

No. 130.

AN ACT

To further amend section four and amend section six of an act, approved the seventeenth day of April, one thousand nine hundred and thirteen (Pamphlet Laws, eighty-five), entitled "An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received."

Section 1. Be it enacted &c., That section four of an act, approved the seventeenth day of April, one thousand nine hundred thirteen (Pamphlet Laws, eighty-five), entitled "An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received," as amended by the act, approved the seventh day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and thirty-three), approved the seventeenth day of April, one thousand nine hundred thirteen (Pamphlet Laws, eighty-five), entitled "An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received," which reads as follows:—

"Section 4. Each and every resident of this Commonwealth, such resident being a citizen of the United States, upon application made, verbally or in writing, to any county treasurer within the Commonwealth, and the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this act, and, in the case of naturalized foreign applicants, the production of such applicant's naturalization papers, and the payment to said county treasurer of one dollar,

Resident hunters' licenses.

Act of April 17, 1913 (P. L. 85), amended.

Section 4, cited for amendment.

shall be entitled to what is herein designated as a 'Resident Hunter's License,' and a tag with the number of the license thereon: Provided, That no person under the age of sixteen years shall be entitled to or receive such license, without presenting a written request therefor, bearing the signature of his father or mother or his legally constituted guardian: Provided further, That no person under fourteen years of age shall be granted a license. Said license shall be issued on a form prepared and supplied by the Board of Game Commissioners, at the cost of the Commonwealth. Such license shall bear a description of the person applying for the same, setting forth the color of the hair and eyes, any marks or scars peculiar to the applicant, and such other description as the Board of Game Commissioners may require, with the date of its issue, and, in the case of naturalized foreigners, in addition to the above, such license shall contain the nationality of the person and all dates and numbers of the naturalization papers, and shall authorize the person named therein to use legal firearms for the purpose of hunting and killing any of the wild animals or game-birds protected by the laws of this Commonwealth, under the restrictions and requirements of existing laws, during that year, the date of which is inscribed thereon. Said certificate shall become void upon the thirty-first day of December next following the date of issue. The Game Commission shall also furnish free of charge, and the county treasurer shall issue, with each license, a tag bearing the license number, in figures at least one inch in height, which tag said licensee is required to display on the *back of the sleeve, between the elbow and the shoulder*, in such manner that the figures be visible at all times while hunting: Provided, That it shall be lawful, *under the provisions of this act*, for any justice of the peace within this Commonwealth, *who has qualified therefor by having applied to the county treasurer of the county in which he is located, and having received and receipted for necessary blanks and tags, to issue a resident hunter's license and tag, on like conditions and in like manner as prescribed for the issuance of licenses by any county treasurer, upon payment of fifteen cents to said justice by the said licensee, in addition to the other dollar prescribed as the cost of said license; said fifteen cents to be retained by said justice of the peace as his fee for the issuance of said license and reporting the same, and remitting payment therefor to the county treasurer of the county in which said justice of the peace is located. Such report and remittance to be made and done by said justice of the peace within twenty-four hours after the issuance of said license by him. Whereupon said county treasurer shall make a record of, and otherwise treat, said license as though*

it had been issued from his office, except that he shall also note upon his record the name of the justice issuing the license. Every justice of the peace shall deliver the book or books from which he has issued licenses, together with the stubs therein properly filled out and showing the names of each licensee and the number of the license issued to him, to the treasurer of his county during the month of January of each year," is hereby amended to read as follows:—

Section 4. Each and every resident of this Commonwealth, such resident being a citizen of the United States; upon application made, verbally or in writing, to any county treasurer within the Commonwealth, and the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this act, and, in the case of naturalized foreign applicants, the production of such applicant's naturalization papers, and the payment to said county treasurer of one dollar, shall be entitled to what is herein designated as a "Resident Hunter's License," and a tag with the number of the license thereon: Provided, That no person under the age of sixteen years shall be entitled to receive such license, without presenting a written request therefor, bearing the signature of his father or mother or his legally constituted guardian: Provided further, That no person under fourteen years of age shall be granted a license. Said license shall be issued on a form prepared and supplied by the Board of Game Commissioners, at the cost of the Commonwealth. Such license shall bear a description of the person applying for the same, setting forth the color of the hair and eyes, any marks or scars peculiar to the applicant, and such other description as the Board of Game Commissioners may require, with the date of its issue, and, in the case of naturalized foreigners, in addition to the above, *the naturalization papers must be presented to the county treasurer, and such license shall contain the nationality of the person and all dates and numbers of the naturalization papers, and shall authorize the person named therein to use legal firearms for the purpose of hunting and killing any of the wild animals or game-birds protected by the laws of this Commonwealth, under the restrictions and requirements of existing laws, during that year, the date of which is inscribed thereon. Said certificate, before being valid, must be countersigned by the licensee, and shall become void upon the thirty-first day of December next following the date of issue. The Game Commission shall also furnish free of charge, and the county treasurer shall issue, with each license, a tag bearing the license number, in figures at least one inch in height, which tag said licensee is required to display on the outer garment, on the back between the shoul-*

Application for license.
 Proof.
 Naturalized foreigners.
 Fee.
 Tag.
 Person under sixteen.
 Person under fourteen.
 Form of license.
 Description of applicant.
 Naturalization papers.
 Rights acquired by licensee.
 Term.
 Signing.
 Tag.
 Display of tag.

ders, in such manner that all figures be plainly visible at all times while hunting. The license tag for the current year only shall be worn displayed: Provided, That it shall be lawful for any justice of the peace, magistrate or notary public, within this Commonwealth, to take applications for such licenses, for which service the applicant shall pay fifteen cents, in addition the license fee prescribed as the cost of said license; said fifteen cents to be retained by said official as his fee for taking such application and remitting payment therefor to the county treasurer of the county in which said official is located. Such application and remittance shall be forwarded to the proper county treasurer within twenty-four hours for issuance of the license desired; and no license shall be issued at any place other than the office of the county treasurer: Provided, That no person shall at any time procure a license under an assumed name, or in which an address other than his regular place of residence is given, or lend a license or tag to another, or knowingly issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled to same.

Any person violating any provision of this section shall be liable to a penalty of twenty dollars for each offense.

Who may receive applications.

Who may issue licenses.

Proviso.

Penalty.

Section 6, cited for amendment.

Section 2. That section six of said act, which now reads as follows:—

“Section 6. For the purpose of this act, the fact that any person shall be found in possession of a gun, or of a mechanical device of any description possessing the power to propel with force a leaden or metal bullet or pellet, either in the field, in the forests or on the waters of this Commonwealth, shall be considered prima facie evidence that such person is hunting; and shall render him liable to display his license tag as aforesaid and to show his ‘Resident Hunter’s License’ to any officer of this Commonwealth, whose duty it is to protect the game and wild birds of the Commonwealth, or, upon demand by the owner or the lessee, or by the employe or representatives of such owner or lessee, upon whose lands such person may be found in this Commonwealth; and for refusing or neglecting to comply with such request, such person neglecting or refusing to display his license tag, as aforesaid, and exhibit his ‘Resident Hunter’s License,’ shall, upon conviction, be liable to a penalty of twenty dollars; and the fact that any person may be found upon the highways of the Commonwealth in possession of a gun and the dead body of any bird or animal protected by the laws of this Commonwealth, shall be considered prima facie evidence that such person is hunting; and such person, upon demand made by any officer of the Commonwealth whose duty it is to protect the wild

birds and game of the State, shall be required to display his license tag, as aforesaid, and exhibit his 'Resident Hunter's License,' and for refusing to so do shall, upon conviction, be liable to a penalty of twenty dollars: Provided, That in all cases of arrest for violation of any of the provisions of this act, except where the dead body of any game bird or animal is found in possession of the accused, the affidavit of any person, charged with such violation, denying the charge made, shall, in every instance, overbalance what is termed 'prima facie evidence' in any of the provisions of this act; and that all penalties collected for violation of any of the provisions of this section shall be paid into the State Treasury, to be applied to the purposes otherwise provided for in this act," is hereby amended to read as follows:—

Section 6. For the purpose of this act, the fact that any person shall be found in possession of a gun, or a mechanical device of any description possessing the power to propel with force a leaden or metal bullet or pellet, either in the field, in the forests, 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 section four, or to show, immediately upon demand, his "Resident Hunter's License" to any officer of this Commonwealth whose duty it is to protect the game and wild birds of the Commonwealth, or to show his license immediately upon demand by any owner or lessee, or by the employes or representatives of such owner or lessee, upon whose lands such person may be found; and for neglecting to display his license tag as required in section four or for refusing or neglecting or failing to comply with the request of any officer or any land owner, lessee, or employe aforesaid, such person neglecting to display his license tag as required by section four or neglecting or refusing to exhibit his resident hunter's license immediately upon demand as aforesaid, shall, upon conviction, be liable to a penalty of twenty dollars for each offense.

The fact that any person may be found, upon the highways of the Commonwealth, in possession of a gun and the dead body of any bird or animal protected by the laws of this Commonwealth, shall be considered prima facie evidence that such person is hunting, and shall subject such person to the foregoing requirements relative to displaying the license tag, also the license, if the latter is demanded. For failure or refusal to comply with any of such provisions such person shall, upon conviction, be liable to a penalty of twenty dollars for each offense: Provided, That in all cases of arrest for violation of any of the provisions of this act, except where the dead body of any game bird or animal

Possession of gun
in field.

Prima facie evi-
dence of hunting.

Duty to display
tag or license.

Refusal or neglect.

Penalty.

Possession of gun
and game on high-
ways.

Prima facie evi-
dence of hunting.

Duty to display
tag, etc.

Penalty.

Affidavit of denial.

is found in possession of the accused, the affidavit of any person charged with such violation, denying the charge made, shall overbalance what is termed "prima facie evidence" in any of the provisions of this act:

Proviso.

Failure to produce license.

Provided also, That any person properly displaying his license tag as provided by this act, but unable to produce immediately upon demand his resident hunter's license, may at once sign a proper acknowledgment and deposit with the officer accosting him the penalty of twenty dollars herein stipulated, for which such officer shall give an official receipt. Such penalty shall, as soon as possible, be forwarded by the officer in question to the Game Commission at Harrisburg, with a report covering the case. If the defendant desires a return of a penalty so paid, he shall file, at the office of said board, within fifteen (15) days, an affidavit stating fully the reasons why he was unable to immediately display said license, and give his description, place of residence, license number, where same was secured, and its date, or attach the license itself, whereupon said board, if satisfied that the purpose was not to violate the provisions of this act, shall return such penalty to the defendant, otherwise same shall be deposited as hereinafter provided and the case considered closed:

Payment of fine to officer.

Return of fine to hunter.

Proviso.

Revocation of license.

Provided also, That the Board of Game Commissioners is hereby empowered to revoke any resident hunter's license and deny any resident of the Commonwealth the right to secure a license or to hunt for game of any kind for a period of from one to five years, if said licensee has either been convicted or signed an acknowledgment of violating any law protecting game or wild birds, or if satisfied the holder of any license is unfitted physically or mentally to carry firearms or has been using firearms for the purpose of hunting while intoxicated. Such license may also be revoked upon receipt of proper transcripts or court records indicating that any licensee has been convicted in any court of record of having destroyed or carried away notices posted by the Commonwealth or personal property or crops of any kind on lands on which such person may be hunting, or has been careless in the use of firearms while hunting and thereby caused injury to human life or live stock or has caused forest fires. To revoke a license then in force, or to deny any person the right to secure a license or hunt for any period, the Game Commission shall send a written notice to that effect to the licensee, at the address given in the license records, either by registered mail or have same delivered in person by a representative of said board. Said board shall also supply the county treasurer of each county of the Commonwealth, in writing, the name, address, description, and the term for which such license has been denied, together with any other data said board

Notification of county treasurer.

may deem necessary. Any person hunting for game of any kind during the period such person has been denied the right to hunt in the manner aforesaid, or securing a hunter's license, either in his own or an assumed name, shall, upon conviction, in addition to the penalty imposed by this act for hunting without a license, be sentenced to pay a penalty of twenty dollars for each separate day upon which such person has hunted prior to the expiration of the period for which such person has been denied the right to secure a license or to hunt.

Hunting when license has been revoked.

Penalty.

APPROVED—The 21st day of April, A. D. 1921.

WM. C. SPROUL.

No. 131.

AN ACT

To further amend section three of an act, approved the eleventh day of May, one thousand nine hundred and eleven (Pamphlet Laws, two hundred and seventy-five), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended.

Section 1. Be it enacted, &c., That section three of an act, approved the eleventh day of May, one thousand nine hundred and eleven (Pamphlet Laws, two hundred and seventy-five), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," which, as amended by the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and sixty), entitled "An act to amend an act, approved the eleventh day of May, one thousand nine hundred and eleven, entitled 'An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof,'" reads as follows:—

Weights and measures.

"Section 3. Each person who shall, directly or indirectly, or by his servant or agent, or as the servant or agent of another, violate any of the provisions of this act, or give or offer to give any false weight or measure, or use any weighing device after it shall have been condemned and before it shall have been adjusted and sealed, or obstruct or attempt to obstruct any in-

Section 3, act of May 11, 1911 (P. L. 275), as amended by section 3, act of July 24, 1913 (P. L. 860), cited for amendment.