

upon. In case of failure so to agree the matter may be adjudicated by the court of common pleas of any constituent county by a proceeding in equity.

APPROVED—The 14th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 414.

AN ACT

To amend, by adding a new section—number eight hundred and twenty-four, and amend sections eight hundred and twenty-five, eight hundred and twenty-six, eight hundred and twenty-seven, eight hundred and twenty-eight, eight hundred and forty, and eight hundred and forty-one of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto."

Game, wild birds
and wild animals.

Article VIII, of
act of May 24,
1923 (P. L. 359),
amended.

Auxiliary State
game refuges.

Section 1. Be it enacted, &c., That article eight of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," is hereby amended by adding a new section to article eight, under the heading "(c) Auxiliary State Game Refuges," to read as follows:

Section 824. *Auxiliary State Game Refuges.*—The board, acting through the secretary, may establish and maintain auxiliary State game refuges for the protection and propagation of game, and to maintain public hunting grounds, on lands or waters suitable for that purpose where considered advisable by the board. Suitable lands or waters owned or controlled by individuals, corporations, associations, municipalities, or by the State or National government, may be used for such purpose, subject to the permission of the proper authorities owning or controlling the same. The hunting rights to such lands or waters shall be conveyed in the form of a lease, by the person or persons having control, to the board for a period of not less than ten years; provided that the board may at any time upon sixty days' notice to the lessor cancel any lease for auxiliary refuge lands, when in the judgment of the board the use of such lands or waters is no longer needed or desired: And be it further provided, That in case the owner or owners desire to sell such property, and such sale cannot be consummated subject to said lease of the hunting rights, the lease may be cancelled by the board, acting through

the secretary, within sixty days after request for such cancellation is filed with the secretary, if satisfied the principal object of such sale is not to convert to private use the hunting or fishing rights made more valuable through the use of such property as an auxiliary State game refuge.

Section 2. That section eight hundred and twenty-five of said act is hereby amended to read as follows:

Section 825
amended.

Section 825. Application for Auxiliary Refuges.—Whenever the owner or owners, or person or persons in control, of suitable lands or waters, having an area of not less than [two] one hundred acres, or persons or associations interested in the establishment of an auxiliary State game refuge on such lands or waters, desiring to have said lands or waters, or part thereof, set apart [as] for a refuge for game and wild birds, they may make application to the board giving a description of said lands or waters including: (a) specific location; (b) map or sketch showing an outline of said lands and the location of all buildings, roads, streams, and fences; (c) the type of such lands or waters, whether woodland, abandoned farmland, or cultivated land, or lakes, ponds, marshes, or impounded streams.

Application for
auxiliary refuges.

The board may then have an examination made of said [lands] property, and, if found suitable for game protection and propagation purposes, shall notify the owner or owners, or persons in control, of said lands or waters to that effect. [The owner or owners or persons in control of said lands may then present a petition, as hereinafter provided, to the board on forms supplied by the board, declaring his desires.]

Section 3. That section eight hundred and twenty-six of said act is hereby amended to read as follows:

Section 826
amended.

Section 826. [Contents of] Petition for Auxiliary Refuges.—*The owner or owners, or persons in control, of lands or waters suitable for auxiliary refuges, or others interested, may then present a petition, on forms provided by the board, declaring his or their desires, which petition shall be endorsed by at least fifty qualified electors of the county or counties wherein said lands or waters are located. [A] The petition for an auxiliary State game refuge shall state clearly: (a) that the owner or owners, or persons in control, of such lands or waters are willing to vest in the Commonwealth all hunting rights upon said lands without charge, or for such remuneration as may be agreed upon between them; (b) that neither they, their families, their agents, their tenants, nor any other persons shall hunt thereon, by and with their authority; (c) that they will make every effort to protect said refuge from forest fires, or hunting, [and] or from violations of any nature;*

Petition for
auxiliary refuges.

(d) that the agreements shall continue in force for an uninterrupted period of not less than ten years, *except as hereinbefore provided*, and such longer period as may be desired by the petitioners; and (e) all such other information as the board may require. [The petition shall be endorsed by at least fifty qualified electors of the county or counties wherein said lands are located.]

Section 827
amended.

Section 4. That section eight hundred and twenty-seven of said act is hereby amended to read as follows:

Establishment of
auxiliary refuges.

Section 827. Establishment of Auxiliary Refuges.—If, upon investigation, the board finds that the proposed auxiliary game refuge is not within a radius of [five] *two* miles from any State game refuge, or other auxiliary State game refuge, and decides that the establishment of the proposed auxiliary game refuge is advisable, it may enter into an agreement in the form of a lease, *as hereinbefore provided*, [with the owner or owners or persons in control of such property] and shall thereupon declare said lands *or waters*, or any part thereof *deemed advisable*, an auxiliary State game refuge, *and the balance, if any, shall be open to public hunting*. The board shall surround that part of the lands *or waters* set aside as a refuge by a single wire as a marker, if the same is not already surrounded by a suitable enclosure *or well-defined line*, and shall post notices along the boundary line of the refuge not more than one hundred and fifty yards apart. Such notices shall bear the words “Auxiliary State Game Refuge—Hunting is Unlawful,” and such other information or rules and regulations as the board may deem advisable.

Section 828
amended.

Section 5. That section eight hundred and twenty-eight of said act is hereby amended to read as follows:

Advertisement of
establishment of
auxiliary refuge.

Section 828. Advertisement of the Establishment of Auxiliary Refuges.—The board shall cause notice of its action declaring lands *or waters* [to be] an auxiliary State game refuge to be advertised, at least one time each week for three consecutive weeks, in at least two newspapers of general circulation in the county or counties wherein such refuge is located. [and shall also have a suitable notice published for at least two consecutive months in not less than two sportsmen’s journals, if there be so many published monthly in the State.]

Section 840
amended.

Section 6. That section eight hundred and forty of said act under the heading “(d) Regulations—Penalties,” is hereby amended to read as follows:

Rules and
regulations.

Section 840. Rules and Regulations.—The board may formulate, adopt, and post such rules and regulations for the government of lands *and waters* under its control, and for protection and propagation of game thereon, as it may deem necessary for their prop-

er use and administration, or as may be established pursuant to agreements with the [State Forest Commission] *Department of Forests and Waters*, or proper Federal authority, or lessors. Such rules and regulations shall be the law of this Commonwealth controlling such lands or waters, and a violation of any of the provisions of such rules and regulations shall subject the offender to the payment of fines provided for in this article for the violation of such rules and regulations.

Section 7. That section eight hundred and forty-one of said act is hereby amended to read as follows:

Section 841. *Entry Upon Refuges.*—Any citizen may go upon a State game refuge or an auxiliary State game refuge without firearms or traps or dogs, except during the months of October, November, and December: *Provided, however, That persons regularly residing on lands included within an auxiliary game refuge may be granted a special written permit by the secretary of the board, which may be revoked at any time, to have traps, dogs or guns in his or her possession on such 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 destroying vermin under special permit, or which traps may be used in removing game for stocking purposes, as hereinafter provided: Provided, also, That where any portion of a public park is used, subject to the permission of the proper authorities owning or controlling the same, as an auxiliary State game refuge, entry by individuals within the refuge area for recreational pursuits shall not be restricted on the portion of the public park so used, so long as such persons do not carry firearms, or traps, or do not permit dogs to disturb or chase game or wild birds.*

The board may, through the secretary, by written permission, grant to responsible persons the right to hunt or trap for vermin, and to use dogs and guns in connection therewith, on State game refuges, or auxiliary State game refuges, between December sixteenth and September thirtieth next following.

The board may adopt rules and regulations setting forth the manner in which persons working upon, or living within the boundaries of, auxiliary State game refuges may be or go upon such refuges at any time.

[The board may under proper permit, authority for the granting of which is hereby given the secretary, authorize the owner, tenant, or lessee of lands used for an auxiliary State game refuge, or any member of his family, residing upon any part of said lands leased to the board for the purpose of creating said refuge or hunting grounds in connection therewith, to take not more than ten rabbits through the use

Section 841 amended.

Entry upon refuges.

Proviso.

Part of park is used as refuge.

Permit to hunt or trap vermin.

Persons living within boundaries.

of box traps during any season on said lands set aside as an auxiliary State game refuge.

Nothing contained in this article shall be construed to prevent school children at a time other than the open season, under proper supervision of an instructor, from entering, without firearms or traps or dogs, an auxiliary State game refuge at any time for the study of bird, animal, and plant life.]

Employees of Department of Forests and Waters may enter.

In connection with their official duties, it is lawful for any member, or employe, or duly appointed agent, of the board, or the Department of [Forestry] *Forests and Waters*, or the Federal Forest Service, to go upon a game refuge at any time and in any manner, with or without firearms or traps or dogs. *It is also lawful for any employe or duly authorized agent of the board to trap and remove game or fur-bearing animals, of any kind, under the direction of the secretary, for stocking purposes elsewhere.*

Unlawful to carry arms or traps or take dogs upon.

Except as above provided, it is unlawful for any person to carry firearms or traps within the limits of, or take a dog upon, a State game refuge or an auxiliary State game refuge at any time.

Unlawful to go upon in October, November and December.

Except as above provided, it is unlawful for any person to go upon a State game refuge or an auxiliary game refuge during the months of October, November and December.

Unlawful to hunt birds or animals.

Except as in this article otherwise provided, it is unlawful for any person to hunt for, or catch, or kill, or wound, or drive, or to attempt to hunt for, 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.

Unlawful to violate rules or regulations.

It is unlawful for any person to violate any of the rules and regulations adopted by the board for the protection and preservation of protected birds and game on auxiliary State game refuges.

APPROVED—The 14th day of May, A. D. 1925.

In approving this bill I desire to record my unqualified opposition to the use for hunting purposes of any part of a State park with or without the consent or permission of the authorities who for the time being may be in control of the park. I am assured by the sponsors of this measure that there is not in the contemplation either of the Board of Game Commissioners or of any board or commission in charge of a State park the opening of any part of a State park to hunting. I hope that at the next session of the General Assembly this bill will be so amended as to render it impossible for any public park or part thereof to be used as a hunting ground under any circumstances.

GIFFORD PINCHOT.