapons, concealed or otherwise, in the performance of his duties;
- Secure evidence.** (e) To purchase and resell game, fur-bearing animals, and protected birds, or any part thereof, for the purpose of securing evidence;
- Arrest.** (f) To arrest without warrant any person found in the act of violating any of the provisions of this act, or in pursuit immediately following such violation;
- Assistance.** (g) To call upon any citizen of this Commonwealth for assistance in making arrests;
- Search vehicles.** (h) To stop and inspect or search at any time, without warrant, any vehicle or conveyance, and its occupants or contents, any time or place within this Commonwealth: Provided, however, Such officer shall be in uniform and display his badge or other insignia of identification and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search;
- Search clothing, etc.** (i) To inspect or search at any time, without warrant, and examine any clothing worn by any person, or any boat, conveyance or vehicle of any type or kind, whether attached or detached to another conveyance or vehicle, or any game bag, game coat, or other receptacle for game, when such officer has made known his official identity and the cause for such inspection or search;
- Search camp, etc.** (j) To inspect or search at any time, without warrant, any hunting party roster or any camp, tent, cabin, or detached automobile trailer or truck, being used in whole or in part as a permanent or temporary abode for the purpose of hunting or trapping, or the dwelling house or outbuildings of a caretaker of a camp or boarding house, being used in whole or in part, either temporarily or permanently, for the purpose of hunting or trapping, or harboring hunters or trappers, when such officer has made known his official identity, and the cause for such inspection or search, to the person or persons in charge of such property;
- Identity.**
- Enter buildings.** (k) To secure and execute search warrants, and, in pursuance thereof, to enter any building, dwelling house, tavern, hotel, boardinghouse, enclosure, or car, and to break open any apartment, chest, locker, box,

trunk, crate, basket, bag, package, or container, and to examine the contents thereof;

(l) When making an arrest or an investigation, to seize and take possession of all birds or animals which have been caught, taken, or killed or had in possession or control, or which have been shipped or about to be shipped at any time in any manner or for any purpose contrary to the laws of this Commonwealth;

Seize birds,
animals.

(m) When making an arrest, or when found in the execution of a search warrant, to seize all guns, shooting or hunting paraphernalia, traps, dogs, boats, decoys, automotive equipment, or any unlawful device, implement or other appliance used in violation of any of the laws relating to wild birds or wild animals, the use of which expressly is forbidden by this act;

Seize guns,
dogs, etc.

(n) To administer any oath required by the provisions of this act or relative to any violation of any law relating to game or other wild birds or wild animals, and where game is found in a camp or in possession or under control of any individual or hunting party, to question such person or persons, under oath, relative to the taking, ownership, or possession of the same.

Oaths.

Section 215. Act Not to Apply in Certain Cases.—None of the provisions or requirements of this act shall be construed to apply to any member of the commission or any of its lawfully qualified representatives or duly authorized agents when acting in any manner for the Commonwealth, or to prevent such persons from capturing or destroying birds or animals of any kind when acting for the Commonwealth.

Act not to apply.

ARTICLE III

HUNTING LICENSES

Section 301. Residents of State.—For the purpose of this article any person who has been a bonafide resident of this Commonwealth for a period of sixty days next preceding his application, and was born in the United States of America, or was fully naturalized under the laws of the United States, or who is a citizen of the United States of America and regularly enrolled in the United States Army, the United States Navy, or the United States Marine Corps and officially stationed within the Commonwealth thirty or more days next preceding his application, shall be entitled to the license herein referred to as the resident hunter's license, upon the further fulfilment of the requirements of this article.

Residents
defined.

Section 302. Resident License Fee.—Each such resident as provided in the preceding section, upon application made, in writing, to any agent authorized to issue such licenses within the Commonwealth, the presentation of proof that he is a citizen of the United

Resident fee.

States and a bonafide resident of this Commonwealth under the requirements of this article, and the establishment of his identity to the satisfaction of the authority issuing the license, or to the satisfaction of the justice of the peace, magistrate, or notary public, or any agent designated to receive applications for licenses, when taking such applications as hereinafter authorized, by producing a bank book, letters, lodge cards, police cards, a motor vehicle driver's license, or some other positive means of identification, and, in the case of naturalized foreign-born applicants, the production of such applicant's naturalization papers, unless any such person has been disqualified for a license in the manner hereinafter specified, and the payment to said agent or the Department of Revenue of two dollars (\$2.00) shall be entitled to a resident hunter's license and a tag with the number of the license thereon, which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth, except as otherwise provided.

\$2.00.

Nonresident
fees.

\$15.00.

Alien non-
resident.

Section 303. Nonresident and Alien Nonresident License Fees.—Every nonresident of this Commonwealth, upon application made, in writing, to any agent authorized to issue such licenses, or to the Department of Revenue, and the presentation of proof that he is a citizen of the United States, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon payment to said agent or commission of fifteen dollars (\$15.00) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon, which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth, except as otherwise provided.

Every alien nonresident of this Commonwealth who is also a nonresident of the United States, upon written application made to the Department of Revenue, setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms, unless any such person has been disqualified for a license in the manner hereinafter specified, and upon the payment to the Department of Revenue of the fees above designated for nonresidents shall be entitled to a nonresident hunters' license, and the proper tag issued therewith, but the Department of Revenue shall indicate on the face of the license that the holder is an alien nonresident.

Complimentary
licenses.

Section 304. Complimentary Nonresident Licenses.—The commission is hereby authorized to issue annually not to exceed twenty-five complimentary hunting

licenses, with either a tag or a button bearing the same number as the license, to any of the following persons: (a) The Chief Executive of the United States; (b) the governor of any state; (c) to authorized representatives of the conservation departments of other states; (d) to Federal officials engaged in conservation work; (e) to authorized officials of national conservation organizations; and (f) to conservation officials of any foreign country or major subdivision thereof.

Such licenses shall be issued without fee, and shall be in such form as the commission may determine. No fee.

Section 305. License Issuance Supervision.—The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue, which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof. The Department of Revenue may recall the appointment of any county treasurer or other agent at any time, with or without cause, and shall recall the appointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act, or upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence in the issuance of licenses. License issuance supervision.

It is unlawful for any issuing agent, or any of his employes or representatives, or the Department of Revenue or its employes, to issue any license to hunt to any applicant, or for any justice of the peace, magistrate, notary public, or other agent authorized to receive applications, to accept an application for such a license from any applicant, who has not established satisfactory identification as hereinbefore required, or to any person physically or mentally unfitted to carry or use firearms, or who has been denied the right to secure a license in any manner hereinafter specified by revocation. Recall of agents.

Section 306. The License Certificate.—Said licenses shall be issued on a form prepared and supplied by the Department of Revenue. Such licenses shall bear a description of the person applying for the same, setting forth the occupation, the color of the hair and eyes, any marks or scars peculiar to the applicant, and such other description as the Department of Revenue may require, with the date of its issue. In the case of foreign-born applicants, such license shall contain the nationality of the person and all dates and numbers of the naturalization papers. Satisfactory identification.

All licenses legally issued shall authorize the person named therein to hunt for and kill or trap wild animals. Unfitness.

License certificate.

Privileges.

or wild birds as specified on the license, subject to the restrictions and requirements of existing laws and the regulations of the commission regarding close seasons, additional hunting or trapping, removal of protection, or special deer seasons, during the period for which the license is issued, the date of which is inscribed thereon. Said certificate, before being valid, must be countersigned in ink by the licensee.

Countersigning.

The license certificate issued with any hunter's license shall be carried on the person of the licensee at all times while hunting or trapping, and shall be shown immediately upon demand by any officer whose duty it is to protect wild animals and birds, or upon demand by any owner or lessee, or by an employe or representative of such owner or lessee, upon whose lands such person may be found. In addition to showing the license certificate upon demand by any such officer, the holder thereof shall, upon demand, establish his further identity to the satisfaction of said officer by producing some other positive means of identification.

Carry certificate.

License period.

Section 307. License Period.—All licenses shall be issued for the year beginning the first day of September and ending the thirty-first day of August of the year following. In all cases, however, application for such license may be made, and a license issued, prior to the date upon which such license is in force.

License tag.

Section 308. License Tag.—The Department of Revenue shall also furnish free of charge and there shall be issued with each license a tag as hereinbefore specified. All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting. The license tag for the current year only shall be displayed.

Displaying tag.

The tag or button issued with complimentary non-resident licenses shall be of such size and form as the commission may determine, which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it in such a manner that the tag or button and the numerals thereon are plainly visible.

Applications for licenses.

Section 309. Persons Authorized to Take Applications for Licenses.—It is lawful for any justice of the peace, magistrate, or notary public, to take applications for such licenses in writing, for which service the applicant shall pay not to exceed fifteen cents in addition to the license fee prescribed, said amount to be retained by said official or agent as his fee for taking such application and remitting payment therefor to the issuing agency of the county in which said official is

Compensation.

located or to the Department of Revenue. Such application and remittance shall be forwarded to the issuing agency or to the Department of Revenue within twenty-four hours, with a certification thereon that the applicant has properly established his identity by producing a bank book, letters, lodge cards, police cards, a motor vehicle driver's license, or by some other positive means of identification.

Section 310. Issuing Agents to Keep Record and Make Report.—Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and nonresident hunters' licenses issued by him. Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue, on blanks furnished to him, a complete list of licenses granted during the previous week, in correct numerical sequence with names and addresses of licensees, and such other information and data as the Department of Revenue may require. A duplicate copy of said report shall be forwarded to the director, and a triplicate copy of the report shall be retained in the office of the issuing agent, which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth, or to any landowner or his representative, to any representative of the Department of Revenue, or to any representative of the Department of the Auditor General.

Agent's record.

Reports.

Section 311. Agents to Collect and Remit License Fees; Reports; Compensation.—The agents designated by the Department of Revenue for the collection of said license fees, for their services rendered in collecting and paying over the same, shall, as long as they continue to be agents of the Department of Revenue, be allowed to retain not to exceed the sum of ten cents from the amount paid for each resident hunter's license, and not to exceed twenty-five cents from the amount paid for each nonresident hunter's license, which amount shall be full compensation for services rendered by them under the provisions of this act, such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent shall remit all balances arising from this source at the end of each week to the State Treasurer, through the Department of Revenue upon a form to be supplied by the Department of Revenue, which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week. All such moneys shall be placed in the Game Fund by the State Treasurer.

Collection of fees.

Compensation.

Remittance.

Every agent designated to issue hunters' licenses, unless already under bond to cover the handling of

Bond.

public funds, shall give bond to the Commonwealth in the sum of one thousand dollars (\$1,000.00) before the annual supply of licenses is delivered to him.

Failure to
comply.

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shall not be entitled to retain the sum hereinbefore fixed for his services, but such sums shall be paid to the State Treasurer, and if not so paid, may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable.

Replacement
licenses.

Section 312. Replacement of Lost Licenses and Tags.—Any holder of a hunter's license who shall lose either the license or the tag, issued therewith or both the license and tag, upon application to the Department of Revenue or other agent who issued the same, accompanied by a sworn statement setting forth the pertinent facts relative thereto and the remaining portion, if any, of the original, and the payment of one dollar, shall be entitled to a new license and tag of the same kind and value as the original.

Affidavit.

Fee, \$1.00.

The issuing agent shall indicate on the face of the license so issued, also on the stub or carbon copy thereof, that it is a replacement with the number of the original license. The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors.

Compensation.

For such services the Department of Revenue may authorize any issuing agent to retain not to exceed the sum of ten cents and remit the balance of the replacement license fee as hereinbefore provided.

Oaths.

Section 313. Power to Administer Oaths.—Each agent who may be authorized or designated by the Department of Revenue to issue hunting licenses, and each agent who may be authorized or designated by the Department of Revenue to receive applications for such licenses, in accordance with the provisions of this act, is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

Seizure of
licenses, tags.

Section 314. Seizure of Licenses and Tags.—Any regular salaried officer of the commission is hereby empowered, except where birds or animals are killed by mistake and reported as hereinafter required, to seize the hunting license, and the tag issued therewith, of any person apprehended in the act of violating any game law, or any rules or regulations of the commission, and who has either been convicted or signed an acknowledgment of violating any game law, or rules or regulations of the commission, or if such licensee is found using firearms to hunt while under the influence of intoxicating liquor or narcotics.

All licenses so seized shall, within twenty-four hours, be forwarded to the division game supervisor for transmittal to the office of the commission, with a report relative thereto. The director may, upon application of the owner, return the license and tag to the owner if he is satisfied that the license should not be recommended to the commission for revocation in the manner hereinafter stipulated.

Disposition.

Return.

Section 315. Revocation of Licenses; Right to Hunt or Trap Denied.—(1) The commission may revoke any hunter's license and deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth, with or without a license, if said licensee or person has either been convicted or signed an acknowledgment of violating any provision of this act, or if such person has been adjudged guilty, in the manner hereinafter provided, of any of the acts enumerated below, for such periods as hereinafter specified.

Revocations.

(2) Whether or not legal proceedings have been taken for the arrest and conviction of the offender, the director, through a referee appointed by him, shall have authority to hold a hearing, and shall have the power to subpoena witnesses, expert and otherwise, to administer oaths and to require and receive sworn or affirmed written statements, in any case where any person who, according to information received, while hunting or trapping is alleged:

Hearings.

(a) To have been guilty of mutilating or carrying away notices posted by the Commonwealth;

Causes.

(b) To have done damage to real or personal property of any kind;

Damage to property.

(c) To have caused a forest fire;

(d) To have been found under the influence of intoxicating liquor or narcotic drugs while carrying or using firearms, or a bow and arrow;

Intoxication.

(e) To have committed an assault upon a landowner or lessee, or employe of such landowner or lessee;

Assault.

(f) To have injured a human being by gunfire, or with a bow and arrow;

Injury by gunfire.

(g) To have inflicted an injury upon himself or otherwise been guilty of carelessness or negligence with firearms, or with a bow and arrow;

Carelessness.

(h) To have upon request failed or refused to render assistance where any person was injured in a hunting or trapping accident;

Refusal to assist.

(i) To have caused such an accident and fled or failed to render assistance in a hunting or trapping accident;

Fleeing following accident.

(j) To have violated any other safety provision of this act not specifically above designated.

The person so charged shall be given written notice by registered mail, addressed to his last known post-

Notice to accused.

office address, or by personal service upon him, stating the time and place of such hearing, and shall have the right to appear and to testify or to present witnesses and evidence in his own behalf.

Failure to appear.

Any person who shall be subpoenaed before such referee and shall fail to appear before him without furnishing satisfactory reason for failure to do so, or any person who shall appear and furnish false testimony, shall likewise be subject to the penalties hereinafter provided.

Transcript to director.

In all such hearings the duly authorized referee shall submit to the commission, through the director a certified stenographic transcript, together with the findings of facts and recommendations, and upon such findings the commission is hereby authorized to revoke the license of the offender and to deny him the right to hunt or trap within this Commonwealth, with or without a license, for the periods hereinafter provided.

Authority to revoke.

Revocation periods.

(3) Such license revocations shall be for the following periods:

2 years.

(a) For the first offense, any person convicted or having signed an acknowledgment of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of not to exceed two years. Any person convicted or having signed an acknowledgment of a second or subsequent offense of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of not less than two or more than three years. For the third offense of violating any of the provisions of this act such person shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for such period as the commission shall determine.

5 years.

(b) For the first offense, any person who shall have been convicted or adjudged guilty, after a hearing as hereinbefore provided, of any act enumerated in clause two of this section may be denied the right to secure a license or to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of not to exceed five years. Any person convicted or having been adjudged guilty, after a hearing as hereinbefore provided, of a second or subsequent offense of any of the above-mentioned provisions shall be denied the right to secure a license or to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of not to exceed ten years, and in addition there-to shall be subject to such other penalties as may be provided in this act.

Court action.

(c) Any court of record having jurisdiction in any case coming before it involving any of the offenses con-

tained in this section shall have authority to revoke a hunter's license, and to deny the right to secure a license or to hunt or trap anywhere in this Commonwealth, with or without a license, for the several periods herein indicated. Certified notice of such revocation shall be submitted to the commission within thirty (30) days following such order.

Notice to
commission.

(4) Any person who shall be convicted or denied the right to secure a license or to hunt or trap in this Commonwealth, with or without a license, where personal injury has resulted, shall furnish satisfactory proof to the commission that all hospital and medical bills have been satisfactorily adjusted before such license shall be restored.

Medical bills.

(5) To revoke a license then in force, or to deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth for any period, the commission shall send a written notice to that effect* to such person at his last known address, either by registered mail or have it delivered in person by a representative of the commission. The commission shall furnish, in writing, to the Department of Revenue and its license issuing agents, the name, address, and the term for which such person has been denied the right to secure a license or to hunt or trap in this Commonwealth.

Notice of
revocation.

(6) Any person whose license has been revoked by the commission for any of the aforesaid offenses, pursuant to a hearing before a referee of the commission, shall have the right to file a petition within thirty (30) days after being notified of such revocation for a review of the matter in the court of common pleas of Dauphin County, which court is hereby vested with jurisdiction, and whose duty it shall be to set the matter down for hearing upon thirty (30) days written notice to the director, and to determine whether the petitioner is subject to revocation of license. The commission, when such appeal is taken, shall file with the prothonotary a certified record of the complete proceedings in the matter, including a certified excerpt of the resolution of the commission. The matter shall be heard by a judge or judges of the court without a jury, and the proceedings before the commission and its referee conducting the investigation shall be given similar weight, force, and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act, approved the fourteenth day of May, one thousand eight hundred and seventy-four, entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law," and its supplements.

Petition for
review.

Section 316. Certain Acts Declared Unlawful.—It is unlawful for any person:

Unlawful acts.

* "affect" in the original.

- Hunting without license. (a) Except in the defense of person or property, to hunt, chase, shoot at, take, or kill, or pursue with intent to take, kill, or wound, any wild birds or wild animals by any method, including the use of dogs, without first securing a license and license tag as hereinbefore required, and wearing such tag and showing or displaying such license as required by the provisions of this article, but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for fur-bearing animals or predators without securing a license;
- Exception.
- Under age of 12. (b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever;
- Consent under 16 years. (c) Under the age of sixteen years to receive a hunting license without presenting a written request therefor, bearing the signature of his father or mother or legally constituted guardian;
- Hunting under age 16. (d) Under the age of sixteen years to use firearms of any kind, or a bow and arrow, for the purpose of hunting any wild birds or wild animals unless accompanied by a parent or guardian, or some other member of his family twenty-one years of age, or older, unless such hunting is done on the premises whereon such person resides;
- False statement. (e) To procure a license under an assumed name, or in which an address other than his legal place of residence is given, or to make any false statement whatsoever in securing a license;
- (f) To lend or transfer a license or tag to another;
- (g) To issue or aid in securing a license, under the provisions of this act, for himself or any other person not legally entitled thereto;
- Hunting after license is seized. (h) After a license has been seized by a regular salaried officer of the commission, to procure another license, under his own or an assumed name, or to hunt or trap anywhere pending the decision of the director or the commission;
- Hunting after revocation. (i) After being denied the right to hunt or trap by action of the commission or a court, to hunt or trap anywhere within the Commonwealth during the period such right has been denied, with or without a hunter's license.
- Legal hunting without license. Section 317. Legal Hunting or Trapping by Residents Without License.—Nothing in this article shall be construed to prevent any citizen of the United States, residing within this Commonwealth, from having a gun in his home; or from using such gun in defense of either person or property, or from shooting at targets; or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth, or any member of the family or household or regularly hired help of such owner or lessee, if such person is a citizen of

the United States, actually residing upon and cultivating such lands, from hunting or trapping thereon; or, by and with the consent of the owner thereof, from hunting or trapping upon the lands immediately adjacent and connected with his own lands, without securing the license provided for by this article, unless the commission has denied, or this act does deny, to such person the right to hunt or trap anywhere.

Section 318. Prima Facie Evidence of Hunting.— For the purpose of this act, the fact that any person shall be found in possession of a gun, trap, or other device of any description useable for the purpose of killing or taking wild birds or wild animals, or in the possession of the dead body of any wild bird or wild animal, either in the field, in the forests, on the public highways, or on the waters of this Commonwealth, shall be considered “prima facie evidence” that such person is hunting, and shall require him at all times to display his license tag for the current year as provided in this article, and to show immediately, upon demand, his resident or nonresident hunter’s license to any officer whose duty it is to protect the wild animals and birds, or to show his license immediately upon demand by any owner or lessee, or by any employe or representative of such owner or lessee, upon whose lands such person may be found.

Prima facie evidence.

In all cases of arrest for violation of any of the provisions of this section, except where the dead body of any wild bird or wild animal is found in possession of the accused, the affidavit of the person charged with such violation, and satisfactory proof of his innocence, shall rebut what is termed “prima facie evidence” in this section.

Rebuttal.

Affidavit.

Section 319. Deposit and Return of Penalties.— Any person displaying his license tag properly, but unable to produce immediately upon demand his hunter’s license, may at once sign a proper acknowledgment and deposit with the officer accosting him the fine of twenty dollars stipulated in this article, for which such officer shall give an official receipt. Such fine shall, as soon as possible, be forwarded by the officer in question to the commission, with a report covering the case. If the defendant desires a return of a fine so paid, he shall file at the office of said commission at Harrisburg, within twenty days, an affidavit stating fully the reasons why he was unable to display said license immediately and give his description, place of residence, license number, where same was secured, and its date, or attach the license itself, whereupon said commission, if satisfied that the purpose was not to violate the provisions of this article, shall return such fine to the defendant, otherwise it shall be deposited as hereinafter provided and the case considered closed.

Failure to produce license.

Affidavit.

Game killed
report.

Section 320. Report of Game Killed.—Not later than January fifteenth following the date of issuance, or such other date as the commission may fix, of any resident or nonresident hunter's license, issued under the provisions of this article, it shall be the duty of the licensee to forward to the commission at Harrisburg, on a form attached to such license, or on a substitute form containing like information if the original form has been mislaid or lost, a report of all game birds and game animals, and fur-bearing animals, if the form provides space therefor, killed by such licensee during the previous open season.

Penalties.
Nonresident.

Section 321. Penalties.—Any nonresident of this Commonwealth who shall hunt, chase, trap, take, shoot at, wound, or kill, or attempt to hunt, chase, trap, take, shoot at, wound, kill, or have in possession any wild birds or animals, without a nonresident hunting license having been lawfully issued to him, shall be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense, and each day shall be considered a separate offense.

Signing license.

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of one dollar and costs of prosecution.

Report, game
killed.

Any licensee who shall fail to submit to the commission the report of game birds or animals, or fur-bearing animals, as required by this act shall be sentenced to pay a fine of two dollars and costs of prosecution.

Other violations.

Any person who violates any of the provisions of this article except as above provided, shall, upon conviction, be sentenced to pay a fine of twenty dollars and costs of prosecution for each offense: Provided, That an additional fine of twenty dollars and costs of prosecution shall be imposed when any person is convicted of:

Hunting during
revocation.

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission, or by this act, and each day shall be considered a separate offense;

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission;

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping, shall, upon conviction, in addition to the penalties provided, be sentenced to suffer imprisonment for a period of thirty (30) days.

Imprisonment.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed. Second offense.

ARTICLE IV

SPECIAL PERMITS

Section 401. Commission Empowered to Grant Permits.—Under the conditions and limitations hereinafter prescribed, the commission may grant permits at its discretion to citizens of the United States who, unless otherwise specified, shall be residents of the Commonwealth and twenty-one years old or over, which permits shall be in such form as the commission may determine and shall expire on May thirty-first of each year, and which may be revoked or suspended at any time at the discretion of the commission. Such permits shall not be transferable. Such permits may be issued: Special permits.

(a) To any person of known scientific attainment in ornithology or mammalogy or to any agent of any public museum in this Commonwealth; Expiration.

(b) To any person desiring to practice taxidermy, who shall have served a regular taxidermy apprenticeship for a minimum of four months under the supervision of a museum of recognized standing, or under the supervision of a qualified and licensed taxidermist, and to any person holding a taxidermy license which expires on the thirty-first day of May, one thousand nine hundred and thirty-seven: Provided, The commission may by resolution, set up a system of examinations to determine the fitness of all applicants for such permits, including the establishment of appropriate fees covering the cost of such examinations; Scientific.

(c) To fur dealers, or their authorized employes operating from their established place of business, purchasing or receiving raw furs for commercial purposes; Taxidermy.

(d) To any person within the Commonwealth desiring to propagate game in captivity for commercial purposes; Examination system.

(e) To any person desiring to operate regulated shooting grounds; Fur dealers.

(f) To any person desiring to possess, propagate, or sell ferrets or the European member of the ferret family known as the fitch; Game propagation.

(g) To any person within the Commonwealth desiring to propagate fur-bearing animals for commercial purposes; Shooting grounds.

(h) To any person within the Commonwealth desiring to maintain a roadside menagerie for the purpose of exhibition or attracting trade; and Ferret, fitch.

Fur farming.

Roadside menagerie.

Miscellaneous.

The commission also may issue permits under other articles of this act as therein provided for, and such other permits, with or without charge, as it may find essential to control the taking or possession of wild birds or wild animals, or any part thereof.

Exemption.

No person, so long as he is legally acting under the authority of a permit issued by the commission, shall be liable to any of the penalties provided for in this act.

Applications.

Section 402. Applications for Permits.—Any person, firm, association, or corporation desiring a permit, as provided for in this article, shall present an application therefor, on forms supplied by the commission, and shall pay to the director five dollars, except in the following cases: Taxidermists desiring to practice taxidermy for profit shall pay twenty-five dollars; fur dealers, who have resided permanently in this Commonwealth for the preceding twelve months or more, purchasing or receiving raw furs for commercial purposes shall pay ten dollars; nonresident fur dealers, purchasing or receiving raw furs for commercial purposes in this Commonwealth, shall pay fifty dollars; persons desiring to operate regulated shooting grounds shall pay twenty-five dollars for the first one hundred acres in the tract so used, and five dollars for each additional one hundred acres or fraction thereof; and breeders and dealers in ferrets or fitches shall pay twenty-five dollars.

Fees.**Endorsements.**

The application shall be accompanied by the written statement of at least two well known citizens of the community in which the applicant resides, certifying to his good character and to his fitness to be intrusted with the authority granted by such special permit.

Firms, etc.

In the case of applications for permits by firms, associations, or corporations, the application shall bear the name of the president or general manager, and the permit shall be issued in his name. All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purposes, with the location thereof.

Map.**Reports.**

Section 403. Reports by Holders of Permits; Inspections.—Within sixty days after the expiration of any permit, the holder thereof shall file a sworn statement, on blanks supplied by the commission, whether an application is submitted for a renewal thereof or not, covering all his transactions thereunder. No renewal permit shall be granted unless such report has been submitted.

Inspection of records.

The holder of each permit shall keep a record of all transactions thereunder, and such record, together with all plants and premises, shall be open to inspection upon demand of any member or officer of the commis-

sion. The permittee also shall answer, without evasion, any question relative to the ownership of any bird or animal, or part thereof, found in his possession or under his control, or that has passed through his hands, that may be asked by any member or officer of the commission.

(a) Permits for Scientific and Museum Collecting

Section 404. Collecting Permits.—Permits authorizing the holder to collect birds, their nests with eggs found therein, and animals, protected by this act, for exhibition in public museums or scientific study or school instruction, may be issued to—(a) persons of known scientific attainment in either ornithology or mammalogy for scientific study, whether residents of this Commonwealth or not, or (b) agents of public museums for exhibition purposes, whether residents of this Commonwealth or not. During the period covered by such permits, unless the commission by resolution in special cases authorizes the taking of a larger number, birds and animals may be taken in numbers not to exceed the following:

Collecting permits (scientific).

	Number of specimens of each species	Number of nests of each species and eggs found therein	Limitations.
(a) Scientists in ornithology or mammalogy:			
Protected birds	20	4	
Game birds	15	4	
Game and fur-bearing animals	15		
(b) Agents of public museums:			
Protected birds	10	2	
Game birds	5	2	
Game and fur-bearing animals	5		

The permit shall indicate the classification of said permit and the number of specimens that may be taken thereunder.

It is unlawful for the holder of a collecting permit to sell or exchange or ship from or remove out of this Commonwealth, without the written consent of the director, any birds or nests or eggs or animals collected. It is unlawful for the holder of any collecting permit to take in one year more than the number of birds, nests with eggs, or animals of any species than herein stipulated, except as authorized by resolution of the commission.

Unlawful acts.

(b) Permits to Practice Taxidermy for Profit

Taxidermy
permits.

Section 405.—Permits to Taxidermists.—Permits issued to persons residing within this Commonwealth desiring to practice taxidermy for profit shall authorize the holder thereof to receive from any person any bird or animal that has been legally or accidentally killed, and to keep such specimen, or any part thereof, in possession indefinitely, and to tan or cure or mount the same, either himself or through any legitimate employe; to sell or dispose of any unclaimed specimen to any person for the mounting charge only; and to mount and sell any bird or animal which was raised under authority of a propagating permit. Before any such specimen is sold, shipped, or transported to a nonresident of this Commonwealth, a permit shall be obtained from the director.

Sale of unclaimed
specimens.

Unlawful acts.

No taxidermist shall mount or tan any bird or animal, or part thereof, protected by the game law, which was not lawfully killed during the open season, or under the authority of a propagating permit, until the owner thereof presents a permit obtained from the commission.

Shipment out
of State.

It is unlawful for any person within this Commonwealth to practice taxidermy for profit without a permit issued by the commission. It is lawful for the holder of any such permit to ship from or remove or permit the removal out of the Commonwealth of any specimen of a bird or animal, or part thereof, protected by this act, which was legally taken or is otherwise legally possessed by a nonresident of this Commonwealth and shipped or delivered to the holder of such taxidermy permit for mounting or tanning; or to any person or firm lawfully engaged in fur-dressing, tanning, or taxidermy in other states, solely for the purpose of dressing, tanning or mounting, and return to such permittee.

(c) Permits to Fur Dealers

Fur dealers'
permits.

Section 406. Permits to Fur Dealers.—Permits issued to persons to act as fur dealers shall authorize the holder thereof to receive or to purchase and to resell raw furs for commercial purposes.

Employee's
permit.

Regular authorized employes of fur dealers who hold a resident fur-dealer's permit, and operate from the established place of business of such permittee, may be issued a special employe's permit, upon application submitted by the employer, the cost of which shall be the minimum fee hereinbefore fixed, which shall authorize said employe to receive or purchase raw furs for his employer anywhere in the Commonwealth. No such permit shall be required when the employe is purchasing furs only at his employer's regularly established place of business.

A permit issued to a nonresident firm or corporation authorizing such firm or corporation to receive or to purchase and to resell raw furs in this Commonwealth for commercial purposes shall authorize not to exceed three members of said firm or corporation, or one employe thereof, to use said permit for the purpose of purchasing raw furs in this Commonwealth. The names and addresses of such persons shall be clearly indicated on the face of the permit, which shall at all times be carried by the person using it.

Nonresident firms.

It is unlawful for any person to purchase, or receive, or resell, or to aid or assist in the purchase or resale of, raw furs for commercial purposes without a permit, as herein required, issued by the commission.

Unlawful acts.

(d) Permits to Propagate Game for Commercial Purposes

Section 407. Permits to Propagate Game.—Permits to propagate game issued to persons and to associations and corporations shall authorize the holder thereof, and his or its assistants, to have in possession and to breed or raise game of any kind, and to sell or barter or give away the same, dead or alive, or the eggs of game birds, at any time, under the regulations hereinafter provided.

Game propagating permits.

It is unlawful to have in possession for the purpose of breeding or to raise game of any kind in captivity, and to sell or otherwise dispose of the same, or to sell eggs of game birds so produced, without a propagating permit, except game bred or raised and released for stocking purposes in a wild state or sold to the commission, or bred and raised for home consumption on the premises only.

Unlawful acts.

Exceptions.

Section 408. Premises Used by Propagating Permittees.—For raising small game, the premises used by holders of propagating permits may be of such size as the operator thereof deems best suited to his purposes, so long as the premises so used are surrounded by a tight woven wire fence, with a minimum mesh of two inches, and not less than six feet high.

Premises—small game.

For raising elk or deer, the premises shall be surrounded by a wire fence of approved pattern, with a height of not less than eight feet, so constructed and maintained as to absolutely prevent wild elk or deer from entering in any manner into said premises. Before the fence surrounding any such premises shall be closed, all wild elk and deer that may be upon said territory shall, as far as possible, be driven therefrom* by the owner, under the direction of an officer of the commission.

Elk and deer enclosure.

Section 409. Disposing and Removing Game from Propagating Premises.—Where game of any kind is

Disposing, removing game.

* "thereupon" in the original.

Shooting small game unlawful.

raised, or eggs of game birds are produced, on premises under authority of a propagating permit, such game or eggs may be sold or given away, and such game may be shipped alive from said enclosure for propagating purposes, or may be killed in any manner within said enclosure for sale or gift, without regard to sex or numbers, at any time of the year, under the following regulations, but no small game may be killed by shooting within such enclosure except in accordance with the provisions of this act, or regulations adopted by the commission, governing the taking of such game in a wild state.

Offer to commission.

Before any live game of any kind raised under authority of any propagating permit is shipped out of the Commonwealth, it must be offered to the commission for propagating purposes, and the director shall, within ten days, advise the permittee whether it desires to purchase the same. If not purchased by the commission, it may be shipped to any other state or nation if properly tagged as hereinafter provided. Game so raised, when dead, may be shipped anywhere if tagged properly.

Tag.

Before any game propagated or eggs produced under authority of any propagating permit are shipped or removed from any premises, the permittee shall apply to the commission for a tag, which shall be supplied at cost. Said tag shall be composed of two parts, and when detached, one part thereof, containing the name and address of the purchaser and the kind and number of game or eggs shipped or removed, shall be attached to the container or the bird or animal. The other part of the tag, containing the information required, shall immediately be returned to the commission by the permittee.

Return of tag.

The tag attached to a container or a bird or animal shall so remain until the eggs are removed from the container, or the living bird or animal is released from the container, or the dead body of any bird or animal is cut up for retail purposes or final consumption, at which time the tag shall be removed by the person receiving the eggs or finally disposing of the bird or animal, and shall at once be forwarded to the commission.

Failure to return tag.

It is unlawful for any permittee, or his agent or employe, to neglect to return to the commission any tag with the information thereon required, or to kill, sell, give away, remove, or ship any game bred or so raised, or eggs of game birds produced, under the authority of any propagating permit, except in compliance with the provisions of this section.

It is unlawful for any person to neglect to remove and return to the commission any tag attached to any container or to any bird or animal, except in compliance with this section.

It is unlawful for any person wilfully or wantonly to remove or mutilate or destroy any tag attached to any container or bird or animal, according to the provisions of this section, except in the manner and at the time and place provided for in this section. Mutilating tag.

It is unlawful for any person to wilfully use any tag of the kind provided for in this section for the carrying, removal, or shipment of game or the eggs of game birds taken or killed outside of premises used for propagating game under authority of a permit, or for the purpose of a second shipment of game or eggs from any such premises. Improper use of tag.

(e) Permits to Operate Regulated Shooting Grounds

Section 410. Permits to Operate Regulated Shooting Grounds.—Any person, association or corporation desiring to operate regulated shooting grounds upon which to propagate and release annually a minimum of one hundred of any of the following species of game birds, namely, pheasants, chukar partridges, or mallard or black ducks, or upon which to release such numbers and species of birds when legally propagated or purchased, for shooting and other purposes on lands owned or leased by him or it, shall first secure a regulated shooting grounds permit from the commission. The application, in addition to other information required by the commission, shall state the approximate number of each of the foregoing species of game birds to be reared or purchased and released for shooting purposes on said property during the ensuing year. Regulated shooting grounds permit.

No regulated shooting grounds permit shall be issued for less than one hundred (100) acres in one tract of land, or land and water combined, nor shall such permit be issued until the commission has satisfied itself that said shooting ground will not be inimical to the public interest, and until the owners have agreed to make available an open public hunting area contiguous thereto, which shall be an area equal to at least one-half of the area of the regulated shooting grounds, with public hunting and access assured thereto: Provided, however, The holder of such permit shall not be required to make available an open public hunting area if during any year such person, prior to the shooting season, turns over to the commission twenty-five per centum of the propagated or purchased birds for stocking purposes elsewhere, as hereinafter stipulated. Minimum acreage.

The boundary of the premises so licensed shall be marked by a single strand of wire or other fence, and shall be posted with printed notices not more than one hundred yards apart and containing such wording as the commission may prescribe. Contiguous public hunting.

Section 411. Shooting Restrictions on Regulated Grounds.—Such permits shall entitle the holder or hold- Optional plan.

Marking boundary.

Shooting restrictions.

ers thereof, and their guests, to kill or take, by shooting only, (a) not to exceed sixty per centum of the pheasants and chukar partridges, and ninety per centum of the mallard or black ducks, propagated or purchased and released on the premises each year, said propagation or release to be established to the satisfaction of the commission; or (b) if prior to the shooting season the holder or holders of such permits turn over to the commission for stocking purposes elsewhere twenty-five per centum of the birds ready to be released for shooting purposes, such birds being full-winged, first quality stock and in equal numbers as to sex, the permittee shall be entitled to take by shooting only all of the remaining seventy-five per centum of the birds propagated or purchased for shooting purposes.

Full-winged
birds.

All game birds released on said regulated shooting grounds shall be full-winged and fully able to care for themselves in a wild state, and wherever the commission deems it desirable, all mature birds released shall bear a metal leg band of a type approved by it. Such propagated or released birds may be taken without regard to sex or age, or daily or season bag limits, so long as not more than the specified percentages herein enumerated are taken during the shooting period below authorized, but no shooting for pheasants, chukar partridges, or mallard or black ducks shall be done on said premises prior to the date and hour of the general state-wide open season for small game as fixed by this act or the commission, nor after December thirty-first of any year.

Shooting period.

Taking other
game.

All species of game other than those specified, found on the premises covered by such regulated shooting grounds permits, may be taken on said premises only under the general provisions of the law governing seasons, bag limits, etc.

Hunter's license
required.

Every person hunting on such regulated shooting grounds or participating in a shoot held under a regulated shooting grounds permit shall be possessed of a resident or nonresident hunter's license for the current year as required by law.

Tagging birds
killed.

Section 412. Tagging Birds Killed; Retriever Trials.—Before any propagated or released game killed under the provisions of a regulated shooting grounds permit shall be consumed on the premises or removed therefrom, the permittee shall attach a tag to each bird killed, such tags to be numbered consecutively and supplied by the commission at reasonable cost, and shall contain such information as the commission may require. Said tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once.

Dog training,
field and re-
triever trials,
permitted.

Dogs may be trained, or field trials may be held, at any time of the year upon the premises covered by a regulated shooting grounds permit, and retriever trials

may be conducted thereon; but no game birds shall be killed while so training dogs, or conducting retriever or field trials, except during the open season for shooting as fixed by the preceding section. A special permit, as required elsewhere in this act, shall first be obtained to conduct a retriever trial thereon at any other period. All pheasants, chukar partridges, and mallard or black ducks killed while training dogs, or conducting a retriever or field trial, on premises licensed as a regulated shooting grounds, shall be included as part of the allowable kill thereon for that year, and shall be tagged accordingly.

Special permit.

It is unlawful for any person to take any of the game birds which may be killed under authority of a regulated shooting grounds permit contrary to the provisions of this act relating thereto, or to remove from the premises covered by a regulated shooting grounds permit, or to consume thereon, any propagated or released pheasants, chukar partridges, or mallard or black ducks killed in accordance with the provisions of this section which have not been tagged as herein required.

Unlawful acts.

(f) Permits to Possess or Propagate Ferrets or Fitches

Section 413. Permits to Possess, Breed and Sell, Ferrets and Fitches.—It is unlawful for any person to breed or to sell ferrets or fitches or to offer to sell ferrets or fitches, either for himself or as the agent of another, or to have any ferret or fitch in his possession, except by virtue of a permit issued by the commission, which permit when issued for the possession only of ferrets or fitches shall indicate the number of such animals the permittee is authorized to possess. A separate fee shall be required for each animal covered by a possession permit.

Ferret, fitch permits.

It is unlawful for any breeder or dealer in ferrets or fitches to sell, or for any common carrier, or the agent of any common carrier, to deliver any ferret or fitch to any person within this Commonwealth unless the person to whom such ferret or fitch is to be sold or delivered shall possess a proper permit to have such animal in possession. Proof to the satisfaction of the person selling or delivering any ferret or fitch of the possession of any such permit must be required by the production of the permit, or by inquiry made to the commission; and a record shall be made of all sales by dealers, showing the name, address, ferret or fitch permit number, and date of such permit before the sale is consummated.*

Unlawful delivery.

Record by dealers.

(g) Permits to Propagate Fur-Bearing Animals for Commercial Purposes.

Section 414. Permits to Propagate Fur-Bearing Animals.—Any person, association, or corporation resident

Fur propagating permits.

* "consummated" in the original.

within this Commonwealth desiring to propagate animals classed as fur-bearing animals in an enclosure or pen for commercial purposes, shall first secure a permit from the commission.

Removing fur-bearers.

Section 415. Disposing and Removing Fur-Bearing Animals from Fur Farm.—Where fur-bearing animals of any kind are raised in pens, or approved fenced enclosures, under the authority of a fur-propagating permit, they may be sold, or given away, and shipped alive, or may be killed and pelted within said enclosure without regard to sex or numbers, at any time of the year, under the following regulations:

Tags.

Before any fur-bearing animals may be removed from the enclosure, the permittee must secure from the commission a tag which shall be supplied at cost. Said tag shall be composed of two parts, and, when detached, one part thereof, containing the name and address of the purchaser, and the kind and number of animals either alive or dead, or pelts, shall be attached to the container of the animals or pelts. The other part of the tag, containing the information required, shall be immediately returned to the commission. The tag attached to the container of the animals or pelts shall remain attached until the animals or pelts are delivered to the consignee, when said tag shall at once be returned to the commission.

Marshes.

Section 416. Marshes Not Fenced.—The owner or owners or bona fide lessee or lessees of marshes, or other land and water areas naturally inhabited or stocked with muskrats, who may desire to operate a fur farm without fencing, may obtain a permit, as provided in this article, and thereafter shall comply, unless otherwise provided, with all provisions of this act.

Posting.

Upon making application for a permit to operate a fur farm on a marsh land or water area not fenced, the applicant shall give the approximate area and location of such proposed farm. The permittee shall post such areas with notices, setting forth that this is a licensed fur farm, such notices to be posted at conspicuous places, and not to be more than one hundred and fifty yards apart. Fur-bearing animals, raised under a permit on a marsh or other area not fenced, cannot be killed or pelted, except during the open season for the taking of fur-bearing animals. A permit may be issued by the commission to the permittee to take alive, for exchange or breeding purposes, not more than ten muskrats of both sexes in any one year.

Special permit.

(h) Permits to Maintain Roadside Menageries

Roadside menagerie permits.

Section 417. Permits for Roadside Menageries.—The commission may grant permits for roadside menageries which are hereby defined as any place where one or more

wild animals are kept in captivity, upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for the evident purpose of exhibition or attracting trade.

The term "roadside menagerie" shall not include the exhibition of any animal by any educational institution or in any zoological garden, or in connection with any theatrical exhibition or circus. The term "wild animal" as used in this section shall mean any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity.

Exemptions.

"Wild animal" defined.

No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wild animals, and for protecting the public, are proper and adequate, and in accordance with the standard therefor established by the commission.

Housing, care.

The commission shall adopt and enforce rules and regulations for the housing, care, treatment, feeding, and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Rules by commission.

It is unlawful for any person to keep any wild animal in captivity upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for exhibition or the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purpose, unless a permit has been issued by the commission.

Unlawful acts.

Section 418. Act Not to Apply in Certain Cases.—This act shall not be construed to apply to, or prohibit the taking or possession of birds and animals, by any public zoological garden of the State, or any public institution within the State, maintained for scientific purposes or receiving appropriations from the State, where in animals or birds are maintained alive for educational purposes, or for the purpose of scientific study or experiment.

Zoos excepted.

Section 419. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

Penalties.

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs, or the taking of birds or eggs or nests, contrary to the provisions of this article, by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit, twenty-five dollars;

Scientists.

Taxidermy.

(b) For the practice of taxidermy for profit without a permit, as provided in this article, twenty-five dollars, and in addition thereto, twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting;

(c) For the mounting, sale, or shipment, or removal from, or permitting the removal from, the Commonwealth, by the holder of any taxidermy permit, of each specimen of a bird or animal protected by this act, contrary to the provisions of this act, twenty-five dollars;

Fur dealers.

(d) For a resident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, twenty-five dollars;

(e) For a nonresident of the Commonwealth purchasing, or receiving, or reselling raw furs for commercial purposes without a permit, as provided in this article, one hundred dollars;

Propagating.

Fur farming.

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit, contrary to the provisions of this article, twenty-five dollars for each bird or animal so bred or propagated;

Tagging.

(g) For neglecting to return to the commission the part of the tag not attached to the container or bird or animal, with the information thereon required, or for the killing or selling or giving away or removing or shipping of game or fur-bearing animals bred or propagated, or eggs produced, by the holder of any propagating permit, or his agent or employe, contrary to the provisions of this article, twenty-five dollars;

Return tag.

(h) For neglecting to remove and to return to the commission, as provided in this article, the tag attached to any container or to any bird or animal, ten dollars;

Mutilating tag.

(i) For wilfully or wantonly removing, or mutilating, or counterfeiting or altering, or destroying a tag attached to a container or bird or animal, contrary to the provisions of this article, twenty-five dollars;

Unlawful use of tag.

(j) For wilfully using any tag for the carrying, or removing, or shipping of game or fur-bearing animals, or the eggs of game birds, taken or killed outside of premises for propagating game or fur-bearing animals, under authority of permit, or for the purpose of a second shipment of game or fur-bearing animals from any such premises, contrary to the provisions of this article, twenty-five dollars;

Regulated shooting grounds.

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article, or for taking or capturing such birds by any method other than by shooting, or for consuming on the premises or removing therefrom any propagated or released pheasants,

chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required, or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article, fifty dollars;

(l) For the breeding or selling, or offering for sale, or having in possession, or delivering any ferret or fitch, contrary to the provisions of this article, twenty-five dollars for each ferret or fitch; Ferret, fitch.

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article, or for failure to comply with the regulations of the commission relative to the housing and care of such animals, twenty-five dollars. Roadside menagerie.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution. Imprisonment.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and, in addition thereto, shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed. Second offense.

ARTICLE V

HUNTING SEASONS; BAG LIMITS

Section 501. Open Seasons.—After investigation, or information otherwise obtained by the commission, as to the annual game supply, the commission may, by appropriate rules and regulations, a summary of which shall be published as hereinafter specified, fix seasons, shooting hours, and daily, season and possession limits, or remove protection and declare an open season, or increase, reduce or close seasons, or increase or reduce bag limits, for all species of game birds and game animals throughout the Commonwealth, or in any part thereof, or limit the number of hunters in any designated area and prescribe the methods of hunting therein, when in its opinion, such action is necessary to assure the maintenance of an adequate supply of such species, or when an unbalanced sex ratio exists which in its opinion should be corrected, or when, in the opinion of the commission, such additional open season will not jeopardize the future supply of game. Open seasons.

If in any year the commission fails to establish such seasons or bag limits, the open seasons and bag limits for game, Sundays excepted, unless otherwise provided by this act, shall be as below indicated: Authority to regulate.

	Kind of Game	Open Season
Game seasons.	Raccoon	Oct. 15th to Dec. 31st.
	Wild turkey, ruffed grouse, male pheasant, bob-white quail, gambel quail, valley quail, grackles, commonly known as blackbirds, rabbit, hare, and gray, black, and fox squirrel...	Nov. 1st to Nov. 30th.
	Hungarian partridge and Chukar partridge	No open season, except as fixed by resolution of the commission.
	Red Squirrel	Nov. 1st to Aug. 15th next following.
	Woodchuck, commonly known as groundhog.....	Nov. 1st to Sept. 15th next following.
	Bear over one year old..	Nov. 10th to Nov. 25th.
	Male deer, with two or more points to one antler..	Dec. 1st to Dec. 15th.
	Deer without visible antlers or horns, of such minimum weight or age as shall be fixed by resolution of the commission	No open season except as fixed by resolution of the commission.
	Elk	No open season except as fixed by resolution of the commission.

Unlawful killing, possession. It is unlawful for any person to kill or attempt to kill, or to hunt for, or take, or have in possession any game bird or game animal at any time of the year other than the open season, fixed by resolution of the commission in the manner above provided, or as set forth in this section, except as elsewhere provided in this act.

Hunting on first day. (a) Hunting at Certain Periods Unlawful. If in any year the commission, by resolution, fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season, it shall be unlawful for any person, except in defense of person or property, to hunt for, chase, disturb, or take, or to attempt to hunt for, chase, disturb, or take, any wild bird or wild animal, game or otherwise, through the use of fire-arms, or a bow and arrow, or with dogs, on such first day of the season prior to the opening hour so fixed.

During the five days preceding the open season for deer, as fixed either by this act or by resolution of the commission, it shall be unlawful for any person, except in defense of person or property, to hunt for, pursue, or take, or attempt to hunt for, pursue, or take, wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge, or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five-day period.

Hunting before deer season.

(b) Raccoons Not to Be Trapped; Exceptions. Except in defense of person or property, it is unlawful for any person to take, or attempt to take, raccoons through the use of traps or deadfalls, except in such county or counties as the commission may, by proper resolution, public notice of which shall be given as hereinafter provided, declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping. In counties so declared open to the use of traps and deadfalls, raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats.

Raccoon trapping restricted.

(c) Special Permits for Antlerless Deer. In any year during which the commission, by resolution, declares an open season for deer without visible antlers, it is hereby empowered to issue special permits to hunt for or kill such deer, at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth, provided public notice of such action is given as hereinafter required. When the commission adopts and promulgates such rules and regulations, it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit, or to take such deer contrary to the rules and regulations adopted by the commission.

Antlerless deer permits.

Fee, \$2.00.

Section 502. Bag Limits.—It is unlawful for any person to kill or attempt to kill, or have in possession, in any one day or in any one season, unless otherwise provided in this act or by resolution of the commission, more game birds or game animals than fixed by resolution of the commission, or in lieu thereof as hereinafter enumerated:

Bag limits.

Kind of Game	In One Day	In One Season	
Raccoons (by individual or hunting party, the shooting or trapping day for which is hereby fixed from 12 o'clock noon eastern standard time of one day to 12 o'clock noon of the following day)...	3	10	Raccoons "day" fixed.

Kind of Game	In One Day	In One Season
Wild Turkey	1	1
Ruffed Grouse	3	12
Male Pheasants	2	10
Quail, of the combined kinds	8	24
Grackles	Unlimited	Unlimited
Rabbits	5	20
Hares	3	12
Squirrels, including the fox, black and gray combined	6	20
Red Squirrels	Unlimited	Unlimited
Woodchucks	Unlimited	Unlimited
Bear (by individual or hunting party)	1	1
Deer (by individual)	1	1
Deer (by hunting party) ..	6	6

Deer antlers.

Except as otherwise provided by regulations of the commission, every deer taken shall be a male deer having two or more points to one antler, and every bear taken shall be not less than one year old.

Bear over one year.

Migratory game birds.

Section 503. Seasons and Bag Limits for Migratory Game Birds.—It shall be unlawful for any person to hunt, capture, kill, take, or attempt to take, possess, buy, or sell, any migratory game bird or part thereof, except during such time and in such manner and numbers as may be prescribed by regulations promulgated under the provisions of the Federal Migratory Bird Treaty Act, which regulations are hereby made a part of the game law of this Commonwealth: Provided, however, That such Federal regulations shall not apply if the commission, or other provisions of this act, may prescribe further restrictions for the taking of migratory game birds.

Trapping quail and ringnecks.

Section 504. Trapping Certain Game Birds.—It is lawful, with the written approval of the commission, or one of its regular salaried field officers, to trap quail of any kind and ringneck pheasants, from the first day of December to the first day of April next following, for the purpose of keeping them alive during the winter, or for the purpose of separating a covey to increase the chances of propagation, but for no other purpose whatever. Every person so trapping game birds shall attach his name and address, in plain English, to all traps so used, and shall report the number and species thereof so trapped to the district game protector, or to the commission, at the end of each month.

Approval required.

It is unlawful for any person to trap quail or pheasants for the purposes stipulated in this section without the written approval herein required, or to transport from one locality to another locality in this State any

such quail or pheasant, except by written permission of the director. All birds thus taken shall be liberated in the spring as soon as the weather will permit.

Liberation.

Section 505. Action of Commission to Be Advertised.—To fix seasons, shooting hours, and daily, season and possession limits, or to remove protection and declare an open season, or to increase, reduce or close seasons or to increase or reduce bag limits, for any species of game birds, game animals or fur-bearing animals, or to permit the taking of raccoons with traps or deadfalls, or to limit the number of hunters in any designated area and prescribe the methods of hunting therein; or to remove any animal from, or add any animal to, the list of fur-bearing animals; or to add any bird to the list of unprotected birds, throughout the Commonwealth, or in any part thereof, a notice to that effect shall be published by the commission in not less than two newspapers of general circulation in each county affected, one time each week for at least two consecutive weeks, setting forth, either in full or in summarized form, the action of the commission and the rules and regulations adopted relative thereto. The commission shall also, whenever feasible, publish a summary of the seasons and bag limits, and designate any counties that may be closed, and name the species of game birds and game animals or fur-bearing animals for which there is no open season, on the back of the hunter's licenses each year, and shall prepare and distribute such additional posters or notices as in its judgment may be necessary.

Advertising action of commission.

Notice.

Summary on hunter's license.

It is unlawful for any person to violate any of the rules and regulations adopted by the commission, and published as herein required, for the preservation of game birds, game animals, or fur-bearing animals; or to take, or be possessed of, such birds or animals at a time, or in any number or manner, or of any kind or sex, contrary to such rules and regulations.

Violation of rules.

Section 506. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

Penalties.

For taking, killing, wounding, possessing, or transporting from one locality to another within this State, or for attempting to take, kill, or wound, contrary to this article, or any rules and regulations relative to the taking of game or fur-bearing animals adopted by the commission:

- (a) Each elk, two hundred dollars, and in the discretion of the court, six months' imprisonment;
- (b) Each deer or bear, one hundred dollars;
- (c) Each wild turkey, ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, twenty-five dollars;
- (d) Each raccoon, twenty-five dollars;
- (e) For each other bird or animal, ten dollars.

Elk.

Deer, bear.

Game birds.

Raccoon.

Violation of rules.

For violating any of the provisions of this article not above specifically provided for, or for violating any of the rules and regulations of the commission adopted under the provisions of this article, twenty-five dollars and costs of prosecution for each offense.

Imprisonment.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Second offense.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

ARTICLE VI

FUR-BEARING ANIMALS

Open seasons, fur-bearing animals.

Section 601. Open Season for Fur-Bearing Animals.—After investigation, or upon information otherwise obtained, by the commission as to the annual supply of fur-bearing animals, the commission may, by appropriate rules and regulations, a summary of which shall be published as hereinbefore specified, fix seasons, trapping hours, and daily, season, and possession limits, or remove protection, or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth, or in any part thereof, or limit the number of trappers in any designated area and prescribe the methods of trapping therein, when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals, or to reduce the numbers thereof to safeguard game birds and animals.

Authority to regulate.

If in any year the commission fails to establish such seasons, and bag and possession limits, in the manner herein specified, the seasons and bag and possession limits for fur-bearing animals shall be as follows:

Fixed seasons, limits.

Kind of Fur-Bearers	Open Season	Bag Limits	
		Day	Season
Muskrat, Mink and Opossum	Nov. 1st to Feb. 28th.	Unlimited	Unlimited
Skunk, in counties where the commission has not removed such animal from the list of fur-bearing animals	Nov. 1st to Feb. 28th.	Unlimited	Unlimited
Beaver	Feb. 15th to Mar. 15th.	3	6
Otter	No open season, except as fixed by resolution of the commission.		

Section 602. Unlawful Taking, Killing, Possession, Etc., of Fur-Bearing Animals. — Except as otherwise provided in this act, it is unlawful for any person to take, kill, wound, capture, or have in possession, or attempt to take, kill, wound, or capture, any fur-bearing animal except during the open season, and in such numbers as fixed by regulations adopted by the commission or fixed by this act, or to have in possession the green pelt of any fur-bearing animal, or any part thereof, except during the open season therefor and for ten days thereafter.

Unlawful taking, etc.

It is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals.

It is unlawful to take, or attempt to take, raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission, or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season for trapping muskrats.

Raccoons.

It is unlawful to buy or sell, or offer to buy or sell, or to ship out of this Commonwealth, any fur-bearing animals, or any part thereof, which have been unlawfully taken.

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth, or the possession of the tanned or cured skins, or any parts thereof, of fur-bearing animals not unlawfully killed, or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season. Green pelts of fur-bearing animals which were lawfully taken in another state, except when in the hands of a licensed fur-dealer, shall have attached thereto positive identification and proof of the locality where taken.

Exceptions.

Section 603. Illegal Methods of Taking Fur-Bearing Animals; Exceptions.—In the taking or killing of fur-bearing animals or predators, it is unlawful to set steel traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator, or to take muskrats and beavers except through the use of steel or live traps and deadfalls, or to use a snare, poison, explosives, chemicals, a steel trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches, measured in any direction, or a deadfall, or to smoke out or dig out any den or house of any kind, or to cut den trees, or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm.

Unlawful methods.

Visiting traps.

All traps or deadfalls so used must be marked with a metallic plate or tag, attached to the deadfall, trap or

Tagging.

trap chain, bearing, in plain English, the name and address of the owner, and must be taken up or sprung at the end of the season.

Exceptions.

Nothing contained in this section shall prevent the killing of any muskrat or beaver with a firearm after it has been legally trapped, or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals, excepting beavers, during the close season, in fields which are under cultivation, or from preventing any person from killing or capturing alive any fur-bearing animals, excepting beavers, at any time, in any manner, when found in the act of destroying personal property, or in the immediate pursuit thereafter, but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done.

Destroying property.

Notice.

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season, while legally hunting or trapping for other animals in season, shall immediately notify a game protector or the director at Harrisburg, and such animal, or the pelt thereof, shall be disposed of as may be specified by the director. Failure to notify such officer or the director, as herein provided, shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals.

Beaver regulations.

Section 604. Special Regulations Relative to Beavers.—In addition to complying with the requirements of this act relative to taking fur-bearing animals, the trapping of beavers shall be restricted to bona fide residents of Pennsylvania holding a lawfully issued resident hunter's license. Owners and lessees of land, and members of their families, actually residing thereon and cultivating such land, may trap beavers thereon if open to public trapping, but not on any adjacent or other lands, without first securing a resident hunter's license.

Trap limit.

No person having the right hereunder to trap and kill beavers shall be permitted to use and set to exceed ten traps. If such person shall unintentionally trap more than the number of beavers hereinbefore stipulated or fixed by regulation of the commission, the excess beavers shall be reported within twenty-four hours and delivered to any salaried employe of the commission to be disposed of as hereinafter provided.

Tagging beavers.

Before the hide of any beaver lawfully trapped may be possessed beyond the ten day limit hereinbefore fixed, or sold or otherwise disposed of by such person, each skin shall be presented to a salaried officer of the commission for examination and tagging, which tag shall remain attached to the skin until it has been tanned and made up into commercial fur. The cost of each such tag shall be ten cents.

It is unlawful for any person to take, or attempt to take, or have in possession, a beaver, or the green pelt thereof, contrary to the provisions of this section.

Section 605. Tags Required Before Shipping Raw Furs to Other States.—Except as otherwise provided by this act, it is unlawful for any person to ship, transport, or deliver, by parcel post, common carrier, or otherwise, the raw or untanned skin of any fur-bearing animal, raccoon, or predator, to a point outside of this Commonwealth unless each shipment shall have attached a shipping tag obtained from the commission or one of its regular salaried officers.

Tagging furs exported.

Such tags shall be supplied at a cost of twenty-five cents each, and shall be composed of two parts. One part thereof, giving the name and address of the consignee, and the kind and number of skins contained in the package, shall be attached to the container in which the raw or untanned skins of the before-mentioned animals are shipped. The other part of said tag containing the information required shall immediately be returned to the commission at Harrisburg.

Cost of tags.

The consignee of any such shipment shall remove the tag attached to the container, and after indicating thereon the amounts paid by him for the skin or skins contained in the shipment, shall return said tag to the commission at Harrisburg.

Return tag.

The provisions of this section shall not be construed to require the holder of a fur-dealer's permit in this Commonwealth to secure and attach such special shipping tags before making or delivering a shipment of raw or untanned skins to any point outside of this Commonwealth so long as such permittee indicates on the shipping tag or label the number of his fur-dealer's permit for the current year; nor shall the provisions of this section be construed to prevent any holder of a taxidermist's permit from shipping the raw or untanned skins of fur-bearing animals, raccoons, or predators, to any person or firm lawfully engaged in fur-dressing, tanning or taxidermy in other states, solely for the purpose of dressing, tanning or mounting, and return to such permittee.

Exceptions.

It is unlawful for any common carrier or his agent to receive raw or untanned skins for shipment to any point outside of this Commonwealth unless tagged as hereinbefore required.

Common carrier.

It is unlawful for any person to wilfully or wantonly remove, mutilate or destroy any tag attached to a container in which such skins are shipped except in the manner and at the time and place provided for in this section.

Destroying tag.

It is unlawful for any consignee to fail or neglect to remove and return to the commission a tag attached

Failure to return tag.

to any container in which raw or untanned skins are shipped, except in compliance with the provisions of this section, or for any consignor to return immediately to the commission the portion of the tag hereinbefore required.

Beaver dams.

Section 606. **Beavers and Their Dams Protected.**—It is unlawful to destroy or disturb or in any manner interfere with the dams or houses of beavers except upon special permit from the commission.

Disturbing traps.

Section 607. **Disturbing Traps of Another.**—It is unlawful for any person to disturb the traps of another, or to take a fur-bearing animal, raccoon or predator from the traps of another, unless specifically authorized by the owner.

Removal by commission.

Section 608. **Commission Authorized to Remove Animals.**—When it is proven to the satisfaction of the commission that fur-bearing animals are excessively destroying property or otherwise becoming a nuisance in any section, the commission may, at any time, remove protection, or have such animals removed from that locality, or direct the killing and disposition of same in such manner as the case may require.

Skunks in boroughs.

Section 609. **Skunks in Cities and Boroughs.**—Nothing contained in this act shall be construed to prohibit the killing of skunks at any time and in any manner within all boroughs and cities in this Commonwealth and two hundred yards adjacent to the boundary or limits of such cities or boroughs, regardless of any provisions of this act. This provision shall not be construed to abrogate any local ordinances prohibiting the discharge of firearms, or the use of explosives or chemicals, within municipalities. The carcasses and skins of skunks so killed may be disposed of in such manner as the person killing them may see fit.

Penalties, beaver, otter.

Section 610. **Penalties.**—Any person killing or capturing, or possessing, or attempting to kill or capture, any beaver or otter, or destroying or disturbing or interfering with beaver or otter dams or houses or dens, or killing, capturing, possessing or disposing of any beaver, contrary to the provisions of this article or the regulations of the commission, shall, upon conviction, be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense.

Disturbing traps.

Any person violating any rule or regulation of the commission relative to the taking of fur-bearing animals not covered in the preceding paragraph, or disturbing the traps of another, or removing a fur-bearing animal, or raccoon or predator from the traps of another, without specific authority from the owner, shall, upon conviction, be sentenced to pay a fine of twenty-five dollars for each offense.

Any person violating any of the provisions of this article, except as otherwise provided for, shall, upon conviction, be sentenced to pay a fine of ten dollars and costs of prosecution for each offense. Other offenses.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution. Imprisonment.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and, in addition thereto, shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed. Second offense.

ARTICLE VII

GENERAL HUNTING REGULATIONS; PROTECTED BIRDS

Section 701. Unlawful Taking, Killing, Possession, Etc., of Game.—Except as otherwise provided in this act, it is unlawful for any person to take or kill or wound, or attempt to take or kill or wound, any game, except during the open season, or to have in possession, either living or dead, any game, or any part thereof, except game lawfully taken during the open season, which may be had in possession during the open season therefor and for thirty days thereafter without a permit. Unlawful taking, possession, etc.
Possession.
30 days.

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit, which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months. Extension permit.

The burden of proof that game, or any part thereof, found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game, or part thereof, is found. Burden of proof.

This section does not prohibit the possession at any time of game killed or taken outside of this Commonwealth, or the possession of the tanned or cured skins, or any parts thereof, of birds or animals not unlawfully killed, or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season, which shall be issued without charge. Exceptions.
Live raccoons.
Permit.

It is unlawful for any person to use any game that has been unlawfully killed or taken, or to aid or assist in the taking, possessing, concealment, or transportation of any game unlawfully killed, or to have in possession for any purpose whatsoever, or conceal the Unlawful to consume, etc.

same, any game, or any part thereof, that has been unlawfully killed or taken.

Sunday, night
hunting.

Section 702. Hunting on Sunday and at Night.—It is unlawful for any person to hunt for, shoot at, chase, catch, or kill, or attempt to shoot at, chase, catch, or kill, with or without dogs, any game, except in defense of person or property, upon the first day of the week commonly called Sunday, except for dog training or trial purposes as hereinafter provided; or to hunt for, shoot at, catch or kill, or attempt to hunt for, shoot at, catch or kill, any game between five o'clock post-meridian of one day and seven o'clock antemeridian, eastern standard time, of the day following, or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind, except that raccoons may be hunted for and killed any time during the open season, day or night, Sunday excepted. This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught.

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided.

Lawful hunting
methods.

Section 703. Lawful Methods of Hunting. — It is lawful to hunt for, catch, take, wound or kill game of any kind only through the use of a gun, pistol, revolver, or bow and arrow, of a kind the use of which is not hereinafter prohibited, except:

Raccoons.

(a) That raccoons may be killed or captured in any manner if complying with the provisions of this act when using traps, except that such animals may not be taken through the use of automatic firearms, or magazine shotguns which contain more than three shells at one time in the magazine and chamber combined, or snares, poisons, explosives, or chemicals, or by smoking out or digging out dens or houses, or cutting den trees, nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals; and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats;

Decoys.

(b) That blinds and decoys may be used in hunting wild waterfowl, as permitted under Federal regulations;

Traps.

(c) That it is lawful to use steel traps, baited or otherwise, with a spread of jaws not exceeding six and one-half inches, measured in any direction, provided the trap does not have teeth on the jaws, and it is lawful to use a deadfall, baited or otherwise, if a metallic plate or tag is attached to each trap or chain or deadfall bearing, in plain English, the name and address of the owner, for the purpose of taking predators and fur-bearing animals, so long as such traps or deadfalls are

Deadfalls.

To be tagged,
visited.

not set closer than five feet from any den or hole, or where any game may be caught, and such traps or dead-falls are visited at least once every thirty-six hours unless prevented by sickness or storm, and at the end of the trapping season all traps are sprung or removed; but it shall be unlawful to use snares of any kind to capture wild birds or wild animals; and

Snares unlawful.

(d) In any manner for scientific purposes pursuant to a permit issued by the commission.

(a) Unlawful Methods and Devices

Section 704. Unlawful Methods of Hunting.—It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him, or to dig, cut, or smoke or in any other manner take any live wild bird or wild animal, other than a predator, out of its den or place of refuge.

Unlawful methods.

Except as otherwise provided, it is unlawful to hunt for, catch, take, kill, or wound, or attempt to catch, take, kill, or wound any wild bird or wild animal of any kind through the use of, (a) what is commonly known as an automatic gun or an automatic firearm of any kind; (b) or a magazine shotgun to hunt for any bird or animal, other than big game, which contains more than three shells at one time in the magazine and chamber combined, or a swivel gun or an air-rifle, or the apparatus known as a silencer; (c) or from an automobile or vehicle or boat or craft of any kind, propelled by any mechanical power; (d) or to set, lay or prepare for use or to use any bait, hay, grain, or other food, or any trap, snare, set-gun, net, bird-lime, deerlick, pitfall, turkey blind or turkey pen; the term "set-gun" as herein used meaning any contrivance, device, or firearm capable of discharging, or projecting, a deadly charge or missile, which is set to operate in the absence of the owner; (e) or to make use of, or take advantage of, any artificial light, battery, or other contrivance or device; (f) or to make use of any method or device not specifically permitted by this act, for the purpose of catching, taking, wounding, or killing wild birds or wild animals.

Illegal guns and devices.

It is unlawful to hunt for, catch, take, kill, or wound, or attempt to catch, take, kill, or wound raccoons except in the manner provided in this act.

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill, or attempt to kill, any big game except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge, or through the use of a bow and arrow, or to take an elk in any manner except through the method known as still hunting.

Single shot for big game.

Bow and arrow.

Spotlighting
big game.

It is unlawful for any person, or one or more of a group of persons together, to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest upon any big game while having in his or their possession or under their control a firearm or other implement whereby any big game could be killed, even though such animal be not shot at, injured, or killed. The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants, while traveling on a highway in the usual way, cast a light upon such animal on or adjacent to such highway, and there was no attempt or intent to locate such animal.

(c) Unlawful to Kill Big Game in Water

Big game in
water.

It is unlawful for any person at any time to shoot at or kill, wound or capture, or attempt to kill, wound or capture any big game while taking refuge in or swimming through the waters of any of the streams, ponds, dams, reservoirs or lakes.

(d) Use of Dogs in Hunting Big Game or Turkeys

Dogs on deer,
turkeys, etc.

It is unlawful for any person to make use of a dog in hunting big game or wild turkey, and every person who takes a dog into the woods, or who has possession or control of a dog in the woods, and every person in a camp which has a dog in their possession or control or in which a dog is harbored, shall be liable to the fines prescribed in this article for the unlawful chasing, taking, or killing of big game or wild turkey, as the case may be, if such dog runs after, pursues, or follows upon the track of any big game in such close pursuit as to endanger the life of the animal, or does pursue or scatter wild turkeys.

(e) Hunting with Ferrets or Fitches

Hunting with
ferrets, fitches.

Except as otherwise provided in this act, it is unlawful for any person to hunt for, catch, or kill, or cause or permit the hunting of hares or rabbits with or through the use of a ferret or a fitch. The fact that any person shall place a ferret or a fitch in any hole or opening outside of buildings in which a rabbit might be found, or shall be caught in the act of using a ferret or a fitch in taking hares or rabbits, or shall have a ferret or fitch in possession or under control in either the fields or forests or highways, or in or on any vehicle or trailer upon the highways, or on railroad or railway cars, shall render such person liable to the penalty prescribed in this article. Any ferret or fitch found running at large, or found in the possession or under the control of a person not possessed of a ferret or a fitch permit, or of

Possession.

a person convicted of violating any provisions of this act, shall be forfeited to the Commonwealth, and shall be immediately killed by the officer or citizen into whose hands such animal may come.

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for, or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle. Any person using a craft or boat for such purposes contrary to this section, or the captain or owner or other person in charge of such boat or craft who shall allow or permit the same to be used contrary to this section, shall be liable to the fine provided for in this article.

Power boats
unlawful.

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle, or conveyance other than a boat as above, or to use any vehicle, or trailer, or part thereof, or its lights or equipment for the killing, wounding or catching of game of any kind, or to use any vehicle or trailer for the transportation of game illegally killed.

Use of vehicle
unlawful.

Section 705. Unlawful Killing of Big Game.—It is unlawful for any person at any time by standing on watch or otherwise to kill, or attempt to kill, a second big game animal of the same species in one season. It shall not be unlawful for a member of a camp or body of men hunting together who has killed a legal big game animal to cooperate with the members of such camp or body of men hunting together only in the manner known as driving, while acting as a member of such camp or body of men hunting together, so long as the number of big game animals killed by such camp or body of men hunting together shall not exceed the legal limit.

Second deer,
bear.

Driving.

It is unlawful for any person at any time to shoot at or wound or kill, or attempt to shoot at or wound or kill, or have in possession, a female elk, or a deer without visible antlers or horns less than such weight or age as shall be fixed by resolution of the commission, or any part thereof, or a male elk or a male deer or a bear of either sex, found in a wild state, or any part thereof, that may not be lawfully taken except as otherwise provided by the laws of this Commonwealth.

Unlawful possession,
big game.

Section 706. Possession of Big Game Without Head Attached.—The possession or control of any big game animal or of any portion of such animal shall be prima facie evidence that it was killed unlawfully in this Commonwealth, unless the head is attached in a natural way. Each person in whose possession or under whose control the same may be found, or who may be proven to have had such animal, or part thereof, in possession

Big game without
head.

or under control, shall be liable to the penalty provided in this article for the unlawful killing of such big game, unless such person shall immediately, upon demand made by an officer of the Commonwealth whose duty it is to protect game, produce the head or other satisfactory evidence that the flesh in question, found in his possession or proven to have been under his control, is a part of a big game animal legally killed in the Commonwealth.

Camp regulations, big game.

Section 707. Regulations for Parties Hunting Big Game.—Each group of five or more persons who hunt together, or who in any manner cooperate with others, while hunting for big game, shall at all times maintain, upon the person of the captain or leader in charge of the entire cooperating group, a roster on a form supplied or approved by the commission and containing the names of all cooperating persons and such other information as may be required. In addition thereto, a duplicate copy of such roster shall be posted at the headquarters or camp of such party in such manner as to be plainly visible for inspection from the outside. The term “headquarters,” as herein used, shall mean any hunting camp, lodge, hotel, boarding house, private residence, tent, automobile, truck, trailer, or other place of abode, either temporary or permanent.

Roster.

Headquarters.

Each such roster shall at all times be open to inspection by any officer whose duty it is to enforce the game laws of this Commonwealth, and shall be produced in the field upon demand of any such officer.

The copy of the roster so posted at a permanent camp, lodge, boardinghouse, hotel, or residence shall remain posted at such headquarters for thirty days following the close of the open season.

Copy to commission.

A copy of such roster, containing the information required by the commission, shall be forwarded to the offices of the commission at Harrisburg not later than fifteen days after the close of the open season for the big game hunted by such party.

Each member liable.

For failure to maintain, post, produce or return the required roster or record, each member of the hunting party shall be liable to the penalties provided in this article.

Camp limit, possession.

It is unlawful for any body of men, either camping together or hunting in unison or in any manner cooperating with each other, to kill or be possessed of, in one season, more than the number of legal big game animals fixed by this act.

Individual liability for excess game.

Every person in a camp or body of men hunting together or in any manner cooperating with others in hunting for big game shall be individually liable to the full penalty imposed in this article for each big game animal killed in excess of the number provided by this

act after the time the various members of such party have had ample opportunity to get together, not exceeding the close of said day, and ascertain that the legal limit of such animals has been killed. In any case where more than the lawful number of big game animals are killed unintentionally by any hunting party, any excess animals shall be turned over to the nearest salaried representative of the commission, within eighteen hours after killing, for disposition as hereinafter provided.

Every person who may hunt individually or with another camp or party hunting in unison for big game, or in any manner cooperating with others hunting for such animals, after having participated in any manner in killing during the season the number of such animals prescribed in this act for hunting parties, shall be liable to the full penalty and costs of prosecution prescribed in this article for killing such animals contrary to the provisions of this article, and such penalty shall be imposed for every day such person shall hunt contrary to the provisions of this section.

Hunting after getting limit.

Section 708. Tagging Big Game.—Each person killing a big game animal found in a wild state shall within four hours attach thereto the big game tag supplied with his hunting license, both parts of which shall be properly completed. If such animal has been lawfully killed by a person not required to secure a license, or by a person who has previously killed another legal big game animal, or by a person who has lost the tag supplied with his license, such person shall make and attach a tag within four hours after such killing, bearing in plain English, his name, address, and, if holding a license, the license number and county number, if the license bears such number, with the location where such game was killed.

Tagging big game.

Every failure to have said tag attached, as herein provided, shall subject the person so neglecting to the penalties provided in this article; and if the person responsible for such neglect to tag any such game cannot be located, each member of the camp or party shall be individually liable to such penalty.

Failure to tag.

Any game found in the possession of any person and not tagged as herein provided shall be forfeited to the Commonwealth to be disposed of as hereinafter provided and may be seized by any officer whose duty it is to enforce the game laws.

Forfeiture of untagged game.

Section 709. Killing Game for Hire.—It is unlawful for any person to kill game for wages or hire, or in evasion of this provision; and, to that end, it shall be unlawful for any person acting as a guide to deliver, or in any manner cause to be delivered, to the benefit of his employer or the person he may be guiding, game

Hunting for hire

killed by him, or for the employer of any employe, acting in the capacity of a guide, to receive game killed by such employe or guide while in his employ.

Exceptions.

Dogs.

Nothing in this act shall be construed to prevent any person from using a dog or dogs, belonging to him or under his control, to locate or chase legal small game, while acting as a guide for others; or from acting as a guide, when not carrying a rifle or shotgun after such person has killed his limit of big game or participating in killing the lawful limit of big game as prescribed for camps or parties hunting in unison.

Salaried employes.

It is unlawful for any salaried employe of the Commonwealth, whose duty it is to enforce the game laws, to act as a guide for hunters.

Killing game by mistake.

Section 710. Killing Game by Mistake.—Each individual who may, by mistake, kill any wild bird or animal, contrary to the provisions of this act, or any rules and regulations of the commission, may, within twenty-four hours, pay one-half of the penalty imposed by law for the illegal killing of any big game animal, and two-fifths of the penalty imposed by law for the illegal killing of any other bird or animal to a legally authorized representative of the commission, if such individual, to the best of his ability, shall at once remove the entrails and deliver the carcass of the bird or animal so killed to any game protector for disposition as hereinafter provided, and shall, within twenty-four hours after such killing, make and deliver to such officer a statement in writing, under oath, explaining when and where and how such mistake was made.

One-half penalty.

Two-fifths penalty.

Care of carcass.

Affidavit.

Forwarding penalty.

Said portion of the penalty and the sworn statement, together with the officer's report, shall be forwarded to the director as quickly as possible for review. If after investigation the director is not satisfied said killing was done by mistake, but was caused by negligence or carelessness, he shall order the defendant to be prosecuted in the regular manner, and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act.

Further prosecution.

Parcel post shipments.

Section 711. Shipping Game by Parcel Post.—Except as in this act otherwise provided, it is unlawful for any person to ship game, or any part thereof, killed in a wild state in this Commonwealth, by parcel post. Nothing contained in this section shall be construed to prevent the shipment of skins of raccoons or bears, legally killed, if marked properly to show the contents.

Exceptions.

Shipment to taxidermists.

Section 712. Shipping Game to Taxidermists.—Nothing contained in this article relative to the shipment of parts of game within or out of the Commonwealth shall apply to the shipment of a bird or animal, or part thereof, either legally or accidentally killed,

that the holder thereof may desire to preserve as a trophy or as a specimen, and shall send to a licensed taxidermist for tanning or mounting, when the package is properly marked showing the contents thereof: Provided, That all such shipments out of the Commonwealth shall be legal only pursuant to a permit secured from the director.

Permit.

Section 713. Transporting Small Game.—It is unlawful for any person to ship or transport by common carrier of any description, or by vehicle or craft of any kind, or its attachment, any small game, or part thereof, killed in a wild state in this Commonwealth; or for any common carrier, or his or its agent, to transport small game of any kind, from one point to another point within this Commonwealth, unless such small game is accompanied by the owner thereof, or is carried upon the same train or conveyance with such owner in the following manner: Such game shall be carried upon the person, in the hunting coat or game bag, or openly as hand-baggage, without cover, in such manner as to be easily seen and inspected. When such game is carried in baggage or boxed for shipment, each package or box or receptacle of any description containing such game shall have attached thereto a card or marker, bearing, in English, the name of the person owning same, with the place of his residence, the name of the county wherein such game was killed, and the number of each species of small game contained in said package.

Transporting small game.

Must be accompanied.

Marker.

It is unlawful for any person to have in possession, or to transport, or attempt to transport, any species of game in excess of the legal possession limits fixed by this act or established by regulation adopted by the commission.

Possession, excess of limit.

Section 714. Transporting Big Game.—It is unlawful for any person or for any common carrier, or his or its agent, to ship or transport big game of any kind, unless the carcass shall in all instances have attached thereto a card or marker, bearing, in English, the name and address of the owner, his license and county number if the license bears such number with the name of the county wherein the same was killed.

Transporting big game.

It is unlawful for any person to cut up big game and ship, transport, carry or convey any part thereof, or for any common carrier, or his or its agent, to transport any such part, unless each division thereof shipped uncovered, or each package, container, or baggage of every description containing any part of such game, shall have attached a card or marker bearing, in English, the name of the owner of such game, with his home address, his license and county number if the license bears such number, and the character of the contents of such package, so that such contents may be determined by an outside inspection thereof.

Marking.

Transportation
out of State.

Section 715. Transportation of Game Outside of State.—Except as otherwise provided in this act, it is unlawful for any person at any time to ship, transport or remove, or attempt to assist to ship, transport or remove, or cause or attempt to have shipped or transported or removed, out of this State, any game animal or game bird or protected bird; or to have in his possession or under his control, any game bird or game animal or protected bird with intent to allow or aid in the shipment or removal thereof out of this State; and it is unlawful for any person acting in the capacity of a common carrier, or his or its agent, or as the operator of a conveyance of any kind, or in control of a conveyance of any kind, to receive for transportation, or to transport, remove or aid or assist in removing, or attempt to remove, beyond the limits of the State, any game animal or game bird or protected bird.

Exceptions.

Nothing contained in this section shall be held to impose any penalty upon the transportation of game in unbroken packages in transit through this State from another state; nor upon the shipment out of the State, at any time, of game legally killed or taken in another state, whether the same be in original packages or otherwise; nor upon the shipment of game legally killed in this Commonwealth, which is delivered in good faith to a common carrier for transportation from one point to another point in this State, if necessarily carried out of this State to reach its destination, but actually delivered at the point of destination within this State, and, in the case of small game, is accompanied by the owner thereof; nor upon the removal from the State at any time of mounted specimens of game lawfully taken if such specimens are being transferred as part of the personal effects of the owner thereof.

Mounted
specimens.

Nonresident
hunter.

Any nonresident licensed hunter may take with him personally, when leaving the State, in the manner prescribed by law relating to the shipment of game from one point to another point in this Commonwealth, and the tagging of game, any game, except elk, that such licensee has lawfully taken or killed, not exceeding, during the season, the number that any one person may lawfully take or kill in any three days.

Buying, selling
game.

Section 716. Buying and Selling Game.—Except as otherwise provided by this act, it is unlawful for any person, at any time, to buy, sell, or barter, or offer for sale or barter, or have in possession for sale or barter, any game, or parts thereof, no matter where such game has been killed, excepting deer or rabbits killed in another state or nation, or the skins of raccoons and bears, no matter where killed, and other game legally killed and imported from another state or nation when tagged as herein required.

Exceptions.

Except as otherwise provided by this act, it is unlawful for any person, at any time, to sell or barter, or offer for sale or barter, for human consumption, any species of game, or parts thereof, protected by this act or similar thereto, imported either dead or alive from another state or nation, except deer or rabbits, unless the carton containing such birds or animals, or the individual carcasses, shall have attached a tag identifying the birds or animals in plain English, and giving the state or nation from which originally shipped. Before any such game may be offered for sale, there shall first have been attached to each bird or animal, by a representative of the commission, a metal seal, the cost of which is hereby fixed at five cents, which seal shall remain attached until the carcass is prepared, or finally cut up, for consumption.

Tagging imported game.

Metal seal.

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged; or the purchase or sale of live raccoons legally possessed, for release or propagating purposes within the Commonwealth; or the purchase or sale, or introduction into this State, at any time, of live birds or animals for propagation, liberation, or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated; or to prevent, at any time, the sale within the State, or the shipment out of the State, without a license of any kind, of any animal raised in captivity and not found in a wild state in this Commonwealth; or the purchase or sale of the tanned, cured, or mounted heads or skins, or parts thereof, of any game not killed in a wild state in this Commonwealth.

Exceptions.

Live raccoons.

Inspection.

Mounted specimens.

Section 717. Dogs Pursuing Elk or Deer; Liability of Owners.—Any dog pursuing or following upon the track of an elk or deer is hereby declared to be a public nuisance. Such dog may be killed by any person when in such close pursuit as to endanger the life of any deer or elk, or found in the act of killing any deer or elk; or by any officer whose duty it is to protect the game of the State, upon affidavit made by any person acquainted with the facts that said dog is in the habit of pursuing elk or deer, or did kill or injure an elk or deer, within a period of three months before the date of such affidavit.

Dogs pursuing elk, deer.

The owner or person harboring or in control of a dog, either killed in conformity with the law or proven to have pursued or injured, or killed an elk or deer, contrary to the provisions of this section, shall be liable to penalty of fifty dollars for each elk and twenty-five dollars for each deer pursued, or injured or killed.

Liability of dog owner.

Penalties.

When the owner or person harboring or in control of a dog shall neglect or refuse to take such action as

Double penalty.

may be necessary to prevent such dog from running elk or deer, after notice, in writing, from an officer whose duty it is to protect game, to the effect that the dog in question is in the habit of pursuing elk or deer, he shall be liable to double the amount as fixed before for the first offense.

Dogs chasing small game.

Section 718. Dogs Pursuing Small Game in Close Season.—Any dog pursuing or following upon the track of any small game during what is known as the close season for game, is hereby declared to be a public nuisance, and may be killed by any officer of the Commonwealth whose duty it is to protect the game or wild birds, or the owner or lessee of land whereon it is found, or by an employe of such owner or lessee, unless such dog shall wear a collar having attached thereto a metallic tag, or plate upon which shall be plainly inscribed, in English, the name and address of the owner of such dog, and also a dog license tag as provided by the laws of the Commonwealth.

Licensed dog with collar, etc.

Any dog thus wearing a collar, inscribed and tagged as before mentioned, pursuing small game during the close season, may be killed by any officer of the State whose duty it is to protect the game of the State, or by the owner or lessee of any land upon which such dog may be found, or by any employe of either the owner or lessee, when such dog is seen upon the track of such game, or is in the act of injuring or killing, or has injured or killed, such game, after notice in writing, from that particular person, or from the director, has been given to the owner or reputed owner or person in control of such dog, to the effect that the dog in question is in the habit of destroying or pursuing or following upon the track of game contrary to this section.

Killing dogs after notice.

Any person who shall permit his dog or a dog under his control to pursue small game during the close season, shall be liable, without notice of any kind, to a penalty of ten dollars and costs of prosecution for each day small game may be pursued in violation of this section, and to an additional penalty of five dollars for each such animal or bird injured or killed by such dog without the aid or direction of its master.

Penalty.

Section 719. Training of Dogs on Certain Game; Exception for Fox Hunting.—Except as otherwise provided in this act, or in defense of person or property, it is unlawful for the owner of any dog or a dog under his control, to permit such dog to chase, pursue, or follow upon the track of any wild bird or wild animal, either day or night, between the first day of April and the nineteenth day of August next following: Provided, however, That the commission, upon receipt of a petition signed by two hundred and fifty (250) or

Dog training season.

Petition for fox hunting.

more residents of a county, who held hunting licenses of the previous year, or who are farmers or sheep raisers, whether licensed to hunt or not, shall by resolution, notice of which shall be published as required by this act, designate any county, or part thereof, in which hunting foxes with dogs at any time, either day or night, shall be lawful throughout the entire year, except for such sixty-day period as the commission may designate, when complying with the provisions of this act relative to hunting licenses or permits.

During the hours from sunrise to nine o'clock post-meridian, eastern standard time, dogs, when accompanied by and under control of their owner or handler, may be trained upon any game in this Commonwealth, except elk, deer, or bear, or wild turkey, from the twentieth day of August to the thirty-first day of March next following, unless said period be further restricted by resolution of the commission, so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds, except that during the foregoing period, and under the conditions stipulated, it shall be lawful to train dogs upon raccoons from sunrise to midnight, eastern standard time: Provided, however, That it shall be unlawful to train dogs on Sunday, unless the consent of the owner of the land where such training is being done has first been secured, but no such consent shall be required in the case of State and National forest lands.

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game.

Any person who shall train a dog or dogs, or permit a dog or dogs under his control, to pursue or follow upon the track of any small game, or other bird or animal, except elk, deer or bear, contrary to the foregoing provisions, shall, upon conviction, be sentenced to pay a fine of ten dollars and costs of prosecution for each offense.

Section 720. Permits for Field Trials.—It shall be lawful to hold field meets or trials, where dogs are permitted to work on liberated or native wild game in exhibition or contest, provided due diligence is exercised by those directing such meet, or participating therein, to prevent the injury or killing of the game being pursued, at any time during daylight hours from the twentieth day of August to the close of the training season as fixed by this act, or by resolution of the commission, without first securing a permit; and from the close of such training season to the fifteenth day of April after having secured a permit as hereinafter required.

Training restrictions.

Season.

Dogs on raccoons.

Sunday training

"Under control."

Penalty.

Field trials.

Permit, April 1st to 15th.

Led game. It shall also be lawful to hold field meets or trials for dogs with led game animals or with drags at any time between the sixteenth day of April and the nineteenth day of August next following after having secured a permit as hereinafter required.

Permit. Such permits may be issued by the director upon proper application and the payment of a fee of five dollars for each such trial held on not to exceed five consecutive days. A representative of the commission shall supervise all such meets and enforce any rules and regulations of the commission governing the same.

Fee. It is unlawful for three or more persons to hold, or participate in, a field trial or meet without first securing the permit required by this section. Participants in a recognized field trial or meet shall not be required to be possessed of either a hunter's license or a tag while participating in such field trials.

No hunter's license required.

Fine. Any person who shall violate any provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution for each offense.

Retriever trials. Section 721. Permits for Retriever Trials.—It shall be lawful to hold field meets or trials for retrieving dogs, where the skill of such animals is demonstrated by retrieving dead and wounded game birds or animals which have been propagated or otherwise legally acquired and released on the day of the trials, on premises owned or controlled by the club or individual conducting same, and shot for such purpose, at any time during daylight hours, Sundays excepted, from the fifteenth day of October to the thirty-first day of December next following after having secured a permit as herein required.

Season.

Permit fee. Such permits may be issued by the director upon proper application and the payment of a fee of ten dollars for each day upon which such trials shall be conducted. A representative of the commission shall supervise all such trials and enforce any rules and regulations of the commission governing the same.

Authority. Such permits shall authorize the holders thereof to kill all of the birds or animals specifically released by the permittee on the day of the trials, or from the hand while the trials are in progress under the observation of an official representative of the commission.

Official guns. The person or persons designated by the committee in charge to do the shooting for such trials shall be known as the official gun or guns, and no other person shall be permitted to kill or attempt to kill any of the birds or animals released for such trials. Birds or animals so released may be killed during the above period, without regard to sex or numbers.

Tagging. Before any game killed under the provisions of this section shall be consumed on the premises or removed

therefrom, the official representative of the commission shall attach a tag to each bird or animal killed, such tags to be numbered consecutively and supplied by the commission at reasonable cost, and shall contain such information as the commission may require. Said tags shall remain attached to the individual birds or animals until prepared for consumption and shall not be used more than once.

It is unlawful for any person to hold, conduct, or to participate in a retriever trial before the permit required by this section has been secured; or for any person to possess or remove from the shooting grounds any birds or animals killed which have not been tagged as herein required; or for any person to sell or purchase, or attempt to sell or purchase, any birds or animals killed in conformity with the provisions of this section. Unlawful acts.

Participants in such a recognized retriever trial shall not be required to be possessed of either a hunter's license or a tag while participating in such trial. No hunter's license.

Any person who shall violate any provisions of this section, shall, upon conviction, be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense. Fine.

Section 722. Permits for Fox Hunting Clubs.—It is lawful for any fox hunting club, fox hunting organization or individual owning and hunting an organized pack of twenty or more fox hounds to hunt foxes for sport from the twentieth day of August to the thirty-first day of March, next following, unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act, if such club, organization, or person shall first secure a permit as hereinafter required. Permits for fox hunting clubs.

Permits to hunt organized packs of fox hounds may be issued by the director upon proper application and the payment of an annual fee of fifty dollars, but no such permit shall be required of individuals or groups of individuals hunting foxes for sport from the twentieth day of August to the thirty-first day of March, next following, unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act, so long as they do not hunt with what is commonly known as an organized pack of twenty or more fox hounds, but all such persons shall be possessed of a hunter's license and tag as required by this act. Permit.
Fee.
Exception.

It is unlawful for any fox hunting club, fox hunting organization, or individual, or groups of individuals to hunt an organized pack of twenty or more fox hounds without complying with the provisions of this section. Persons participating in a hunt conducted with an or-

ganized pack of fox hounds under permit shall not be required to be possessed of either a hunter's license or tag.

Any person who shall violate any provision of this section shall, upon conviction, be sentenced to pay a fine of one hundred dollars and costs of prosecution for each offense.

Fine.

Importing,
selling, etc.

Section 723. Importing, Selling, and Releasing Certain Birds, Eggs, and Animals.—It is unlawful for any person to bring, or in any manner to have transported into this Commonwealth, from any other state or country, any living animal, or any bird or the eggs of any bird, the importation of which is prohibited by the Secretary of Agriculture of the United States, under the provisions of any law of the United States, or that may hereafter be prohibited by regulation of the commission; or to release within this Commonwealth any fox, wild cat, domestic cat, mink, weasel, ferret or fitch, brought into this State from another state or country, or reared in captivity or in a domestic state in this Commonwealth, or any other bird or animal the importation of which has been prohibited.

Releasing.

It is unlawful to bring into or sell within this Commonwealth living birds or animals of any kind, or the eggs of any bird, which have been imported from any other state or nation, or to release within this Commonwealth, for any purpose, imported birds or animals of any kind, contrary to such rules and regulations as the commission may adopt to safeguard the native wild game or fur-bearing animals of this Commonwealth.

Commission
rules, regula-
tions.

Fine.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay the fine provided for in this article.

Game destroying
property.

Section 724. Killing Game Destroying Property.—(1) Nothing in this act shall be construed to prevent any person, as hereinafter defined and restricted, from killing, in any manner, except through the use of poison, or explosives, or snares, or steel traps, raccoons and woodchucks excepted, any of the animals or birds hereinafter stipulated which he may find actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives, or in the case of red squirrels or blackbirds destroying either the eggs or young of protected or game birds; or from destroying said animals or birds anywhere on the property under his control immediately following such destruction, or where the presence of said bird or animal on any such cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction.

"Person" defined.

The word "person" as used in this clause shall mean any person actually residing upon and cultivating, as a

means of gaining a livelihood, any lands for general farm crop purposes, commercial trucking, or fruit orchard or nursery being regularly maintained for commercial purposes, as either the owner or lessee of such lands, or a member of his family actually residing upon and regularly assisting in the cultivation thereof, or an employe of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation thereof, and where such owner or lessee shall, upon request of any representative of the commission, produce satisfactory evidence that material damage has been done within fifteen (15) days and that there was just cause for reasonable apprehension of additional imminent destruction, provided that such lands are open to public hunting and that no saltlick, bait, or other artificial means have been used to lure said animals or birds onto such lands.

Material damage.

(2) Any elk, deer, or bear may be legally killed only through the use of a firearm which discharges a single ball or bullet not smaller than a twenty-five calibre, under the foregoing provisions, provided a report is made as hereinafter required and other conditions stipulated are complied with; and

Firearms used on big game.

(3) Any rabbit, squirrel, raccoon, woodchuck, or the birds commonly known as blackbirds, may be legally killed under the foregoing provisions, provided a report is made as hereinafter required and other conditions stipulated are complied with.

Killing small game.

(4) The provisions of this section shall be construed to permit the killing of those birds or animals enumerated herein, upon detached lands being cultivated for like purposes in common with lands upon which the actual residence of the operator is maintained, provided the killing thereof is reported and the carcasses are cared for as hereinafter stipulated, but no such birds or animals killed on any such detached land shall be retained for food.

Detached lands.

(5) The person killing any such animal or bird, except woodchucks and red squirrels and the birds commonly known as blackbirds, shall within twelve (12) hours after killing, either orally or in writing, report such killing to the nearest game protector or the office of the commission at Harrisburg, setting forth the date and time of killing, the species killed, and in the case of elk, or deer, or bear the sex thereof, and shall, except in the case of red squirrels or the birds commonly known as blackbirds, immediately after killing remove the entrails, and transfer the carcass to a place of safekeeping to be turned over to any game protector upon demand, except as hereinafter specified.

Reports.

Remove entrails.

(6) One elk, or deer, or bear so killed, and reported in accordance with the foregoing provisions, may be

Retaining carcass.

retained for food, provided all portions of the carcass generally considered edible shall be consumed only within the household of a person residing upon such lands and having a legal right to kill the same. No additional animals shall be retained for food until the entire carcass of the animal previously retained has been entirely consumed under the foregoing provisions. Any additional elk, or deer, or bears legally killed under the provisions of this section, so long as there is any unconsumed or edible portion of an elk, or a deer, or a bear retained within the household of any person legally entitled to possess the same under the provisions of this section, shall be turned over to a game protector as hereinbefore specified.

Unlawful acts.

(7) It is unlawful for any person not legally entitled under the provisions of this section to hunt for, chase, kill, or attempt to kill, or to deliver, or transport, ship, purchase, barter, exchange or give away any bird or animal, or any portion thereof, killed under the provisions of this section, or to fail or refuse to report such killing within the specified time, or to fail to remove the entrails and properly care for the carcass of an animal so killed.

Any person violating any of the several provisions of this section shall be liable for the fines hereinafter provided.

Nests of birds,
etc.

Section 725. Possession or Interference with Nests or Eggs of Birds.—Except as otherwise provided in this act, it is unlawful for any person to take or have in possession or under control, either the nest, or any egg or young found therein, of any game bird or protected bird, or to wantonly interfere with or destroy any such nest or egg, or the young found therein. Any person violating any of the provisions of this section shall be liable to the fines hereinafter provided.

Protected birds,
unlawful killing,
possession.

Section 726. Unlawful Killing and Possession of Protected Birds.—Except as otherwise provided in this act, it is unlawful for any person, at any time, to shoot at, wound, take, or kill any protected birds, or to have such birds, either living or dead, or any part thereof, in his possession.

Exceptions.

Nothing contained in this section shall be construed to prevent any person from killing any eagle or hawk or owl or turkey vulture or heron protected by this act, when caught in the act of destroying domestic live-stock, poultry, game, other protected birds, their nests or young, or fish in private rearing ponds, or to prevent such killing immediately following such destruction.

Permit.

No protected bird, or any part thereof, killed as herein provided or by accident shall be mounted or retained in possession except pursuant to a permit obtained from the commission.

Any person violating any of the provisions of this section shall be liable to the penalty hereinafter provided.

Section 727. Unlawful Sale of Protected Birds and Plumage.—Except as otherwise provided in this act, it is unlawful for any person, acting either for himself or as the agent or representative of another, to have any protected bird, or any part of the plumage or skin thereof, or any bird or part of the plumage or skin of a bird that may have been brought into this Commonwealth from another state or country, which belongs to the same family as those found in a wild state in this Commonwealth, in possession or under control for the purpose of sale, or to offer or expose the same for sale, or to transport, ship, or remove, or attempt to transport, ship or remove, from this Commonwealth, for any purpose, any such bird, either living or dead, or any part of the plumage or skin thereof.

Sale of protected birds.

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided.

Section 728. Ownership of Carcass of Game.—The ownership of the carcass of game lawfully shot and killed shall be deemed to be in the person who inflicts a mortal wound which causes the death of the bird or animal and which enables the hunter to obtain possession of the carcass.

Ownership of game.

When a mortal wound has been lawfully inflicted on any game, but the same is not killed immediately and continues in flight, and is thereafter lawfully shot by another hunter who inflicts a mortal wound, thereby stopping the flight of such game and killing it, enabling such hunter to take possession of the carcass, the ownership of the carcass shall be deemed to be in the hunter whose fatal wound stopped the flight of such game and enabled him to take possession of the carcass.

Mortal wounds.

In case of a dispute, a disinterested person, other than an officer whose duty it is to enforce the game laws, may be called in to arbitrate the matter, and no such officer shall testify concerning any such dispute.

Disputes.

Section 729. Larceny.—Any animal or bird, or the carcass or body or parts thereof of any animal or bird, lawfully taken, killed or caught by any person under the provisions of this act, shall be deemed to be personal property and the subject of larceny.

Larceny.

Section 730. Vehicles on Highways Required to Stop Upon Signal.—It is unlawful for the operator of any motor vehicle to fail or refuse to stop any such vehicle or conveyance of any kind, being operated upon any public highway within this Commonwealth, upon request or signal of any officer whose duty it is to enforce the game laws, when such officer is in uniform and shall display his badge or other insignia of identifica-

Stopping vehicles.

tion, for the purpose of inspecting or searching said vehicle or conveyance, its passengers or contents, for the unlawful possession, concealment, or transportation of game of any species, or parts thereof, or to in any manner interfere with any such officer while making such inspection.

Turning off lights.

It is unlawful for any person to turn off any or all lights on a vehicle or conveyance, being operated upon any public highway within this Commonwealth, for the purpose of avoiding identification or arrest, upon request or signal to stop as required in this section.

Penalties.

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

Sunday hunting.

(a) For hunting or shooting or chasing or catching or killing any game, or attempting to shoot at or chase or catch or kill, with or without dogs, any game, upon the first day of the week, commonly called Sunday; or for hunting for, or shooting at, or catching or killing, or attempting to hunt for, or shoot at, or catch or kill, any game, (except as authorized by this act), between five o'clock postmeridian of one day and seven o'clock antemeridian, eastern standard time, of the day following, contrary to the provisions of this article, or regulations adopted thereunder by the commission, twenty-five dollars;

Night hunting.

Vehicle.

(b) For using a vehicle or trailer, or conveyance, or boat or craft, or permitting the same to be used contrary to the provisions of this article, fifty dollars for each day;

Traps.

(c) For taking any wild animal or wild bird contrary to the provisions of this article, or regulations adopted thereunder by the commission, ten dollars for each trap or device so used;

Roster.

(d) For failure to maintain, post, or produce, upon demand by an officer, the roster or record of a hunting party as required by the provisions of this article, twenty-five dollars;

Return of roster.

(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party, or a copy thereof, as required by the provisions of this article, five dollars;

Tagging big game.

(f) For failure to tag or mark a deer or elk or bear within four hours after killing, as required by the provisions of this article, twenty-five dollars;

Marking.

(g) For shipping, transporting, carrying, or conveying parts of large game in any package, container, or baggage of any description without having a card or marker attached as provided by this article, twenty-five dollars;

Common carrier.

(h) For a common carrier, or his or its agent, to transport game from one point to another in this Com-

monwealth, contrary to the provisions of this article, twenty-five dollars;

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof, and living animals imported or brought into or released within this Commonwealth, twenty-five dollars for each bird or egg or animal imported or sold or released, contrary to said provisions; Importing.

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article, fifty dollars for each nest, and twenty-five dollars for each young; Destroying nests.

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article, ten dollars for each nest or young;

(l) For shooting at or wounding or taking or killing or possessing any protected bird contrary to the provisions of this article, ten dollars; Protected birds.

(m) For selling or offering for sale or possessing for the purpose of sale, or transporting or shipping or attempting to transport or ship, any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family, or the skins or plumage of any such bird, twenty dollars;

(n) For making use of, or taking advantage of, any vehicle, trailer, conveyance, headlight, or spot light, or artificial light or battery or other contrivance or device to spot or locate or hunt for, or catch or take or kill or wound, any elk, deer or bear, or for setting, laying, or preparing for use, or using, any set-gun for the purpose, or evident purpose, of taking, killing, or wounding, or attempting to take, kill, or wound, any elk, deer, bear, or other wild bird or wild animal, contrary to the provisions of this article, one hundred dollars for each person concerned; and the forfeiture of such vehicle, trailer, headlight, spot light, or other contrivance and all paraphernalia used; Spotlighting.

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth, upon request or signal of any officer whose duty it is to enforce the game laws, contrary to the provisions of this article, ten dollars; Set-gun.

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest, contrary to the provisions of this article, fifty dollars; Forfeiture.

(q) Except as otherwise herein provided, for hunting, or chasing, or catching, or taking, or killing, or wounding, or receiving, or delivering, or transporting, or shipping or using or concealing or assisting to conceal, or having in possession, or attempting to hunt for, Refusal to stop vehicle.

Turning off lights.

Miscellaneous penalties.

catch, take, kill, wound, or transport contrary to this article, or regulations adopted thereunder by the commission, or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth, or relating to the buying or selling or bartering of;

I. Each elk, two hundred dollars, and in the discretion of the court, six months' imprisonment.

II. Each deer or bear, one hundred dollars.

III. Each wild turkey, ruffed grouse, pheasant, quail, partridge, or woodcock, twenty-five dollars.

IV. Each raccoon, twenty-five dollars.

V. Each other wild bird or wild animal, ten dollars.

Possession after time limit.

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article, the fine shall be one-half of the fine above prescribed.

Use of ferret, fitch.

In addition to the fine above prescribed, any person who shall make use of or have in possession or under control a ferret or fitch, contrary to the provisions of this article, shall, upon conviction, be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution.

Imprisonment.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Second offense.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and, in addition thereto, shall in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

ARTICLE VIII

PROPERTY DAMAGE AND SAFETY REGULATIONS

(a) Property Damage; Regulations

Property damage unlawful.

Section 801. Property Damage Prohibited.—It is unlawful for any person while hunting or trapping for wild birds or animals of any kind to cause damage, or assist in causing damage, or injury, in any manner whatsoever, to either real or personal property of any kind, or to leave gates or bars open, or to break down, destroy or injure fences, or to tear down or scatter rail, post, wood or stone piles, or through carelessness or negligence to injure livestock of any kind.

Removal of wounded animal.

The foregoing provision shall not be construed to prevent the removal of a mortally wounded bird or animal from its place of refuge in a rail, post, wood, or stone pile or fence, if permission has first been obtained from the owner or person in charge of such property, and provided such property is restored to the condition in which it was found.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

Fine.

(b) General Safety Regulations

Section 805. Hunting Prohibited While Intoxicated, or Under Influence of Narcotics.—It is unlawful to hunt or trap anywhere in this Commonwealth with firearms, or with bow and arrow, or to enter any of the fields or forests, or to enter upon any lands, or go upon any streams or other waters within or bordering upon this Commonwealth, while possessed of a firearm of any kind, or a bow and arrow, for the purpose of hunting or trapping, when intoxicated or under the influence of intoxicating liquor or narcotic drugs.

Hunting while intoxicated.

The fact that any person shall be found in possession of a firearm of any description, or a bow and arrow, usable for the purpose of killing or taking wild birds or wild animals, either in the field, in the forest, on the public highways, or on the waters of this Commonwealth, while intoxicated, or under the influence of intoxicating liquor or narcotic drugs, shall be considered "prima facie evidence" that such person is hunting or trapping contrary to the provisions of this section.

Narcotic drugs.

Prima facie evidence.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

Fine.

Section 806. Possession of Loaded Firearms and Certain Ammunition Restricted.—Except as otherwise provided by law, it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun, or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed, in or on any vehicle or conveyance, or its attachments, while standing upon or along, or being driven upon or along, any public highway, or a highway open to use or used by the public, within this Commonwealth: Provided, however, That between five o'clock postmeridian of one day and seven o'clock antemeridian, eastern standard time, of the day following, any unloaded rifle, being lawfully carried in accordance with the foregoing provisions, which is capable of discharging a cartridge larger than a .22 calibre long rifle, shall be so carried only when in a case or taken apart and securely wrapped; but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game.

Loaded firearms restricted.

Transporting rifles at night.

Exception.

Except during the open season for big game, it is unlawful for any person to have in possession, in or on any vehicle, conveyance, or its attachments, while standing upon or along, or being driven upon or along any

Cartridges, shells.

public highway or a highway open to use by the public, within this Commonwealth between five o'clock post-meridian of one day and seven o'clock antemeridian, eastern standard time, of the day following, any rifle cartridge larger than a .22 calibre long rifle, or any shotgun shell containing either a single bullet or pellets larger than a BB, unless all such cartridges or shells are carried in unbroken original cartons, or securely wrapped.

Officers excepted. The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty, or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty.

Fine. Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

Shooting game on highways. Section 807. Shooting at Game While on Highways.—It is unlawful for any person to shoot at game while it is on a public highway, or a highway open to use or used by the public, or knowingly to shoot across a public highway, or a highway open to use or used by the public, while hunting for game, unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof.

Fine. Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

Shooting in safety zones. Section 808. Prohibiting Shooting in Safety Zones.—It is unlawful for any person, while hunting or trapping for wild birds or wild animals of any kind, to shoot or discharge any firearm or other deadly weapon within one hundred and fifty yards of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith, without the specific permission of the owner or tenant thereof.

Fine. Any person who shall violate any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

Small game hunting parties. Section 810. Parties Hunting Small Game Limited.—During the open season for taking small game, it is unlawful for more than five persons to hunt in unison, or to cooperate in any manner with each other, to hunt for wild birds or wild animals of any kind other than big game.

Fine. Each person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of five dollars and costs of prosecution for participating or cooperating in a hunt contrary to the provisions of this section.

(c) Controlling Shooting During Big Game Season

Section 815. Certain Shooting During Big Game Season Prohibited.—It is unlawful for any person, during the open season for taking big game, to (a) shoot at any mark or target other than legal birds or animals, with a firearm of any kind, except at a properly constructed target or mark, or a dead tree, protected by a natural or artificial barrier so that the ball or bullet cannot travel more than fifteen yards beyond the target aimed at, after making due allowance for deflection in any direction not to exceed an angle of forty-five degrees, which target shooting shall be lawful only when done within two hundred yards of the camp or other headquarters where such person is quartered, or is an invited guest or visitor; or (b) to discharge any firearm at random in the general direction of any human being, or in the general direction of any wild bird or animal for the purpose of routing or frightening the same; or (c) to discharge any firearm at random or in any other manner contrary to the provisions of this section.

Certain shooting prohibited.

Target zone.

Random shooting.

Provided, however, that the provisions of this section shall not be construed to apply in any manner to the discharge of any firearm for the sole purpose of signalling for aid or assistance while in distress, or to the use of rifle or pistol ranges owned, leased, or maintained by a State or Federal military or police organization, or by any regularly organized rifle, pistol or shotgun shooting association or club, while shooting at a regularly established and properly safeguarded range, or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship.

Exceptions.

Signalling.

Ranges.

Exhibitions.

Each person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of ten dollars and costs of prosecution.

Fine.

(d) Sanatorium and Park Protection

Section 820. Sanatorium and Park Protection.—It is unlawful for any person within this Commonwealth to discharge a firearm of any description, except in defense of person or property, or at a properly constructed and designated pistol, rifle or shotgun range or gallery, upon the grounds belonging to or connected with, and controlled as a public or private hospital or sanatorium, or park or resort, set apart to the use of the public, either free or otherwise, and upon which human beings congregate in the open in quest of health, recreation or pleasure.

Sanatorium, park protection.

The boundary of such lands or premises shall be clearly defined by appropriate posters or markers, calling attention to the fact that the land within such bound-

Posters required.

ary has been set apart for the specific purpose for which it is intended, and that shooting upon said property is prohibited: Provided, That no privileges may be granted by those owning or operating such lands to any person to hunt for or shoot at either game birds or game animals upon such property.

No privileges.

Fine.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.

(e) Shooting Human Beings in Mistake

Shooting human beings in mistake.

Section 825. Shooting at Human Beings in Mistake. —It is unlawful for any person, while using a firearm of any kind, or a bow and arrow, to either shoot at, wound, or kill a human being in mistake for either game or a wild creature of any description: Provided, however, That no person shall be held to have violated the provisions of this section who, while actually shooting at any game or wild creature, shall accidentally shoot in the direction of or injure or kill another person.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be sentenced to pay the penalties herein provided:

Shooting at human beings.

(a) Shooting at Human Beings in Mistake. Every person who shall shoot at a human being in mistake, in violation of the provisions of this section, but who shall not injure the human being shot at, shall, upon conviction, for the first offense be sentenced to pay a fine of not less than one hundred dollars or more than three hundred dollars, and in addition to such fine shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of two years from the date of conviction, to be noted upon the record of conviction as part of the sentence.

Penalties.

Revocation.

Wounding human beings.

(b) Wounding Human Beings in Mistake. Every person who shall, in violation of any provision of this section, wound, but not kill, such human being, shall, upon conviction, for the first offense be sentenced to pay a penalty to the party so injured of not less than two hundred dollars nor more than five hundred dollars, and shall, in addition to such cash penalty, be imprisoned in the county jail of the county in which the offense was committed for a period of not less than one year or more than three years, and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of five years from the date of such conviction, to be noted upon the record of conviction as a part of the sentence.

Penalties.

Revocation.

Killing human beings.

(c) Killing Human Beings in Mistake. Every person who shall, in violation of any of the provisions of

this section, kill a human being in mistake, shall upon conviction, for the first offense be sentenced to pay a penalty to the personal representative of the deceased of not less than five hundred dollars or more than one thousand dollars, and shall, in addition to such cash penalty imposed, suffer imprisonment in the jail of the county in which the offense is committed for a period of not less than two years or more than five years, and such person, in addition thereto, shall be denied the right to hunt or trap anywhere within this Commonwealth, with or without a license, for a period of ten years after the date of such conviction, to be noted upon the record of his conviction as a part of the sentence.

Penalties.

Revocation.

(d) Additional Penalties. Every person convicted of either or any of the before-mentioned offenses, who shall for any reason fail to pay the cash penalty imposed by this section for the specified offenses committed, shall for the first offense, in addition to any other term of imprisonment imposed by this section, undergo an imprisonment of one day in jail for each dollar of penalty imposed: Provided, That no term of imprisonment suffered in lieu of any cash penalty imposed by this section shall exceed one year.

Additional penalties.

Limited.

Every person who shall hunt or trap or attempt to hunt or trap, with or without a license, in this Commonwealth, contrary to any sentence imposed for violation of any provision of this section, shall, upon conviction, be sentenced to undergo imprisonment in the county jail of the county in which the conviction is secured for a period of not less than three months or more than six months.

Hunting after revocation.

(f) Accident Reports Required

Section 830. Accident Reports Required.—Every person who shall cause an injury to a human being by gunfire while hunting or trapping, or shall have inflicted an injury upon himself with firearms, or with a bow and arrow, while hunting or trapping, shall render a report to the commission at Harrisburg, on forms provided for that purpose, within seventy-two hours after such injury, unless such person be physically incapable of making the required report, in which event it shall be the duty of the person causing the accident to designate an agent to file the report within the specified time.

Accident reports.

Any person who shall inflict bodily injury upon another, or upon himself, while hunting or trapping, and who shall fail to submit the report specified, within the required time, shall, upon conviction, in a nonfatal accident, be sentenced to pay a fine of twenty-five dollars and costs of prosecution; and for a fatal accident fifty dollars and costs of prosecution.

Fines.

(g) Assistance Required in Accidents

Assistance
required.

Section 835. Assistance Required in Accidents.—It is unlawful for any person who has inflicted injury to a human being by gunfire, or with a bow and arrow, while hunting or trapping to flee, or to fail or refuse to render immediate and full assistance to the person so injured.

Fine.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of one hundred dollars and costs of prosecution, and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of ten years.

Right to hunt
denied.

(h) Imprisonment; Subsequent Offenses

Imprisonment.

Section 840. Additional Penalties.—Upon failure of any person convicted of a first offense of any of the provisions of this article to immediately pay the fine imposed and costs of prosecution, such person shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Second offense.

Any person convicted of a second or subsequent offense of any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of twice the amount of the penalty imposed by any section of this article and the costs of prosecution, and upon failure to immediately pay the fine and costs so imposed, shall be committed to the county jail in the county in which such offense was committed for a period of one day for each dollar of fine and costs imposed, and in addition thereto shall be denied the right to hunt anywhere, within this Commonwealth, with or without a license, for such period as the court may direct.

Imprisonment.

Revocation.

Any person convicted of a second or subsequent offense of any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of twice the amount of the penalty imposed by any section of this article and the costs of prosecution, and upon failure to immediately pay the fine and costs so imposed, shall be committed to the county jail in the county in which such offense was committed for a period of one day for each dollar of fine and costs imposed, and in addition thereto shall be denied the right to hunt anywhere, within this Commonwealth, with or without a license, for such period as the court may direct.

ARTICLE IX

STATE GAME LANDS, REFUGES, PRESERVES, ETC.

(a) State Game Lands

Procurement
of lands.

Section 901. Acquisition.—The commission may acquire title to or control of lands and/or buildings within the Commonwealth, or the hunting rights or other rights on lands, suitable for the protection, propagation, and management of wildlife, or for public hunting and trapping, or administrative purposes, or to be used as hereinafter provided, by purchase, gift, lease or otherwise.

Condemnation.

The commission may also acquire title to lands by condemnation proceedings in the same manner as provided for the condemnation of lands for State Forests.

Tax delinquent
lands.

The commission may also purchase tax delinquent lands from the commissioners of the respective counties, or from the county treasurers of the respective counties as provided by law.

The commission may acquire by purchase or otherwise timber, minerals, oil, gas, or other rights outstanding for or on land for which titles have been or are being acquired.

Outstanding rights.

The commission may exchange timber which should be cut to improve wildlife conditions, or minerals or oil or gas, from lands for which title has been acquired for suitable lands having an equal or greater value than the estimated value thereof.

Exchange timber for lands.

Lands for which titles are acquired may be designated State Game Lands, or State Game Farms, or State Game Propagation Areas, depending upon the purpose for which they are to be used. Other lands for which the commission secures control or partial control may be given such designation as the commission may decide, or as may be agreed to by the owner thereof.

Designation of lands.

The commission may lease or acquire title to lands from which the ownership of minerals, oil or gas, and the right to mine and drill for or remove the same, have been excepted and reserved, or from which water rights or timber or other rights have been excepted or reserved, provided such exceptions and reservations will not seriously interfere with the purpose for which the property is acquired.

Exceptions and reservations.

All acquisitions of lands shall be made only with the consent of a majority of the commission. The president shall represent the commission in the execution of land purchase contracts. In the execution of leases and other similar agreements, approved by the commission, the executive director may represent the commission.

Acceptance of offers.

The commission may lease or otherwise secure rights of way on and across either publicly-owned or privately-owned lands, or water or other rights which may be required to conduct its proper functions.

May secure rights of way.

Section 902. Title and Control. — The title to any lands to be acquired by purchase, gift, condemnation, exchange or otherwise, shall be taken in the name of the Commonwealth for use of the Pennsylvania Game Commission.

Title.

The title records for such lands shall first be carefully searched and examined by the commission, through its employes or agents, and, when satisfied a valid title can be secured, a brief of the title shall be submitted to the Attorney General, or a deputy attorney general whom he may designate, for such review as he may deem necessary; and, if he considers said title valid, he shall approve it and so notify the commission.

Titles to be examined.

The deed to any such lands shall be deposited with the Secretary of Internal Affairs.

The entire control of all such lands shall be under the direction of the commission.

Commission control.

Section 903. Purchase Price.—No land to be used as State Game Lands shall be purchased at a price

Purchase price.
State Game Lands.

exceeding thirty dollars per acre, except that the commission may pay what it considers a fair and reasonable price for land, with or without buildings, required for administrative purposes in connection with State Game Lands or State Game Refuges.

Game farms.

For land to be used as State Game Farms the commission may pay what it considers a fair and reasonable price consistent with farm values in the locality in which any such land may be located.

Outstanding rights.

For timber, minerals, oil, gas or other rights outstanding for or on lands for which titles have been or are being acquired, the commission may pay such prices as it considers fair and reasonable.

Buildings.

Buildings for administration, management, or other purposes, with or without land, may be purchased or constructed, and land may be purchased upon which to construct such buildings, at prices which the commission considers fair and reasonable consistent with the purpose for which intended.

Allotment of funds.

The commission may expend for lands or buildings, or other improvements, or for leases, during any year such amount as in its opinion can be allotted for such purposes.

Exchange.

Section 904. Exchange or Sale. — The commission may, by resolution adopted by unanimous vote at a meeting when at least a majority of the members are present and voting, authorize the exchange of any lands for which title has been acquired, or part thereof, or buildings, or other improvements and appurtenances thereto, for privately-owned lands or buildings having an equal or greater value and suitable for wildlife purposes when the commission deems such exchange for the best interests of the wildlife of the Commonwealth.

Sale to other governmental agencies.

Such lands may also be sold to the Department of Forests and Waters of this Commonwealth, or to the United States of America for National Forests, or may be exchanged with such agencies for State Forests or National Forests when the best interests of the wildlife of the Commonwealth can thus be attained.

Deeds.

The necessary deeds or records to consummate such sale or exchange shall be subject to approval of the Attorney General, or a deputy attorney general whom he may designate, and shall be executed by the president of the commission acting for the Commonwealth. The proceeds of any such sale shall be deposited in the Game Fund.

Not accessible for taxation.

Section 905. Fixed Charges.—Lands or buildings to which title has been taken in the name of the Commonwealth, for use of the commission, by purchase, gift or otherwise, shall be exempt from the payment of all taxes, except such fixed charges as apply to and are imposed upon State forests.

Section 906. Use of Lands.—Lands for which title has been acquired for use of the commission, or which have been leased, or any part thereof, may be used for the purpose of creating and maintaining State Game Refuges and Public Hunting Grounds, either or both, or for the propagation of game, or for game propagation experiments, or for special preserves as hereinafter provided, and as much thereof as deemed necessary may be used for the administration, development and management of such lands and the commission may permit its employes or agents to reside thereon.

Game refuges,
etc.

The commission may cut, or cut and remove, and sell or otherwise dispose of, or permit the cutting, removing and selling of timber on lands for which title has been acquired.

Timber.

The commission, subject to the approval of the Governor, may sell or lease minerals or oil or gas on, in and under lands for which title has been acquired for its use when such disposition appears to the commission to be for the best interests of the Commonwealth: Provided, however, That when the estimated value of such minerals or oil or gas exceeds five hundred dollars, the proposed sale or lease shall be advertised at least once a week for three successive weeks in two or more newspapers published in the general locality of the lands in question.

Sale of
minerals.

The commission may sell or otherwise dispose of less valuable sand, clay, stone, or other minerals or other products from said lands when such sale or disposition will not, in the opinion of the commission, adversely affect game protection or propagation or public hunting.

Sale of land,
clay, etc.

The commission may grant rights of way or licenses for rights of way for roads, pipe lines, electric lines, telephone lines, and telegraph lines on and across lands for which title has been acquired for its use, when such grants will not in the opinion of the commission adversely affect game protection and propagation, and shall charge for such licenses such remuneration and damages as the commission deems the conditions and circumstances warrant.

Rights of way
may be granted.

The commission may grant water rights, or rights to maintain airway beacon lights, or forest fire observation towers on lands acquired for its use, when such grants will not adversely affect game protection and propagation, and may charge for such licenses such rental and damages as the commission deems the conditions and circumstances warrant.

Fire observation
towers, etc.

No camp site lease may be issued to any person, nor shall overnight camping be permitted on State Game Lands, except that such rights may be granted to officers or agents of the commission, or the Board of Fish

No camping.

Commissioners, or the Department of Forests and Waters, or the United States Forest Service, or any other governmental agency when necessary for the performance of official duties incident to wildlife or forest preservation.

Deposit revenues
in Game Fund.

All net proceeds from the sale of timber, or the sale or leasing of minerals, or of oil or gas or other products, or for licenses or other rights granted by the commission, shall be deposited in the Game Fund.

Buildings may be
purchased or
constructed.

Section 907. Buildings; Other Improvements.—The commission may purchase, erect, or otherwise acquire or secure the use of, and repair and maintain, such buildings or other improvements on lands acquired for its use or under its control as may be deemed necessary for their proper utilization, maintenance, protection, development, administration, propagation of wildlife, experimental activities, or any other purpose incident to the commission's functions.

Disposal of
buildings.

The commission may sell or otherwise dispose of buildings or other improvements on lands for which title has been acquired for its use, or buildings or other improvements which it erected or purchased or otherwise acquired on lands under its control, when such buildings or other improvements are no longer of use to the Commonwealth, except that no building valued at five hundred dollars or more shall be sold without appropriate public advertisement. The net proceeds of such sale shall be deposited in the Game Fund.

(b) State Game Refuges

No hunting,
State Game
Refuges.

Section 915. Authorization. — The commission may establish and maintain State Game Refuges for the protection and propagation of wildlife on all or any portion of State Game Lands, wherein and whereon game animals and game birds and fur-bearing animals shall not be hunted, pursued, disturbed or molested or killed at any time, except by such agents as may be authorized by the commission.

Refuges on other
than State Game
Lands.

The commission may also, with and by the consent of the proper authorities, locate and maintain such State Game Refuges on State Forests, National Forests, or other publicly-owned lands within the Commonwealth. The commission may also establish and maintain such refuges on privately-owned lands leased for this purpose.

Marking with
wire and posters.

Section 916. Boundary Lines.—The boundary line of each State Game Refuge shall be surrounded by a well-defined fire line, road, or other clear strip of land, and by at least one strand of wire. Along the boundary of each such refuge, there shall be posted in conspicuous places, not more than one hundred and fifty yards apart, notices bearing the following: "State Game

Refuge, Hunting is Unlawful," and such other information, or other signs or posters, as the commission may deem advisable.

(c) Auxiliary State Game Refuges.

Section 924. Authorization. — The commission may establish and maintain Auxiliary State Game Refuges, State Game Propagation Areas, and Special Preserves, of such size as the commission may determine, for the protection and propagation of wildlife, wherein and whereon game animals, game birds, fur-bearing animals and predators shall not be hunted, pursued, disturbed or molested at any time, except as may be authorized by the commission on lands suitable for such purpose, and may create and maintain public hunting and trapping areas in conjunction therewith.

Refuges, propagation areas, special preserves.

Suitable lands owned or controlled by individuals, corporations, associations, municipalities, or by the State or National Government, may be used for such purpose, subject to permission of the proper authorities or persons owning or controlling the same.

Ownership.

The hunting rights for such lands shall, by written agreement or lease, be vested in the Commonwealth for use of the commission, by the owner or owners, or persons having legal control and authority to vest such rights, or proper governmental agencies, for an uninterrupted period of five years or more. The commission may authorize and empower the executive director to execute such agreements or leases on behalf of it and the Commonwealth.

Lease of hunting rights.

The executive director, on behalf of the commission and the Commonwealth, may cancel such an agreement or lease upon sixty days' notice to the lessor when in the judgment of the commission the use of such lands is no longer needed or desired; or in case the owner or owners desire to sell such property and such sale cannot be consummated subject to said lease, provided the executive director is satisfied the principal object of such sale is not to convert to private use the hunting, trapping, or fishing rights made more valuable through the use of such property as an Auxiliary State Game Refuge or special preserve or game propagation area.

Cancellation.

Section 925. Application.—Whenever the owner or owners, or persons having legal control, or interested persons or associations desire to have the commission establish one or more Auxiliary State Game Refuges on all or any part or parts of land suitable for the purpose, and containing not less than 100 acres, they may make application to the commission on forms which shall be provided for that purpose, giving the following information:

Application for auxiliaries.

- Owner. (a) The name and address of the owner or person or agency having legal control and having authority to execute an agreement or lease;
- Location. (b) The location of the property and the acreage contained in it;
- Map. (c) A map of the property wherever available;
- Description. (d) Description of the character of the land and the wildlife thereon;
- Owner's permission. (e) Statement as to whether or not the owner or person in control of the property has agreed to execute an agreement or lease vesting the hunting rights in the Commonwealth, for use of the commission for a period of five years or more;
- No hunting. (f) Statement that the owner or person in control will agree that no hunting or trapping shall be permitted on any part of the property set aside as a refuge or refuges;
- Hunting. (g) Whether or not the owner or person in control will agree to permit hunting and trapping by the public on the balance of the property, other than safety zones;
- Rental. (h) Whether or not the owner or person in control of the property expects the payment of a rental;
- Other information. (i) And such other information as the commission may require.
- One or more refuges. If, upon investigation, the commission is satisfied one or more refuge areas should be established on all or any part of such area, and if the owner agrees that public hunting and trapping will be permitted, except within one hundred and fifty yards of buildings, on the remaining portion of the area covered by the agreement, it may proceed accordingly.
- Written agreement required. Section 926. Agreement or Lease.—A written agreement or lease vesting the hunting rights of such property in the Commonwealth, for use of the commission, may then be prepared and submitted to the proper person or agency for execution, and when properly signed it may be executed on behalf of the Commonwealth by the executive director acting for the commission. After the agreement or lease is fully executed, the commission may declare all or any portions of said property an Auxiliary State Game Refuge or Refuges, and the balance, if any, shall be open to public hunting, except within one hundred and fifty yards of buildings.
- Signing. Section 927. Auxiliary Boundary Lines. — Each Auxiliary State Game Refuge shall be surrounded by a well-defined line, such as a fence, and if a suitable fence or some other suitable marker is not available then at least one strand of wire shall be erected. Along the boundary line of each such refuge there shall be posted, in conspicuous places, not more than one hundred yards apart, notices bearing the following: "Auxiliary State Game Refuge—Hunting is Unlawful," and such other
- Marking with wire and posters.

information, or such other signs or posters, as the commission may deem advisable.

(d) Game Propagation Areas, Preserves, Etc.

Section 930. State Game Propagation Areas.—The commission may declare and set aside any suitable area of land as a State Game Propagation Area wherein certain species of wildlife may be provided an opportunity to breed and propagate under natural conditions, and wherein and whereon no wildlife shall be hunted, pursued, disturbed or molested or killed at any time, except as may be authorized by the commission, and from which animals and birds may be removed for stocking purposes elsewhere by the commission or its agents. Such areas may be managed and developed as the commission considers advisable or necessary for the successful propagation and increase of wildlife. The commission may adopt such rules and regulations governing such areas as it deems essential.

Such propagating areas may be set up on and within publicly-owned or privately-owned lands within the Commonwealth with the approval of the proper authorities or person or persons owning or controlling same.

The boundary lines of each State Game Propagation Area shall be plainly marked and well posted with notices to the public indicating the purpose of such protected area, and calling attention that hunting or trapping therein or thereon is unlawful at any time of the year, and citing the penalty or penalties for violating its sanctity, or any regulations adopted by the commission for its management and protection.

It is unlawful for any person to hunt or trap, or attempt to hunt or trap, or in any manner to disturb or molest any game birds or game animals or other wildlife on any area set aside as a State Game Propagation Area, or to enter such areas contrary to the rules and regulations which the commission may adopt.

Section 935. Dog Training Preserves.—The commission may set aside and maintain training preserves, under such regulations and restrictions as the commission deems advisable, regardless of any other provisions of this act, wherein and whereon dogs used especially for hunting of game may be trained or where field trials for such dogs may be conducted.

The commission may designate for such purpose, for any one preserve, not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose. Such area shall be suitably marked and posted by the commission.

The commission shall have the right to restrict or permit the hunting and/or shooting of such species of game on a dog training preserve as it may deem advis-

Propagation areas.

Purpose.

Management.

Regulations.

Ownership of lands.

Marking and posting.

No hunting or trapping.

Areas for training dogs.

Field trials.

Not to exceed 1,000 acres.

Posting.

Hunting regulated by commission.

able, and to adopt and put into effect such predator control measures or such other rules and regulations as conditions warrant or require.

Unlawful hunting.

It is unlawful for any person to hunt or trap, or attempt to hunt or trap, or in any manner to disturb or molest any game birds or game animals or other wildlife on any area set aside as a dog training preserve contrary to the rules and regulations which the commission may adopt.

Archery preserves.

Section 936. Archery Preserves. — The commission may set aside and maintain, not to exceed two, archery preserves wherein and whereon it shall be unlawful to hunt for, or take game of any kind by any other means or device than through the use of a bow and arrow. The commission may adopt such further rules and regulations governing the taking of game on archery preserves as it deems advisable.

Purpose.

The commission may designate for such purpose, for any one archery preserve, not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose. Such area shall be suitably marked and posted by the commission. No one shall hunt on a special archery preserve with bow and arrow without first having secured a hunting license in accordance with the provisions of this act, and in addition all such persons shall first obtain a special archery preserve permit from the commission, the fee for which is hereby fixed at two dollars. Such special archery preserve permits shall be attached to the hunter's license certificate for the current year, and shall be countersigned in ink diagonally across its face by the owner before hunting on an archery preserve.

Not to exceed 1,000 acres.

Posting.

Special permit required.

Fee, \$2.00.

Regulations.

It is unlawful for any person to hunt for, pursue, take or kill, or attempt to hunt for, pursue, take or kill any game birds or game animals on any area set aside as an archery preserve contrary to the provisions of this section or any rules and regulations which the commission may adopt.

(e) Regulations; Penalties

Authority to make special regulations.

Section 940. Rules and Regulations.—The commission is hereby empowered to formulate, adopt, post and enforce such rules and regulations for the management and government of lands acquired for its use or under its control by lease or agreement, or for refuges, or State Game Farms, or State Game Propagation Areas, or special preserves, as it may deem necessary or advisable for their proper use and administration, or as may be established pursuant to agreement with the Department of Forests and Waters, the Board of Fish Commissioners, or any Federal authority, or with lessors.

Such rules and regulations shall be the law of this Commonwealth relative to such lands or refuges or game farms or game propagation areas or special preserves, and it is unlawful for any person to violate any of the rules and regulations so adopted by the commission. A violation of any of the provisions of such rules and regulations shall subject the offender to the penalties hereinafter provided; and in addition thereto such person shall pay the penalties hereinafter provided for hunting or trapping, or catching, or killing, or wounding, or driving, or attempting to hunt, trap, catch, kill, wound, or drive, any birds or animals within such refuges, or game farms, or game propagation areas, or special preserves, contrary to the provisions of this article or the rules and regulations adopted by the commission.

Special regulations become law.

Violations of special regulations.

Section 941. Entry Upon Refuges.—It is unlawful for any person, except by special permission of a duly authorized representative of the commission, or as hereinafter in this section provided, to enter or go upon a State Game Refuge, or an Auxiliary State Game Refuge, during any open season for the hunting of game, or to enter or go upon such a refuge at any time of the year with firearms, or bows and arrows, or traps, or dogs, or to permit a dog or dogs under his control to enter any refuge. The commission, however, is hereby empowered, by adopting a suitable regulation under provisions contained in section 940 of this act, to prohibit a person or persons from entering or going upon any such refuge, or all such refuges, at any or all times of the year should it deem such action advisable.

Entry.

When and how prohibited.

Special authority.

In connection with their official duties, it is lawful for any member of the commission, or any employe or duly appointed agent of the commission, or of the Department of Forests and Waters, or of the Board of Fish Commissioners, or of the United States Forest Service, or a State or local police officer to go upon a game refuge or a preserve or a State game propagation area at any time of the year with or without firearms, traps or dogs.

Exemptions for officials.

It is lawful for any person or persons, firms, companies, corporations, etc., owning mineral, oil, gas, or timber rights on, in, or under, a game refuge or a State game propagation area, or their specifically designated agents, to go upon such a refuge or propagation area when absolutely essential in connection with their reserved rights thereto.

Exemptions for owners of timber and minerals.

It is lawful for an employe or duly authorized agent of the commission, under the direction of the executive director, or other administrative officer designated by him, to trap and remove game or fur-bearing animals from game refuges, or preserves, or game propagation

Removal of surplus game and fur-bearers.

areas, for stocking purposes elsewhere, and to trap or hunt for predatory animals, at any time and in any manner approved by the commission, or the executive director, or an administrative officer designated by him.

Special permits,
residents on
auxiliaries.

The commission, through the executive director or other administrative officer designated by him, may grant a special written permit to persons regularly residing on land upon which one or more Auxiliary State Game Refuges are located, which permit may be revoked at any time, to have traps, dogs, firearms, or bows and arrows in his or her possession on such a refuge so long as they are not used in hunting or trapping, or which dogs are not permitted to chase or disturb game, except when taking or destroying predators under special permit, or when traps are used in removing game for stocking purposes elsewhere.

Special trapping
permits.

The commission, through the executive director or other administrative officer designated by him, may grant written permits to responsible persons to hunt or trap for predators and to use dogs or firearms in connection therewith, on game refuges or propagation areas under the commission's control, except that such permit shall not be effective during any open season for game.

Entry.

Special cases.

The commission may adopt rules and regulations setting forth the manner in which persons working upon or living within Auxiliary State Game Refuges may be or go upon such refuges at any time.

General hunting
and trapping
prohibited.

Except as in this article otherwise provided, it is unlawful for any person to hunt for, or trap, or catch, or kill, or wound, or drive, or to attempt to hunt for, or trap, or catch, or kill, or wound, or drive, any birds or animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge.

Destruction of
trees or shrubs.

Section 942. Protective Measures.—(a) It is unlawful for any person, without the consent of the commission or any of its authorized employes, to wilfully or maliciously cut bark from, or cut down, or remove, or otherwise injure, or destroy a tree or trees, or a shrub or shrubs, or parts thereof, growing upon lands acquired for use of the commission, or to wilfully, negligently, or maliciously do or cause to be done any other act to the detriment of such lands, or the trees or shrubs growing thereon.

Fires.

(b) It is unlawful for any person or persons, without the consent of the commission or any of its authorized employes, to kindle fires, or for any person or persons to drop lighted matches, or cigars, or cigarettes, or to empty burning tobacco from a pipe, on or upon lands acquired for use of the commission, or under its control, when there is any danger whatever of a forest fire resulting.

Removal of
stone, sand, etc.

(c) It is unlawful for any person or persons to remove sand, or stone, or clay, or other minerals, or prop-

erty from lands or waters acquired for the use of the commission, except by written permission from the commission or its duly authorized employes.

(d) It is unlawful for any person to wilfully, negligently or maliciously cut, remove, cover up, deface or otherwise mutilate, injure, or destroy any placard, sign or poster of the commission, on any lands acquired for its use or under its control. Posters.

(e) In addition to such protection as the commission may provide, against violation of game, fish and forestry laws on and within lands for which the hunting rights have been vested in the Commonwealth for its use, the commission's duly authorized officers are hereby empowered to arrest, without warrant, and to prosecute hunters or trappers caught in the act of destroying or damaging property, or injuring farm livestock, on or within such lands. Property damage on leased lands.

(f) It is unlawful for any person to fish, or attempt to fish, or to take fish from the waters within the boundaries of any State Game Refuge, except from such streams or parts thereof as the commission may declare open to lawful fishing in accordance with the fish laws of the Commonwealth, or under such provisions or regulations as may be agreed upon with the Board of Fish Commissioners or the Commissioner of Fisheries. Fishing on State Game Refuges. Exceptions.

(g) It is unlawful for any person to post the commission's State Game Refuge, or Auxiliary State Game Propagation Area, or other preserve signs or notices on any other lands than those herein provided. Posting commission's signs.

Section 943. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense: Penalties.

(a) For going upon a State Game Refuge or an Auxiliary State Game Refuge, or for permitting a dog or dogs to enter any such refuge, in violation of any of the provisions of this article, twenty-five dollars (\$25.00), and in addition thereto such person shall pay the penalty hereinafter prescribed; Entry upon refuges.

(b) For going upon a State Game Propagation area, or a State Game Farm, or any special preserve in violation of any of the provisions of this article or any rules and regulations adopted by the commission relative thereto, twenty-five dollars (\$25.00), and in addition thereto such persons shall pay the penalty hereinafter prescribed; Entry upon propagation areas, etc.

(c) For violating any of the provisions of paragraph (a) of section 942 of this article, twenty-five dollars (\$25.00), for each tree or shrub or part thereof, or other damage committed; and shall pay double the value of each tree or shrub cut down or felled and treble the value in case such tree or shrub is removed Destruction of trees, shrubs.

from the land where grown as determined or estimated by the commission's employes;

Fines.

(d) For violating any of the provisions of paragraph (b) of section 942 of this article, twenty-five dollars (\$25.00), and in addition thereto shall be subject to the provisions and penalties prescribed in the acts of May 4, 1927 (Pamphlet Laws, 737); April 3, 1929 (Pamphlet Laws, 135); and May 22, 1933 (Pamphlet Laws, 178); or to subsequent acts amending or replacing these acts;

Removal of stone, sand, etc.

(e) For violating any of the provisions of paragraph (c) of section 942 of this article, twenty-five dollars (\$25.00), and in addition thereto the value of such materials, as estimated by the commission's employes;

Posters.

(f) For violating any of the provisions of paragraph (d) of section 942 of this article, ten dollars (\$10.00);

Rules, regulations.

(g) For violating any of the rules and regulations of the commission adopted in accordance with the provisions of this article, twenty-five dollars (\$25.00);

Hunting, trapping.

(h) Except as otherwise herein provided, for hunting, or trapping, or catching, or killing, or wounding, or driving, or molesting, or removing, or attempting to hunt for, or trap, or catch, or kill, or wound, or drive, or molest, or remove any wild birds or wild animals within the limits of a State Game Refuge, or an Auxiliary State Game Refuge, or a State Game Farm, or a State Game Propagation area, or a special preserve contrary to the provisions of this article, or for violating any of the provisions of this article not hereinbefore specifically provided, for:

I. Each elk, two hundred dollars;

II. Each deer or bear, one hundred dollars;

III. Each wild turkey, ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, twenty-five dollars;

IV. Each raccoon, twenty-five dollars;

V. Each other wild bird or wild animal, ten dollars;

Resisting officer.

(i) For resisting an officer of the commission when attempting to arrest a person for violation of any property damage law of this Commonwealth, or of any law of this Commonwealth intended to protect farm livestock or human life, for a violation occurring on lands leased by the commission or under its control, one hundred dollars (\$100.00).

Imprisonment.

Upon failure of any person convicted of a first offense under the provisions of this article to immediately pay in full the fine imposed and costs of prosecution and any damages assessed, he shall be subject to imprisonment one day for each dollar of fine imposed and costs of prosecution and damages assessed remaining unpaid.

Second offense.

Any person convicted of a second or subsequent offense shall be liable to double the fines herein pro-

vided and costs of prosecution, and, in addition thereto, shall in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

ARTICLE X

UNNATURALIZED FOREIGN-BORN RESIDENTS

Section 1001. Definition of Unnaturalized Foreign-Born Residents.—For the purpose of this article, any unnaturalized foreign-born person who shall live or reside within the boundaries of the Commonwealth for ten consecutive days shall be considered an unnaturalized foreign-born resident, and shall be liable to the fines imposed for violations of the provisions of this article.

“Foreign-born residents” defined.

Section 1002. Hunting, Et Cetera, Possession of Firearms or Dogs.—It is unlawful for any unnaturalized foreign-born resident to hunt for, or capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, either game or otherwise, and, to that end, it is unlawful for any unnaturalized foreign-born resident to either own or be possessed of a shotgun or rifle or pistol or firearm of any make or kind, or a dog of any kind.

Unlawful to kill, etc.

Any person charged with a violation of any of the provisions of this article shall be required to bear the burden of proof that he is a citizen of the United States.

Guns.
Dogs.
Burden of proof.

Section 1003. Prima Facie Evidence of Violations.—The possession of a shotgun or rifle or pistol or firearm of any make or kind, or of a dog of any kind, by an unnaturalized foreign-born resident, shall be prima facie evidence of a violation of the provisions of this article.

Prima facie evidence.

The presence of a shotgun or rifle or pistol or firearm of any make or kind, or of a dog of any kind in a room or house or building or tent or camp of any description, occupied or controlled by an unnaturalized foreign-born resident, shall be prima facie evidence that such firearm or dog is owned or controlled by the person occupying or controlling the property in which the same is found, and shall render such person liable to the fines imposed by this article.

Section 1004. Penalties.—Any person violating the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

Penalties.

For the capturing or killing, or aiding in the capturing or killing, contrary to the provisions of this article, any wild bird or animal,

Bird or animal.

(a) Each elk, two hundred dollars, and, in the discretion of the court, six months' imprisonment.

(b) Each deer or bear, one hundred dollars.

- (c) Each wild turkey, ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, twenty-five dollars.
- (d) Each raccoon, twenty-five dollars.
- (e) Each other bird or animal, ten dollars.
- Possessing gun.** For hunting in any manner, or for owning or possessing a shotgun or rifle or pistol or firearm, contrary to the provisions of this article, twenty-five dollars and costs of prosecution.
- Dog.** For owning or possessing a dog, contrary to the provisions of this article, fifteen dollars and costs of prosecution.
- Imprisonment.** Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.
- Second offense.** Any person convicted of a second and subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto, shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.
- Forfeiture of guns, dogs.** Section 1005. Forfeiture of Firearms and Dogs.—All shotguns, rifles, pistols, firearms, and dogs found in possession or under control of an unnaturalized foreign-born resident shall, upon the conviction of any such person, or upon his signing an acknowledgment of guilt as hereinafter provided in this act, be forfeited to the Commonwealth. All such firearms shall be sold by the commission as hereinafter provided. All such dogs shall be either killed in a humane manner or disposed of in such manner as the commission may direct.
- Disposition.**

ARTICLE XI

BOUNTIES

- Bounties.** Section 1101. Authority to Pay Bounties on Predators.—Whenever, in the opinion of the commission, it is desirable or necessary for the better protection of game to pay rewards or bounties for the killing of any predators, in any part of or throughout this Commonwealth, the said commission is hereby authorized to pay such bounties for the destruction of predators, and in such amounts and during such periods, as it shall by general rules or regulations prescribe, but in no case shall the amount so paid exceed the following bounties for the birds and animals herein enumerated: For each Canada or Bay Lynx, commonly called bobcat or wildcat, fifteen dollars; for each fox, four dollars; for each weasel, one dollar; and for each goshawk or other predatory bird, five dollars.
- Authority.**
- Species.**
- Conditions.** All bounties authorized by said commission shall be paid only upon such conditions as may be prescribed in said regulations, and upon such proofs and in such manner as hereinafter provided.

Section 1102. Notice of Change in Bounties.—Before any change in the rate of bounty, or other rules and regulations adopted relative thereto, shall become effective, the commission shall give not less than sixty days advance notice setting forth the effective date of such rates, rules and regulations in the Pennsylvania Game News and through such other sources of public information as the commission may deem essential: Provided, however, That until the commission fixes the rate of bounty in the manner herein stipulated, bounty payments shall continue in effect in accordance with the provisions of section 1001 of the act of May 24, 1923 (Pamphlet Laws, 359), as amended.

Notice of
bounty changes

Present bounties
continued.

Section 1103. Making Claim for Bounty. — Any person having killed in a wild state within this Commonwealth any such predator, and being desirous of securing the reward or bounty provided for such killing, shall produce such slain predator, or the entire pelt of any animal, and the entire body of any bird, before any game protector, or deputy game protector, or any other person authorized to administer oaths within this Commonwealth, and shall make affidavit on forms supplied by the commission, that (a) he or some member of his immediate family or household, naming such person, killed the same (naming it), (b) stating the date of such killing, (c) that it was killed in a wild state, (d) that the place (naming it) where such animal or bird was killed was within the Commonwealth, (e) that such animal or bird was not reared or held in captivity, and released, and (f) that such person was not responsible, directly or indirectly, for having such animal or bird imported into the Commonwealth or released.

Making claim.

Affidavit.

Each officer, other than a salaried game protector, shall receive a fee of twenty-five cents for each affidavit containing one claim and fifty cents for each affidavit containing more than one claim. Game protectors and deputy game protectors are authorized to administer the oath required by this section. Deputy game protectors shall supply seals at their own expense.

Fee.

Deputy seals.

The claimant for bounty shall forward such affidavit and the unmutilated, salted, or cured skin or pelt of the animal or animals to the director at Harrisburg within four months from the date of killing, and the affidavit and the entire body of any bird shall be forwarded or delivered to the director at Harrisburg within forty-eight hours after killing.

Forwarding
skin.

In no case, except for the killing of predatory birds, shall a bounty be paid where the whole carcass or body, or the raw, unsalted or undried skin of an animal is received by the commission.

Carcass.

Section 1104. Payment of Bounties, Monthly Accounting.—Upon receipt of such affidavit and skins or

Payment of
bounties.

To split skins.	pelts in proper form, or the entire body of any bird or birds, if the director is satisfied that the skins or pelts or birds presented to him are the skins or pelts of animals or birds, for the killing of which a bounty is offered, and that such claims are in all respects legitimate, he shall split the face of the skin from a point between the eyes through the end of the nose; and shall as quickly as may be, forward the commission's check to the claimant for the amount found to be due, and shall, if requested, return all such skins or pelts, at the expense of the Game Fund, to such address within the Commonwealth as the owner may direct. No predatory bird presented for bounty shall be returned to the claimant.
No bird returnable.	
Monthly accounting.	The director shall, at least once a month, render an accounting to the Auditor General, in such form as he may prescribe, of all claims paid, giving the name and address of the payee.
Fraudulent claims.	Section 1105. Unlawful Collection of Bounties; Penalties.—It is unlawful for any person to collect or attempt to collect, or to aid, conspire or assist in the collection of, a bounty through the presentation of a skin, or a carcass, or any part thereof, of any animal or bird upon which no bounty is authorized in accordance with the provisions of this act, or through deception of any character; or to present, for the purpose of collecting a bounty, the skin or carcass, or any part thereof, of an animal or bird that has been reared or held in captivity or released, or the skin or carcass, or any part thereof, of any animal or bird captured outside of this Commonwealth; or to collect or attempt to collect, or to aid, conspire, or assist in collecting a second bounty for the killing of any animal or bird upon which a bounty has already been paid.
Deception.	
Second bounty.	
Penalties.	Any person who shall wilfully or fraudulently collect or attempt to collect, or aid, conspire or assist in collecting, any bounty to which the claimant or any other person is not legally entitled under the provisions of this act; or shall aid, abet or assist in any capacity, officially or otherwise, in any attempt to defraud the Commonwealth through the collection or payment of any reward or bounty, shall be guilty of perjury and punishable as a misdemeanor where a false affidavit is made, and in addition thereto, upon conviction in a summary proceeding, or upon signing an acknowledgment of the offense committed, shall be sentenced to pay to the Commonwealth, for the use of the Game Fund, a fine of one hundred dollars and costs of prosecution, and in default of the payment of the fine and costs so imposed, shall suffer imprisonment in the jail of the county in which the affidavit is made for a period of one day for each dollar of costs and fine imposed and unpaid.
Perjury.	
Misdemeanor.	
Fine.	

Any person who shall collect a bounty to which such person is not legally entitled, under the provisions of this act, shall, in addition to the fines herein imposed, be required to refund to the commission such amounts as shall have been unlawfully collected.

Refund of unlawful bounty.

All skins of animals, or parts thereof, or the bodies of any birds, or parts thereof, presented for bounty in a false claim, for which no bounty is provided, or otherwise contrary to the provisions of this act, are hereby declared forfeited to the Commonwealth, and shall be disposed of by the director.

Skins forfeited.

ARTICLE XII

ENFORCEMENT OF ACT; PROCEDURE; PENALTIES

Section 1201. Jurisdiction.—Except in cases where the offense is designated a misdemeanor or a felony, each magistrate, alderman, and justice of the peace shall have the power of summary conviction in matters pertaining to violations of any of the provisions of this act.

Jurisdiction.

Summary conviction.

Section 1202. Procedure. — All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation.

Affidavit.

Within 2 years.

Any magistrate, alderman, or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act, or any of the rules and regulations issued by the commission pursuant to this act, shall issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, or any officer whose duty it is to enforce the game laws of this Commonwealth, and cause such person to be brought before him.

Warrant.

When any person is arrested without warrant, the officer making the arrest shall immediately, except on Sunday, take such person before a magistrate, alderman, or justice of the peace, and make complaint by affidavit.

Arrest without warrant.

The magistrate, alderman, or justice of the peace, or the court in case of appeal, shall in all cases hear the evidence and determine the guilt or innocence of the person accused. If such person is convicted of the offense charged, and if the magistrate, alderman, or justice of the peace, or the court on appeal shall also find that any bird or animal, or part thereof, or of any firearm, trap, dog, boat, conveyance, vehicle, or its attachments, or any device, implement or appliance, the use of which is expressly forbidden by this act, and found in possession of the defendant, is unlawfully possessed and liable to forfeiture to the Commonwealth, the defendant shall be sentenced to forfeit to the Commonwealth such bird or animal, or part thereof, or such of the before-mentioned unlawful articles and equipment

Hearing.

Conviction.

Forfeiture of birds, animals, equipment, etc.

as shall have been found to be unlawfully used or unlawfully in his possession and also to pay the full fine prescribed by this act for such violation, together with costs of prosecution; and, in default of the payment of such fine and costs, shall be sentenced to imprisonment one day for each dollar of fine and costs so imposed and shall also be sentenced to forfeit to the Commonwealth such property, implements, devices or any bird or animal for the use of or disposal by the commission.

Acknowledgment of guilt.

Section 1203. Acknowledgment of Guilt.—Any person charged with violating any provisions of this act may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly appointed and commissioned game protector, or deputy game protector, the fine provided by this act, together with costs accruing to that date, and surrender to the Commonwealth any bird or animal, or part thereof, or any article, implement, device or equipment the use of which is expressly forbidden by this act, unlawfully taken or possessed. Such person shall receive a printed receipt therefor, which shall bear the imprint of the seal of the commission and the signature of its executive director, which shall be evidence of full satisfaction of the offense committed.

Receipt.

Arrests without warrant.

Section 1204. Arrests Without Warrant; Seizure of Certain Property and Game.—Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest, without warrant, any person caught in the act of violating any of the laws relating to game or other wild birds or wild animals, or in pursuit immediately following any such violation. He may seize all guns, shooting or hunting paraphernalia, traps, dogs, boats, automotive equipment or any unlawful device, implement, or other appliance used in violation of any such laws, or which he may find in the execution of a search warrant; and may seize all birds or animals found either in the possession or under the control of the suspected person.

Seizure of equipment.

Birds or animals.

Arrests on Sunday.

Section 1205. Arrests on Sunday. — Any officer whose duty it is to enforce the game laws of the Commonwealth, may arrest on Sunday, without warrant, any person caught or found in the act of violating any of the laws relating to game or other wild birds or wild animals, or in pursuit immediately following such violations, and in such cases the person arrested may be committed by the officer making the arrest to the jail or lockup for safekeeping for that day, unless such person deposits with the officer making the arrest in trust a sum of money equivalent to the amount of fine imposed for the violation committed. Such person shall be taken before a proper magistrate, alderman, or justice of the peace, and be proceeded against on the weekday following the arrest.

Deposit.

Section 1206. Search Warrants.—Whenever any individual makes any complaint in writing before any magistrate, alderman, or justice of the peace, supported by his oath or affirmation and subscribed to by him, alleging that there is probable cause to believe, and that he has just and reasonable grounds for believing and does believe, that certain birds or animals have been caught, taken, killed, possessed, shipped, or are about to be shipped, or that a firearm or dog is concealed by an unnaturalized foreign-born resident, contrary to the provisions of this act, and describing as nearly as may be the things to be searched for and the place or places to be searched, shall issue a search warrant and cause search to be made.

Search warrants.

Section 1207. Penalty for Resisting Arrest.—Any person who by force, menace, threat, or in any manner resists inspection or arrest for violation of any of the provisions of this act, or refuses to go with an officer after an arrest has been made, or interferes with any officer of the Commonwealth in the performance of his duty under the provisions of this act, shall, upon conviction, be sentenced to pay a fine of one hundred dollars and costs of prosecution, and, in default of the payment of such fine and costs, shall be imprisoned one day for each dollar of fine and costs.

Resisting arrest.

Interfering with officers.

Fine.

Section 1208. Refusal to Assist Officers.—Any person who refuses, upon request, to assist any officer whose duty it is to enforce the provisions of this act, shall, upon conviction, be sentenced to pay a fine of ten dollars and costs of prosecution, and, in default of the payment of such fine and costs, shall be imprisoned for ten days.

Refusal to assist officers.

Section 1209. Investigations by Officers, Etc.—Any officer investigating any violation of the game laws is hereby authorized to administer oaths relative to such matter, and where birds or animals of any kind, or any firearm, device, implement, or equipment, the use of which is expressly forbidden by this act, no matter where found, are found in possession or under control of an individual or hunting party, the person or persons in charge or in possession or control of such birds or animals, or any of the devices or equipment herein named, shall answer satisfactorily immediately, under oath, if required, such questions relating to the taking or ownership or possession of same as may be considered necessary by the officer investigating; and in every case where such person or persons, in charge or in possession or in control of such birds or animals, or any of the devices or equipment herein named, refuse to so answer such question, the birds or animals, or any of the devices or equipment herein named, thus found are hereby declared forfeited to the Commonwealth, and

Oaths.

Must answer questions.

Refusal to answer.

such officer is directed to take charge of and dispose of same as provided by this act.

Right of appeal.

Section 1210. Review of Proceedings by Court of Quarter Sessions.—Any person convicted of violating any of the provisions of this act may enter into good and sufficient recognizance to pay the fine imposed and costs within a period of ten days after the date of his conviction, or may certiorari or appeal the proceedings within five days after such conviction to the court of quarter sessions of the county in which convicted. Any prosecutor, dissatisfied with the finding of any magistrate, alderman, or justice of the peace, may, in like manner, appeal to said court within said period. All such appeals shall be only on allowance of the court of quarter sessions or a judge thereof, on cause shown, and shall be determined by the court of quarter sessions without a jury.

Allowance of court.

Disposition of fines.

Section 1211. Fines to Be Forwarded to Director.—All fines recovered, in cases where the prosecutor is a salaried officer of the Commonwealth, shall be immediately surrendered by the court receiving the same to the prosecutor, who in turn shall forward or deliver such fines and penalties to the director within fifteen days.

Where any officer of the Commonwealth, other than a salaried officer, is the prosecutor, the fines and penalties shall, as soon as the case is fully determined before him, be forwarded by such magistrate, alderman, or justice of the peace to the director at Harrisburg, together with a statement of the cause for which such fines were collected, the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution.

All fines received by the director shall be paid into the State Treasury by and through the Department of Revenue for the use of the Game Fund.

Monthly statements by justice, etc.

Sworn statements of all fines and penalties so collected, and all bail forfeited, shall also be made by the magistrate, alderman, or justice of the peace, imposing or receiving the same, to the director, upon forms furnished by the Department of Revenue; such reports shall be made monthly, not later than the tenth day of the following month.

Misdemeanor.

Any magistrate, alderman, or justice of the peace who shall fail to make such monthly reports and returns, or either of them, shall be guilty of a misdemeanor in office, and, upon conviction thereof in a court of quarter sessions, shall be sentenced to pay a fine of one hundred dollars (\$100.00), and costs of prosecution, or undergo imprisonment for not more than sixty days, or suffer both such fine and imprisonment.

Fine.

Refund of fines.

Section 1212. Return of Fees, Fines, or other Moneys Erroneously Paid into Treasury.—Whenever the com-

mission is satisfied that any fee, fine, or any other moneys paid into the State Treasury under any of the provisions of this act, or any act superseded by it, were erroneously collected and deposited, the commission, within twelve months after such deposit, may, by resolution, authorize the director to draw a requisition upon the Game Fund, for the amount involved. Upon receipt of such requisition and an extract of the minutes of the commission, the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee, fine, or other money was erroneously collected.

Section 1213. When Certain Convictions to Be Deemed Second Convictions.—Any person convicted or pleading guilty or signing an acknowledgment of guilt under the provisions of this act, who, prior thereto, was convicted or plead guilty or signed an acknowledgment of guilt for violating any of the game laws then in force, shall be sentenced under this act, and be denied by the commission or by this act the right to hunt anywhere, with or without a hunter's license, in the same manner as if such person had been convicted of a second offense against this act.

"Second convictions" defined.

Section 1214. Disposition of Seized Birds and Animals.—All wild birds and wild animals, or part thereof, found in the possession of any person not legally taken and seized under the provisions of this act, or killed as a protection to property, except as hereinbefore provided, shall be forfeited to the Commonwealth, for the use of the commission.

Disposition of seized birds, animals.

All dead game so forfeited shall be forwarded or delivered immediately to the most convenient charitable institution or other charitable agency designated by the director.

Dead game.

All live game and all other wild birds and animals, or parts thereof not classed as game, so seized, shall be disposed of by the director.

Live game.

Section 1215. Disposition of Seized Property When Defendant Convicted.—When a defendant is convicted of violating any of the laws relating to game or other wild birds or wild animals, and pays the fine and costs imposed, all guns, traps, boats, dogs and other shooting or hunting paraphernalia, vehicles or conveyances, or any device, implement, or appliance, seized in connection with his arrest shall, if the use of the same is not forbidden by this act, be returned to the defendant, except in the case of the conviction of any unnaturalized foreign-born person; and in case the fine and costs are not so paid in full, all property other than illegal devices so seized shall be sold at public auction in such manner and subject to such conditions as the director shall direct. The cost of any such sale shall be part of

Disposition of seized property on conviction.

Public auction.

the costs of prosecution. Any fund arising from any such sale shall be applied, first to the cost of the sale, second to the payment of costs of prosecution, and third to the payment of the fine imposed. The remainder, if any, shall be returned to the owner of the property thus seized. The defendant shall be entitled for the first offense only to the credit of one day off his imprisonment for each dollar applied toward the payment of his fine.

Forfeiture of unlawful, unsafe devices.

Property seized, the use of which is forbidden by this act, or any firearm so seized which is unfit or unsafe for further use, shall be forfeited to the Commonwealth and be disposed of by the director. Firearms which are unfit or unsafe for further use shall be permanently destroyed.

Disposition.

Motor vehicles.

Any motor vehicle and its attachments, or any motor trailer and its attachments, seized and forfeited to the Commonwealth, in accordance with the provisions of this act, shall be advertised in a newspaper, of general circulation published in the county, once a week for two consecutive weeks, after which it may be sold at public auction in such manner, and subject to such conditions as the director shall authorize.

Public sale.

Disposition when owner escapes.

Section 1216. Disposition of Seized Property When Owner Escapes Arrest.—All guns, traps, dogs, boats, vehicles or conveyances, or any device, implement or appliance, and other shooting or hunting paraphernalia seized under the provisions of this act, where the owner thereof escapes arrest, and refuses to present himself and make claim to the property, shall be held for a period of ten days, after which time such property shall be sold in a manner prescribed for the sale of property seized where the defendant is convicted. The fund arising from such sale shall be applied, first to the payment of the costs of the sale, second to any cost of prosecution accrued, and the remainder thereof shall be forfeited to the commission.

Costs not paid by defendant.

Section 1217. Liability for Costs Not Paid by Defendant.—Whenever any officer whose duty it is to enforce the laws of this State protecting game, fur-bearing animals, and protected birds shall, in good faith, bring suit for any violation of such laws, and, for any legal cause, shall fail to recover the costs of record to which he is legally entitled, such costs shall be a charge upon the proper county and shall be audited and paid as are costs of like character in said county.

ARTICLE XIII

DEER-PROOF FENCES; DAMAGE BY BEARS

(a) Deer-Proof Fences

Deer-proof fences.

Section 1301. Authority to Provide Deer-Proof Fences.—In sections of the Commonwealth where wild

deer are present in excessive numbers on lands open to public hunting and are, in a material way, injuring or destroying farm crops, fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale, the owners or lessees of such farms, fruit orchards or commercial tree nurseries may make application to the commission for assistance in the erection of a deer-proof fence, whereupon said commission through its representatives shall investigate the conditions prevailing on such property and adjacent territory. If the investigation discloses the need of protection from deer such as would be provided by fencing, the commission may enter into a written agreement with the applicant and such others in the vicinity similarly affected as, in the opinion of the commission, may require like protection, for the erection of a deer-proof fence of such height, design, materials and type of construction as the commission may specify. The provisions of this section shall not be construed to apply to gardens or truck patches, except where produce is raised for market on a commercial basis.

Investigation.

Gardens.

The commission may purchase and deliver to the applicant or applicants at the nearest shipping point, the required amount of woven wire fencing of the design and height approved by it, and the required quantity of staples, provided the applicant or applicants have agreed in the said written agreement to furnish all posts needed to construct said fence and all gates he or they desire to erect and to construct said fence without cost to the commission within six (6) months from the day the fencing and staples arrive at the point to which they were directed, shipped or delivered.

Commission to furnish fence.

In case the said fence is not completed within the stipulated time, the commission, through its representatives, may recover the materials it furnished at such time and in such manner as desired or found practical.

Failure to complete fence.

All such fences, after erection, shall be maintained by the individuals interested and the commission shall bear no part of such future maintenance. Replacement of such fences when worn out may be on the same basis as the erection of the original fence, the commission to decide when such replacement fence shall be necessary.

Maintenance.

Section 1302. Amount Available for Deer-Proof Fences.—Not to exceed ten thousand dollars (\$10,000) annually may be expended by the commission from the Game Fund for the purchase of woven wire fencing and staples for the erection of deer-proof fences in accordance with the provisions of this article.

Appropriation.

(b) Damage by Bears.

Section 1303. Authority to Pay Bear Damage Claims.—The commission may pay for any damage done

Payment of bear damage.

- to livestock, or poultry or for protection to or damage done to bees by bears, upon lands open to public hunting if all such damages are reported to the nearest regular salaried officer of the commission, within forty-eight hours, and such claims are presented in writing, under oath, to the director at Harrisburg, within ten days from the time such damage is alleged to have been incurred. No claim for damage to bees, or their hives, shall be paid where such hives are located more than three hundred yards from the residence of the owner, or from the residence of his employe or other agent in charge thereof.
- Bee hives over 300 yards.**
- Settlement.** The director, as soon as possible after such complaint is received, shall detail two regular employes of the commission to interview the claimant, to inspect the property reported as injured, if not previously inspected, to collect such additional evidence as to them may appear necessary, and to effect a settlement of the claim when possible. The representatives of the commission shall have authority immediately to seize any property offered in evidence to support such claim, which shall be returned to the owner upon satisfaction of the claim.
- Seizure of evidence.**
- Agreement.** In all cases where an agreement between such employes and the claimant is reached regarding the true value of damage sustained, and the director is satisfied that such claim is reasonable and fair, a voucher shall be drawn upon the Game Fund in the amount named in such finding. Where such employes and the claimant cannot agree upon the amount of damage, the director shall proceed as hereinafter provided.
- Appropriation.** Section 1304. Amount Available for Bear Damages.—Not to exceed three thousand dollars (\$3,000) annually may be expended by the commission from the Game Fund for the payment of such bear damage protection, or bear damage claims, filed and adjusted in accordance with the provisions of this article.
- (c) Adjustment of Disputes
- Disputes.** Section 1305. Adjustment of Disputed Claims.—If the commission, or its employes, and the applicant or applicants or adjacent landowners are unable to agree upon the necessity for a deer-proof fence or fences, or the amount of continuous fence necessary, or the location thereof, or the commission, or its employes, and the claimants for damage sustained by bears are unable to agree upon the amount of such damage or the cause thereof, the director, or a representative designated by him, may select a board of viewers from the county in which the application for deer-proof fence or the claim for damage by bears originates.
- Viewers.** Said board of viewers shall consist of three disinterested and reputable citizens, one of whom shall be a

farmer, one a sportsman, and the third a business man from any walk of life, who together shall make an impartial examination of the premises and hear such evidence, under oath, as may be submitted, whereupon they shall decide upon and report to the commission the results of their deliberations concerning the question involved.

Examination.

If either the applicant or applicants, or the claimant, or the commission shall be dissatisfied with the finding of the board of viewers so appointed, a petition may be presented to the court of quarter sessions of the county wherein said relief is desired, or bear damage claim originates, which court shall select a similar board of viewers. Such second board of viewers shall disregard all findings or reports made by the first board, and shall carefully examine into the questions involved and make a sworn report to said court, with a copy to the commission, and a copy to a designated representative of the applicants or claimants. The findings of the second board of viewers shall be final and binding upon all parties concerned.

Petition to court.

Sworn report.

Section 1306. Oath Required; Compensation of Viewers and Witnesses.—Viewers appointed under the provisions of this article, and all witnesses examined by them, shall be sworn by a person authorized to administer oaths, or by the executive director, or a representative appointed by him, who is hereby empowered to administer oaths to both viewers and witnesses. Such oath shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth. The viewers so appointed, and witnesses examined by them, shall be paid by the commission from funds heretofore designated for services and expenses at the same rate as jurors and witnesses in the courts of quarter sessions are now compensated.

Oaths.

Compensation.

(d) False Claims for Damages

Section 1307. Penalty for Filing False Claims for Bear Damage.—It is unlawful for any person knowingly to file a claim for damage alleged to have been done by bears which was committed by the claimant's own dogs, or by dogs or other domestic animals harbored on the premises, or by dogs belonging to a neighbor, or for any livestock which died from other causes, or for property otherwise damaged or destroyed in an attempt to collect damages under the provisions of this article.

False bear damage claims.

Any person who shall attempt to collect a claim for damage by bears contrary to the provisions of this section, shall, upon conviction, be sentenced to pay a fine of fifty dollars and costs of prosecution, and upon failure to pay the fine so imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine and costs of prosecution.

Fine.

ARTICLE XIV

GAME FUND

- Game Fund.** Section 1401. Continuance of Game Fund; Appropriation.—All license fees, fines, permit fees, and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act, and now held in the State Treasury as the Game Fund, or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced, or (c) that may be paid into the State Treasury under the provisions of this act, shall be placed in the separate fund known as "The Game Fund," and shall be held separately and apart solely for the following purposes:
- Purposes.**
- Issuing licenses.** (a) For the payment of all expenses incurred by the Department of Revenue in procuring, issuing, or supervising the issuance of resident and nonresident hunter's licenses and license tags;
- Salaries, etc.** (b) For the payment of the traveling and other necessary expenses of the members of the commission, and the salaries, wages, or other compensation and traveling and other necessary expenses of the executive director, and of such deputies, directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, clerks, stenographers, bookkeepers, messengers, game protectors and other field officers and employes, laborers, and such other assistants and employes as may be required for the proper conduct of the work of the commission, and of such special deputy attorneys general, assistant deputy attorneys general, and attorneys as may be assigned by the Attorney General to the commission, or for handling any legal business pertaining to its work;
- Protection.** (c) For wild bird, game and fur-bearing animal protection and propagation;
- Game farms.** (d) For the acquisition, by purchase, lease, or otherwise, and establishment of State Game Farms and other areas for the propagation and production of game for stocking purposes, and all expenditures incident to the development, maintenance, management, operation and administration thereof;
- Game for stocking.** (e) For the purchase of game and fur-bearing animals for propagation and stocking purposes;
- Feed.** (f) For feeding game and wild birds;
- Lands.** (g) For the acquisition of lands or hunting rights by purchase, lease, or otherwise; the creation of game refuges and public hunting grounds; the maintenance, development, management and administration of lands, refuges and public hunting grounds and special preserves; and for the purchase of timber, minerals, oil,

gas, or other outstanding rights on lands for which titles have been or are being acquired, or water rights on adjoining lands for administrative or management purposes, whenever the commission deems such purchase desirable;

(h) For the purchase of other lands and buildings, and for the erection, maintenance and repair of buildings;

Buildings.

(i) For the purchase of such furniture, furnishings, stationery, supplies, materials, fuel, motor vehicles, tractors, trucks, boats, horses and other equipment as may be necessary for the conduct of the work of the commission and for the maintenance of equipment, and for the payment of premiums on bonds for such officers or employes of the commission as may be required; also to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and the person operating same, which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the commission;

Furniture, supplies.

Bonds.

Insurance.

(j) For the control of predators and the payment of bounties and expenses in connection therewith, or the offering of cash or merchandise prizes or medals to encourage the killing of predators, so long as the sum expended for such prizes or medals does not exceed ten thousand dollars during any one fiscal year;

Bounties.

Prizes.

(k) For the payment of professional and laboratory fees and other expenses incident to the scientific investigation of wildlife problems;

Fees (scientific).

(l) For the purpose of entering into cooperative agreements with Pennsylvania State College, and State, Federal or other agencies, to promote wildlife research and to train men for wildlife management;

Research.

(m) For the payment of any expenses incident to cooperative agreements with Federal or State agencies, Pennsylvania State College, or other organizations or individuals, for the development and maintenance of wildlife management and demonstration or experimental projects;

Wildlife management.

(n) For the construction and maintenance of buildings and for salaries, equipment and supplies, incident to the operation and maintenance of the commission's training school for field officers, and the commission may also expend funds to train additional students for similar work in other State departments, or from conservation departments of other states, if at the end of the school term the pro rata cost of such additional students is refunded to the Game Fund;

Training school.

(o) For the payment of commissions or fees, in such amount as shall be fixed by the commission, to duly appointed agents for receiving subscriptions to the

Subscription fees.

Pennsylvania Game News, which commissions or fees shall be deducted from the remittances for subscriptions received;

Printing.

(p) For the payment of all or any part of the cost of any printing, lithographing, color process work, posters, notices, tags, badges, buttons, and such other like materials, as, in the opinion of the commission, may be necessary to its work;

Refunds.

(q) For the refund of fees, fines, or other moneys, erroneously collected and deposited;

Rentals.

(r) For the payment of rentals of offices, grounds, buildings, or other quarters leased for the commission by the Department of Property and Supplies and for telegrams and telephone rentals and toll charges, and rentals on leased office or other devices;

Deer-proof fence.

(s) For the purchase of deer-proof fencing to protect farm and orchard crops;

Bear damage.

(t) For the payment of bear damage claims;

(u) For the payment of any contingent, incidental, or other expenses of any kind or description reasonably necessary in carrying on the work of the commission, including the actual cost of moving household effects of employes in the service when ordered by the commission to change their headquarters and place of residence to a point more than ten miles distant from the former headquarters;

Moving expenses.

75 cents of license fee for game lands, etc.

(v) The sum of not less than seventy-five cents from each resident hunter's license fee, and all net revenues derived from State Game Lands and refuges, shall be used exclusively for the creation, acquisition by purchase, lease, or otherwise, and the maintenance, development, management, and administration of the commission's system of State Game Lands, public hunting grounds, refuges, and auxiliary refuges; for the purchase of outstanding timber, minerals, oil, gas, or other rights on lands for which titles have been, or are being, obtained, or water rights on adjoining lands for administrative or management purposes, whenever the commission deems such acquisition desirable; for the stocking and feeding of game on State Game Lands, refuges, auxiliary refuges, and public hunting grounds maintained in connection therewith; and for all other expenditures made by, or in behalf of, its bureau of refuges and lands incident to the foregoing purposes, including a proper pro rata share of all expenditures necessary to cover general administrative functions of the department in connection therewith. At the beginning of each fiscal year, the commission shall allocate funds for the above purposes on the basis of previously unobligated and prospective revenues, and the proposed expenditures during* the next fiscal year, for the purposes stipulated in this paragraph. If at the end of any

Budget.

* "durring" in the original.

fiscal year there shall remain an unobligated or unexpended balance in said special fund, the commission may allocate such balance to the purchase, or propagation in a wild state, of additional game for stocking purposes;

Unexpended balance for game purchase.

(w) The commission shall have the right to acquire title to or control of lands and buildings by purchase, lease, gift, or otherwise, direct from the owners or persons having legal control thereof, as in this act hereinbefore provided, without submission to or approval by the Department of Property and Supplies. The commission may also purchase direct, without prior confirmation of the Department of Property and Supplies, all game and game food for its game farms and elsewhere as needed in any amount. The commission also may, without prior confirmation of the Department of Property and Supplies, make direct field purchases of materials, supplies, and equipment for the maintenance and development of its system of refuges, hunting grounds, game farms, game propagation areas, and buildings and repairs thereon, and for other field activities, at the most advantageous prices available, in amounts not to exceed one hundred dollars in a single purchase. In the purchase of all other supplies, equipment, printing and other purchases necessary for the conduct of the work of the commission, such purchases shall be made through the Department of Property and Supplies as purchasing agent;

Acquisition of lands.

Purchase of game, game foods.

Purchases under \$100.

Purchasing agent.

(x) All such moneys placed in the Game Fund under the provisions of this section are hereby made available immediately, and are hereby specifically appropriated to the commission for the purposes herein specified;

Immediate appropriation.

(y) Estimates of the amounts to be expended under this act, from time to time, by the Pennsylvania Game Commission, shall be submitted to the Governor for his approval or disapproval, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Pennsylvania Game Commission in excess of the estimates approved by the Governor. Subject to the foregoing provision, the moneys appropriated by this act shall be paid out of the Game Fund upon warrant of the Auditor General drawn after requisition by the Pennsylvania Game Commission, or as authorized by law by other departments.

Estimates for Governor's approval.

Warrant upon requisition.

Section 1402. Money to Be Paid upon Requisition of Director.—The money in the Game Fund shall be paid for the purposes stipulated in this act upon requisition of the executive director, in the manner provided by law.

Requisition by director.

The Auditor General shall also, upon requisition from time to time of the executive director, and the proper

Auditor General's warrant for bounties.

accounting for moneys previously advanced from the fund, draw his warrant upon the State Treasurer for the amount specified in such requisition for the payment of bounties, not exceeding, however, the amount approved by the commission.

ARTICLE XV

ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

Repeals.

Section 1501. Repeals.—The following acts and parts of acts of Assembly are hereby repealed as respectively indicated:

Act of June 6,
1913 (P. L.
454).

I. An act, entitled "An act to prohibit the use of firearms of any description upon lands set apart to hospital, or sanatorium, or park, or resort uses, whereon human beings congregate in the open, in quest of health, recreation, or pleasure in this Commonwealth, and providing penalties for violation of its several provisions," approved the sixth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred fifty-four), absolutely;

Act of May 17,
1921 (P. L.
847).

II. An act, entitled "An act for the protection of human life, live stock, and growing timber by prohibiting the discharge of certain guns, except at birds and animals or at targets properly protected, and providing penalties," approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and forty-seven), absolutely;

Act of May 20,
1921 (P. L.
968).

III. An act, entitled "An act giving additional protection to human beings in this Commonwealth, and imposing penalties upon those who may shoot at or wound or kill a human being in mistake for either game or other wild creatures," approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred and sixty-eight), absolutely;

Act of May 24,
1923 (P. L.
359).

IV. An act, entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), absolutely;

Act of June 2,
1923 (P. L.
489).

V. An act, entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation," approved the second day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and eighty-nine), absolutely;

Act of June 2,
1923 (P. L.
492).

VI. An act, entitled "An act providing for the payment of certain claims for damages done to live stock, poultry, or bees, by bear; providing a method for the ascertainment of such damage; and making an appro-

priation," approved the second day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and ninety-two), absolutely;

VII. An act, entitled "An act to protect the public safety by prohibiting the discharge of firearms or other weapons within one hundred and fifty yards of any dwelling house or residence while hunting or trapping for wild birds or wild animals of any kind without the consent of the owner or tenant thereof, and prohibiting the destruction and abuse of certain property by persons while hunting or trapping," approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and seventy-two), absolutely;

Act of June 29,
1923 (P. L.
972).

VIII. An act, entitled "An act relating to the keeping of animals, wild by nature, in captivity upon any street or highway, or upon land adjoining any street or highway, or in vicinity of any commercial establishment for the evident purpose of attracting trade; preventing cruel, improper, and inhuman treatment of such animals, and protecting the public from injuries thereby; providing for the granting of permits for roadside menageries as herein defined; conferring powers and imposing duties on the Board of Game Commissioners, and prescribing penalties," approved the eighteenth day of June, one thousand nine hundred and thirty-six (Act Number 8), absolutely.

Act of June 18,
1936 (Act No.
8).

All other acts or parts of acts inconsistent herewith are hereby repealed: Provided, however, This act shall not repeal or in any manner affect any of the provisions of an act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and twenty-two), entitled "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," or any of its amendments.

Repeal proviso.

Section 1502. Saving Clause.—The repeal of any of the aforesaid acts of Assembly shall not affect any prose-

Saving clause.

cution pending at the date of the passage of this act, nor prevent the institution of any prosecutions for violations of any of the provisions of the aforesaid acts, or regulations adopted thereunder, which were committed prior to the passage of this act; but all such pending prosecutions shall be terminated, and all such violations shall be prosecuted, in the same manner, and under the same authority, and with like effect, as prior to the passage of this act.

Effective date.

Section 1503. Effective Date.—This act shall become effective immediately upon final enactment.

APPROVED—The 3d day of June, A. D. 1937.

GEORGE H. EARLE

No. 317

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Validating
municipal claims
for improve-
ments, liens, etc.

Section 1. Be it enacted, &c., That whenever, heretofore, the council of any city of the third class or of any borough, or the board of commissioners of any township of the first class of this Commonwealth has authorized by ordinance the grading, curbing, guttering, paving or macadamizing with concrete, brick, stone or other suitable material of any public street or thoroughfare, or portion thereof, either cartway, footwalk or gutter; and has caused such improvement to be made; and in such ordinance has authorized the advertising for bids therefor; and the assessment of benefits upon the property benefited thereby; and subsequent thereto pursuant to an ordinance passed, after the passage and approval of the original ordinance providing for the improvement, has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor, who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways, without any advertising for bids on the part of the city, borough or township as provided for in the original ordinance authorizing such improvement; and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvements against the property abutting along the line of improvement in accordance with the provi-