

tained in this act shall be construed to apply to [bona fide employes of a duly licensed or registered undertaker, or to] persons engaged simply as layers out or shrouders of the dead, or to the employes of any cemetery whose duties or business extends no further.

APPROVED—The 30th day of March, A. D. 1925.

GIFFORD PINCHOT.

No. 66.

AN ACT

Authorizing the Valley Forge Park Commission to make use of the moneys now in its possession known as the "Wood Fund."

Section 1. Be it enacted, &c., That the Valley Forge Park Commission be and hereby is authorized to expend the moneys in the said "Wood Fund" for the payment of the salaries, wages, or other compensation of necessary employes, for the purchase of supplies or equipment, and for any other expenses necessary in connection with the proper maintenance of Valley Forge Park: Provided however, That said Valley Forge Park Commission shall render an accounting to the Auditor General of this Commonwealth for the moneys in the said fund, showing in detail the purposes for which they shall have been expended.

Valley Forge Park Commission may expend "Wood Fund."

Proviso.
Accounting.

APPROVED—The 30th day of March, A. D. 1925.

GIFFORD PINCHOT.

No. 67.

AN ACT

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

Section 1. Be it enacted, &c., That section one of the act, approved the second day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and eighty-nine), entitled "An act providing a method through which the Commonwealth may co-operate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation," be amended to read as follows:

Board of Game Commissioners.

Protection of crops and orchards from deer.

Section 1. of act of June 2, 1923 (P. L. 489), amended.

Owners may petition board for assistance in building fence.

Section 1. Be it enacted, &c., That in sections of the Commonwealth where wild deer are present in excessive numbers and are injuring or destroying farm crops or fruit orchards in a material way, the owners or lessees of the farms or fruit orchards where such damage is occurring may petition the Board of Game Commissioners for assistance in the erection of a deer-proof, woven wire fence, whereupon said board, or its representatives, shall investigate the conditions prevailing on the property of the petitioners and adjacent territory. After investigation, *if deemed advisable*, the board may enter into an agreement with the petitioners and such others in the vicinity similarly affected, as, in the opinion of the board, may [be deemed advisable] *require like protection*, for the erection of a deer-proof, woven wire fence of such height, design, and materials as the board may specify, to cost not to exceed twelve hundred dollars (\$1,200) per mile, under the conditions hereinafter set forth. The provisions of this act shall not be construed to apply to gardens or truck patches, *except where produce is raised for market*.

Section 2, amended.

Amount of fence to be determined.

Section 2. That section two of the said act is hereby amended to read as follows:

Fifty per centum of cost to be paid by Board of Game Commissioners.

Section 2. Before the board may enter into an agreement for the erection of a fence as hereinbefore provided, the board shall decide the amount of continuous fence that may be necessary to prevent deer from committing serious damage on the lands of the petitioners or adjacent landowners or lessees at that time or subsequently, and shall agree with the petitioners or said landowners or lessees as to the location of said fence; *and it shall be further agreed that fifty per centum of the entire cost of such fence shall be paid by the petitioners or adjacent landowners or lessees, and fifty per centum by the Board of Game Commissioners out of the fund established under the provisions of article XII of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), known as the Game Fund.* After such agreement has been reached, the petitioners and adjacent landowners or lessees, decided upon by the board, shall give to the board a surety bond, or an individual bond endorsed by two property owners, in [double] the amount [of the pro rata share] of the entire estimated cost of such fence, or shall deposit [the estimated cost in cash, on the basis of fifty per centum of the cost of such fence to be paid by the petitioners or adjacent landowners and fifty per centum to be paid by the Board of Game Commissioners from funds hereinafter provided] *with the Board cash to cover fifty per centum of the entire estimated cost of the completed fence. Where more than one peti-*

Deposit by petitioners.

Cost to be prorated.

tioner or landowner or lessee is involved the fifty per centum to be paid by [petitioners or adjacent landowners] them shall be prorated in proportion to the amount of fence required to protect each property against deer. If any landowner or lessee shall refuse to participate in the cost of such fence, but is willing to have the fence erected in the location agreed upon, his share may be assumed by any other landowner or lessee individually or by a number of other interested persons jointly. The cost of any special gates desired by landowners or lessees shall be borne entirely by the person desiring same.

Owner refusing to participate.

Special gates.

In lieu of the foregoing arrangement for the erection of deer-proof fences the Board of Game Commissioners may by proper agreement supply, where conditions warrant, the necessary fencing wire, and staples for the erection of deer-proof fences, with the understanding that the property owner or owners or lessees affected shall bear all other expenses in connection with the erection of said deer-proof fences. In all cases the wire and staples so furnished shall remain the property of the Commonwealth until the fence is completed under specifications approved by the Board of Game Commissioners. If the fence agreed upon is not completed within six months after delivery of the necessary wire fencing and staples, or more material has been furnished than necessary, the Board of Game Commissioners may remove and ship elsewhere, for such use as they may see fit, any unused wire or staples furnished under such agreement.

Board of Game Commissioners may supply materials.

Maintenance.

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

Section 4. That section four of the said act is hereby amended to read as follows:

Section 4 amended.

Section 4. Viewers appointed under the provisions of this act, and all witnesses examined by them, shall be sworn by a person authorized to administer oaths or by the Secretary of the Board of Game Commissioners, 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 appointed shall make an impartial investigation and sworn report; and viewers, and witnesses examined by them, shall be paid for services and expenses at the same rate as jurors and witnesses in the courts of quarter sessions are now compensated; such payment to be made from the [funds hereinafter provided] fund established under the provisions of article

Oaths of viewers and witnesses.

Report of viewers.

Payment of viewers and witnesses.

XII of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), known as the Game Fund.

APPROVED—The 30th day of March, A. D. 1925.

GIFFORD PINCHOT.

No. 68.

AN ACT

To amend section one of an act, approved the seventeenth day of April, one thousand eight hundred and seventy-six (Pamphlet Laws, twenty-nine), entitled "An act relating to appeals in cases of summary convictions," as amended.

Appeals from summary convictions and suits for penalties.

Section 1, act of April 17, 1876 (P. L. 29), amended.

Section 1. Be it enacted, &c., That section one of an act, approved the seventeenth day of April, one thousand eight hundred and seventy-six (Pamphlet Laws, twenty-nine), entitled "An act relating to appeals in cases of summary convictions," which was amended by an act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred and seventy-one), entitled "An act to amend an act, approved the seventeenth day of April, one thousand eight hundred and seventy-six, entitled 'An act relating to appeals in cases of summary convictions,'" is hereby further amended to read as follows:

Appeal in summary convictions.

Section 1. Be it enacted, &c., That in all cases of summary conviction in this Commonwealth, before a magistrate or court not of record, either party, *even though any fine imposed has already been paid*, may, within five days after such conviction, appeal to the court of quarter sessions of the county in which such magistrate shall reside or court not of record shall be held, upon allowance of the said court of quarter sessions, or any judge thereof, upon cause shown; and either party may also appeal from the judgment of a magistrate or a court not of record, in a suit for a penalty, to the court of common pleas of the county in which said judgment shall be rendered, upon allowance of said court, or any judge thereof, upon cause shown: Provided, That pending the taking of an appeal by either party, or the allowance or refusal thereof by the court or judge, the fine, or penalty, and costs imposed by the magistrate, or court not of record, need not be paid if bail is entered with one or more sufficient sureties in double the amount of such fine, or penalty, and costs for the payment thereof, on the refusal of such

In suits for penalties.

Proviso.

Bail for fine or penalty and costs.