

to view land; and providing for the charges upon the respective counties in the matter of salaries, costs and expenses thereof,' by providing for the compensation and mileage to be paid to the members of the board of viewers in counties of the third class," absolutely.

The act approved the fifteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred sixty-six), entitled "An act authorizing district attorneys in all counties of the third class in the Commonwealth of Pennsylvania to appoint additional assistant district attorneys on account of illness of regularly appointed assistant district attorneys; providing that the salaries shall not exceed the salary provided for assistant district attorneys in said office; and providing that the term of appointment of such additional assistant district attorneys shall not exceed the period of such illness, nor a period of four months, without the approval of the court of quarter sessions," absolutely.

Act of May 15,
1929 (P. L. 1766),
absolutely.

Section 27. Effective Date.—This act shall become effective immediately upon its passage, and approval by the Governor.

Effective date.

APPROVED—The 9th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 147

AN ACT

To amend the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended, authorizing alien nonresident licenses and reciprocal license fees; changing the hunting license year; increasing the license fee requirements, and privileges of taxidermists; permitting and regulating the hunting of certain female deer; fixing the open season for raccoon and blackbirds, and a bag limit for raccoon; further defining game birds, game animals, and legal and illegal methods and devices for trapping and hunting; restricting the holding of field meets or trials for dogs; authorizing the acquisition of waters for game purposes and hunting rights on private lands, the establishment of State game farms, and the sale or leasing away of mineral, oil, gas rights and buildings on State game lands; imposing duties on State departments, commissions, and officers; repealing section five hundred and eleven of said act; and extending and clarifying the appropriation of the Game Fund.

Section 1. Be it enacted, &c., That sections three hundred three, three hundred four, three hundred five, four hundred two, four hundred four, four hundred ten,

The Game Law.
Sections cited for
amendment.

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

five hundred one, five hundred two, five hundred nine, six hundred one, six hundred three, seven hundred three, seven hundred four, seven hundred five, seven hundred six, seven hundred seven, seven hundred eighteen, seven hundred twenty-five, eight hundred one, eight hundred three, eight hundred four, eight hundred five, eight hundred six, eight hundred fifteen, eight hundred forty-one, and one thousand two hundred one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended, be, and the same are hereby, amended to read as follows:

Section 303. *Nonresident and Alien Nonresident License [Fee] Fees.*—(a) Every nonresident of this Commonwealth, upon application made, verbally or in writing, to any county treasurer or to the Department of Revenue, and the presentation of proof that he is a citizen of the United States, and upon the payment [of fifteen dollars] to said county treasurer or department of the same amount as is charged and received from nonresidents by the state of which the applicant is a resident for a similar license, shall be entitled to the license herein designated as a Nonresident Hunter's License, and a tag with the number of the license thereon, except that such amount shall never be less than fifteen dollars.

It is unlawful for any county treasurer, or any of his representatives, or for the Department of Revenue, to knowingly issue a nonresident hunter's license to any person physically or mentally unfitted to carry or use firearms.

(b) 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, and upon the payment to the department of the same amount as is charged and received from nonresidents by the country or province of which the applicant is a resident for a similar license, shall be entitled to a license herein designated as a Nonresident Alien Hunter's License, and a distinctive tag with the number of the license thereon, except that such amount shall never be less than fifteen dollars.

Section 304. *The License Certificate.*—Said licenses shall be issued on a form prepared and supplied by the Department of Revenue. Such license 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. All licenses legally issued shall authorize the person named therein to hunt for and kill any wild animals or wild birds, [under] *subject to the restrictions and requirements of existing laws and the regulations of the board regarding closed 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 by the licensee.

The license certificate issued with [either a resident or nonresident] *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 any employe or representative of such owner or lessee upon whose lands such person may be found.

Section 305. License Period.—All licenses issued after [January] *May* first, one thousand nine hundred and [twenty-three] *thirty*, shall be in force until the [thirtieth] *thirty-first* day of [April,] *August*, one thousand nine hundred and [twenty-four.] *thirty-one*. After the [thirtieth] *thirty-first* day of [April,] *August*, one thousand nine hundred and [twenty-four,] *thirty-one*, all licenses shall be issued for the year beginning the first day of [May,] *September*, and ending the [thirtieth] *thirty-first* day of [April] *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.

Section 402. Board Empowered to Grant Licenses.—Under the conditions and limitations hereinafter prescribed, the board may grant licenses at their discretion, which licenses shall expire on May thirty-first of each year, and which may be revoked or suspended at any time at the discretion of the board. Such licenses shall not be transferable. Such licenses may be issued (a) to any person within this Commonwealth of known scientific attainment in ornithology or mammalogy; (b) to any agent of any public museum in this Commonwealth; (c) to a teacher of ornithology in any school within this Commonwealth; (d) to any person within the Commonwealth desiring to breed or raise game in captivity and to sell the same; (e) to any person desiring to possess, breed, or sell ferrets; (f) to any

person [qualified] *desiring* to practice taxidermy, *who shall have served a regular apprenticeship for three years in a museum of recognized standing or in the establishment of a qualified and licensed taxidermist, and to any person holding a license which expires on the thirty-first day of May, one thousand nine hundred and thirty-one, who shall apply for a renewal license within ninety days after such date;* (g) to fur dealers or persons purchasing or receiving raw furs for commercial purposes; and (h) to any person within the Commonwealth desiring to raise animals classed as fur bearing animals for commercial purposes.

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

Section 404. Applications for Licenses.—Any person, firm, association, or corporation desiring a license, as provided for in this article, shall present a petition therefor, on forms supplied by the board, and shall pay to the secretary one dollar, except in the following cases: Breeders and dealers in ferrets shall pay to the secretary twenty-five dollars; *taxidermists, desiring to practice taxidermy for profit, shall pay to the secretary twenty-five dollars;* fur buyers who resell furs within this [State] *Commonwealth* to licensed dealers of this [State] *Commonwealth* shall pay five dollars; fur dealers of this [State] *Commonwealth*, purchasing or receiving raw furs for commercial purposes, shall pay ten dollars; and nonresident fur dealers, purchasing or receiving furs for commercial purposes in this [State] *Commonwealth*, shall pay fifty dollars. All such license fees shall be paid into the State Treasury, *through the Department of Revenue*, for the use of the [game fund.] *Game Fund*. The petition 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 license.

In the case of applications for licenses by firms, associations, or corporations, the petitions shall bear the name of the president or general manager, and the license shall be issued in his name. All petitions for propagating licenses shall be accompanied by the written description of the premises to be used for such purposes, with the location thereof. [Upon notification of the favorable consideration of any petition for a propagating license, the applicant shall file with the board a duly executed bond in the sum of five hundred dollars given to the Commonwealth, conditioned for the faithful observation by the principal named in the license, and his agents and employes, of all the pro-

visions of this act. Upon the conviction of the principal named in any such bond, or any of his agents or employes, of violating any of the provisions of this act, such bond shall be forfeited to the Commonwealth.

All of the provisions of this section shall apply to licenses for fur farmers.]

Section 410. Licenses to Taxidermists.—Licenses 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, *and to sell or dispose of any unclaimed specimen within the Commonwealth for the mounting charge only.* It is unlawful for any person within this Commonwealth to practice taxidermy for profit without a license issued by the board. It is [unlawful] *lawful* for the holder of any such license [to sell, or] 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, [without the written consent of the president of the board. The secretary may issue a permit, subject to the conditions or regulations therein stipulated, to any licensed taxidermist authorizing the shipment of any specimen] *to any person or firm lawfully engaged in fur-dressing, tanning, or taxidermy [firms] in other States, solely for the purpose of dressing, tanning, or mounting, and return to [said taxidermist.] such licensee.*

Section 501. Open Season.—The open season for game birds and game animals, Sundays and other periods fixed by special regulations for particular counties excepted, is as follows:

KIND OF GAME	OPEN SEASON
Blackbirds,	{ From [Aug. 1st] Oct. 15th to Nov. 30th.
Rail,	{ From Sept. 1st to Nov. 30th.
Woodcock and Wilson or jacksnipe,	{ From Oct. 1st to Nov. 30th.
All birds known as wild water-fowl, coots or mudhens, and galli- nules,	{ From Oct. 1st to Jan. 15th.

Raccoon,	}	From [Nov. 1st to Jan. 15th] <i>Nov. 1st to Jan. 1st in the counties of Greene, Fayette, Bedford, Fulton, Franklin, Adams, York, Chester, Montgomery, Lehigh, Bucks, Dauphin, Lebanon, Cumberland, Philadelphia, Washington, Delaware, Lancaster, Berks, and Carbon, and from Oct. 15th to Dec. 15th in all other counties.</i>
Wild turkey, [ruffed grouse, commonly called pheasant,] male [ring-neck] pheasant, Virginia partridge, commonly called quail, gambel quail, valley quail, and Hungarian [quail] partridge, and gray, black, and fox squirrel,	}	From Nov. 1st to Nov. 30th.
Red squirrel,	{	From Nov. 1st to Aug. 15th next following.
Ruffed grouse,	{	<i>Monday, Tuesday and Wednesday of the first and second week, and Thursday, Friday and Saturday of the third and fourth week, of November.</i>
Wild rabbit and hare, ..	{	From Nov. 1st to Dec. 15th.
Bear over one year old, ..	{	From Nov. 10th to Dec. 15th.
Male deer, with two or more points to one antler,	{	From Dec. 1st to Dec. 15th.
<i>Deer, without visible antlers or horns, of at least such weight as shall be fixed by resolution of the board,</i>	{	<i>In any county, or any part thereof, such as shall be fixed by resolution of the board.</i>

Male elk, with four or more points to one antler, } From Dec. 1st to Dec. 15th.

Section 502. Bag Limit.—It is unlawful for any person to kill in any one day or in any one season more game animals or game birds than hereinafter enumerated:

Kind of Game	In One Day	In One Season
Wild turkey,	1	1
Ruffed grouse,	3	15
Male [ring-neck] pheasants,	2	6
Quail, also known as partridge, of the combined kinds,	8	25
Woodcock,	6	20
Squirrels, including the fox, black and gray combined,	6	20
Wild rabbits,	5	30
Hares,	3	15
Wild ducks of the combined kinds, ..	15	60
Wild geese,	5	30
Brant,	5	30
Bear,	1	1
Bear (by hunting party),	4	4
Deer,	1	1
Deer (by hunting party),	6	6
Elk,	1	1
Elk (by hunting party),	1	1
<i>Raccoons (by individual or hunting party),</i>	3	10

Except as hereinafter otherwise provided, every deer taken shall be a male deer having two or more points to one antler, or a deer without visible antlers or horns of at least such weight as shall be fixed by resolution of the board.

Every bear taken shall be not less than one year old.

Every elk taken shall be a male elk, killed through the method known as "still hunting" only, having not less than four points to one antler.

[Nothing contained in this section shall prohibit any owner who raises ring-neck pheasants strictly in captivity from killing any number of such birds during the open season on lands he may own or control: Provided, That no game protector shall have power to enforce, or be called upon to assist in the enforcement of, any law except laws pertaining to the protection of game, or other wild birds or wild animals, or to fish, frogs, or terrapin, or to forests.]

Section 509. Removal of Game; Removal of Protection; Changing Seasons and Bag Limits.—When it is proven to the satisfaction of the board that game

birds or game animals or fur-bearing animals are materially destroying property, or otherwise becoming a nuisance, or the sexes are not balanced properly, or the natural food supply is insufficient, or that hunting or trapping, in addition to the regular open season provided by this act, may be permitted without jeopardizing the future supply of game or fur-bearing animals of any kind in any section of the Commonwealth, the board may at any time remove or have removed such animals or birds from that section, or may direct or authorize the killing of such birds or animals, or grant an extension of the open season, or permit additional hunting or trapping, under such rules governing seasons, bag limits, methods of taking and other regulations as the case may require, regardless of protection afforded or open seasons or bag limits fixed by this act.

Upon failure to relieve, under the several provisions of the Game Law, damages being done to private property by birds or animals of any kind protected by law on lands open to public hunting, the board shall endeavor to capture and may use for stocking purposes any surplus birds or animals captured, or may make such other disposition thereof as in their judgment may be desirable. If unable to capture alive such birds or animals, protected by law, which are causing material damage on lands open to public hunting, with a reasonable expenditure of funds, or rapidly enough to relieve the condition promptly, the board is hereby directed to detail its officers, or such other responsible citizens as the board may designate, to kill such number of the species of birds or animals causing the damage as may be necessary to relieve the situation promptly. The board may dispose of such carcasses as they deem desirable.

To aid in the better protection of game or fur-bearing animals in any part of the Commonwealth, the board may also reduce open seasons and bag limits, or may close seasons, as in their judgment may be necessary to guarantee a future supply of such birds or animals, of *either sex or both sexes*, in any part of or throughout the entire Commonwealth.

To remove protection, declare additional open seasons, or reduce open seasons or bag limits, or close seasons, for the killing of game or fur-bearing animals, of *either sex or both sexes*, in any county or part thereof, a notice to that effect shall be published by the board 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 the action of the board and the rules and regulations adopted relative thereto. The board shall prepare and distribute such

additional posters or notices as in their judgment may be necessary.

It is unlawful for any person to violate any of the rules and regulations adopted by the board for the preservation of game birds or game animals or fur-bearing animals, or to take 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.

Section 601. Open Season for Fur-Bearing Animals.—The open season for fur-bearing animals, excepting raccoons, beavers, and muskrats, is from the first day of November to the last day of February next following. The open season for raccoons is [from the first day of November to the fifteenth day of January next following, Sundays excepted.] *during the periods of time prescribed in section five hundred one of this act.* The open season for muskrats is from the first day of December to the last day of February, both days inclusive. There is no open season for beavers.

Section 603. Illegal Methods of Taking Fur-Bearing Animals; Exceptions.—In the taking or killing of fur-bearing animals, it is unlawful to use a *snare*, poison, explosives, [or] chemicals, *a steel trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches, or a deadfall with an opening exceeding six and one-half inches in height and six and one-half inches in width*, or to smoke out or dig out any den or house of any kind, or to cut den trees, or to use [steel traps] *any trap or deadfall of any kind* unless visited at least once every thirty-six hours, except when prevented by sickness or storm. All traps or *deadfalls* so used must be marked with a metallic plate or tag, attached to the *deadfall*, trap or *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.

Nothing contained in this section shall prevent persons residing upon cultivated lands from digging out dens or houses of fur-bearing 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. 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 the secretary, at Harrisburg, and such animal, or the pelt thereof, shall be disposed of as may

be directed by the secretary. Failure to notify the secretary, as herein provided, shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals.

Section 703. Lawful Methods of Hunting.—It is lawful to hunt for or catch or take or 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:

(a) That raccoons may be killed or captured in any manner if complying with the provisions of this act when using traps, except that, unless as a protection to property as hereinafter provided, such animals may not be taken through the use of automatic firearms or poisons or explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees;

(b) That blinds and decoys in number as provided in this act may be used in hunting wild water fowls;

(c) That residents under the age of fourteen years may take rabbits, not exceeding the bag limits provided by this act, through the use of box-traps, *not exceeding four in number*, during the open season upon the lands whereon such persons reside, if visited at least once every thirty-six hours: *Provided, That such traps shall be marked with the name and address of the owner.*

(d) That it is lawful to use steel traps with a spread of jaws not exceeding six and one-half inches, *provided the trap does not have teeth on the jaws, and it is lawful to use a deadfall with an opening not exceeding six and one-half inches in height and six and one-half inches in width*, 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 vermin, so long as such traps or *deadfalls* are not set where rabbits or other game may be caught, and such traps or *deadfalls* 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; and,

(e) In any manner, for scientific purpose pursuant to a license issued by the board.

Section 704. Unlawful Methods of Hunting.

(a) Unlawful Methods and Devices.

It is unlawful for any person to shoot at or to shoot for game unless the same is plainly visible to him, or to dig, cut, or smoke live game out of its den or place of refuge.

It is unlawful to hunt for, or catch or take or kill or wound, or attempt to catch or take or kill or wound, game of any kind through the use of what is commonly known as an automatic gun or an automatic firearm of any kind, or a swivel gun or an air-rifle or the appa-

ratus known as a silencer, or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power, or to set, lay, or prepare for use or to use any trap, snare, net, birdline, deerlick, pitfall, turkey blind, turkey call, or turkey pen, or to make use of or to take advantage of any artificial light, battery, or other contrivance or device, or to make use of any method or device not specifically permitted by this act, for the purpose of catching or taking or wounding or killing game.

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

(b) Unlawful Manner of Hunting Elk, Deer, or Bear.

It is unlawful to kill, or attempt to kill, any elk or deer or bear, 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.

(c) Unlawful to Kill Elk or Deer in Water.

It is unlawful for any person at any time to shoot at or kill or wound or capture, or attempt to kill or wound or capture, either an elk or a deer, while taking refuge in or swimming through the waters of any of the streams, ponds, or lakes.

(d) Use of Dogs in Hunting Deer, Elk, Wild Turkey.

It is unlawful for any person to make use of a dog in hunting elk or deer 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 elk or deer or wild turkey, as the case may be, if such dog, within a radius of ten miles from said camp or from any point where such dog has been accompanied by such person or persons, runs after, pursues, or follows upon the track of any elk or deer for a distance of one-half mile, or does pursue or scatter wild turkeys.

(e) Hunting with Ferrets.

Except as otherwise provided in this act, it is unlawful for any person to hunt for, or catch or kill, or cause or permit the hunting, of hares or rabbits with or through the use of a ferret. The fact that any person shall place a ferret 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 in taking hares

or rabbits, or shall have a ferret in possession or under control in either the fields or forests, or any vehicle upon the highways, or on railroad or railway cars, shall render such person liable to the penalty prescribed in this article. Any ferret found running at large, or found in the possession or under the control of a person not possessed of a ferret license, or of a person convicted of violating any provision 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 knowingly permit the same to be used contrary to this section, shall be liable to the fines provided for in this article.

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle, or to use any vehicle or its lights or equipment for the killing, wounding or catching of game of any kind, or to use any vehicle for the transportation of game illegally killed.

(g) Hunting with Decoys.

It is unlawful for any person, or for any number of persons acting together, to place in any of the waters of this Commonwealth for the purpose of attracting wild waterfowl more than thirty-six specimens of artificially prepared wooden ducks, or ducks of any character commonly used as decoys, or to shoot over or attempt to control more than thirty-six such decoys, so placed as to cover not exceeding one-fourth of a mile, upon any stream or lake.

It is unlawful for any person, or for any number of persons acting together, to use decoys unless each specimen is marked with a metallic plate or tag, giving, in plain English, the name and address of the owner or owners, or to have such decoys in the water more than thirty-six hours without removing them for at least twelve hours before replacing in the water.

Section 705. Unlawful Killing of Elk and Deer.— It is unlawful for any person at any time by standing on watch or otherwise to kill, or attempt to kill, a second male elk or a second [male] deer in one season. 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 [female] deer, *without visible antlers or horns, less than such weight as shall be fixed by resolution of the board*, or any part thereof, or a male elk or a male deer, 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. [relating to the taking of game animals and game birds under authority of a license issued by the board.]

Section 706. Possession of Deer or Elk Without Head Attached.—The possession or control of a deer or elk or of any portion of either of such animals, shall be prima facie evidence that such animal was killed unlawfully in this Commonwealth, unless the head [bearing antlers as hereinbefore provided,] 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 or under control, shall be liable to the penalty provided in this article for the unlawful killing of elk or deer, as the case may be, unless such person shall immediately, upon demand made by an officer of the Commonwealth whose duty it is to protect game, produce the head [bearing such antlers,] or shall swear that the flesh in question, found in his possession or proven to have been under his control, is a part of a deer or elk legally killed in the Commonwealth, both or either, as in the mind of the officer investigating may be considered necessary.

Section 707. Hunting Regulations for Parties Hunting Large Game; Tagging Large Game.—Each camp or body of men hunting together for elk or deer or bears shall, at all times while hunting, maintain a roster or record, giving, in plain English, the name, address, and license numbers of all persons hunting with that party at any time during that season. Such roster or record shall be kept at the camp, boarding house, or other stopping place, and if not in a camp or stopping together, in the possession of the leader or captain of such party. Such roster or record shall, at all times, be open to inspection by any officer whose duty it is to protect the game of the Commonwealth, and shall be produced upon the demand of any such officer. Every failure to keep or produce any such roster or record shall render the person responsible for such neglect or refusal liable to penalties provided in this article.

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 six legal [male] deer or more

than one legal male elk or more than four bears found in a wild state.

Every person in a camp or body of men hunting together, or in any manner cooperating with others in hunting for elk or deer or bear, shall be individually liable to the full penalty imposed in this article for each elk or deer or bear killed in excess of the number provided for in this section, after the time the various members of such party hunting together 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 elk or deer or bear are killed unintentionally by any camp or hunting party, any excess animals shall be turned over to the nearest game protector or paid representative of the Department of [Forestry,] *Forests and Waters*, within eighteen hours after killing, for delivery to a charitable institution, and the head and skin shall be disposed of by the board.

Every person who may hunt individually or with another camp or party hunting in unison for elk or deer or bear, 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 section for camps or 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.

Each person killing an elk or deer or bear found in a wild state shall attach thereto a tag or marker, within six hours after such killing, bearing, in plain English, his name, address, license number, and county number, with the location where such game was killed. Every failure to have said tag attached as herein provided shall subject the person so neglecting to the penalties provided in this article. Any game found in the possession of any person and not tagged as herein provided shall be confiscated. 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.

Section 718. Training of Dogs on Certain Game.— During the period between one hour before sunrise and ten 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 [State] *Commonwealth*, excepting elk or deer or wild turkey, from the twentieth day of August to the last day of February next following, Sundays excepted, 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. This section does not prohibit the training of dogs on raccoons during the nighttime. [Nor does this section prohibit the holding of] *It shall also be lawful to hold* field meets or trials for dogs with led game animals, at any time [or season of the year,] *between the first day of March and the twentieth day of August next following*, or field meets where bird dogs are permitted to work on liberated or native wild game birds in exhibition or contest, at any time during [the day,] *daylight hours*, [only] from the [twentieth] *first* day of [August] *March* to the thirty-first day of March [inclusive,] of [the] *each* year, [following, Sunday] *Sundays* excepted, [when] *if* a permit for such field meet of either kind or class has been applied for to the Board of Game Commissioners and issued by the board, and a fee of twenty dollars (\$20) has been paid by the applicant to the executive secretary of the board, whose duty it shall be to supervise the holding of such field meet, and to enforce the terms of the permits therefor, and the rules and regulations of the board for the holding of such meets. "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, contrary to the foregoing provisions, shall be liable to a fine of ten dollars for each offense.

Section 725. 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:

(a) For hunting or shooting or chasing or catching or killing any game, or attempting to shoot 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, other than wild turkey and grouse, between one-half hour after sunset of one day and one-half hour before sunrise of the day following, or hunting or killing wild turkey and grouse between sunset of one day and sunrise of the day following, contrary to the provisions of this article, twenty-five dollars;

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

(c) For using decoys contrary to the provisions of this article, ten dollars for each decoy;

(d) For [using traps in] taking [vermin] *any wild*

animal or wild bird contrary to the provisions of this article, ten dollars for each trap or device so used;

(e) For failure to keep 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;

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

(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;

(h) For a common carrier, or his or its agent, to knowingly or negligently transport game from one point to another in this Commonwealth 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, fifty dollars for each bird or egg or animal imported or sold or released, contrary to said provisions;

(j) For interfering with or destroying the nest or egg of any game bird contrary to the provisions of this article, fifty dollars for each nest;

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

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

(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 or artificial light or battery or other contrivance or device to hunt for, or catch or take or kill or wound, any elk, deer or bear contrary to the provisions of this article, five hundred dollars;

(o) 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, catch, take, kill, wound, or transport contrary to this article, 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, one hundred dollars.

III. Each bear, fifty dollars.

IV. Each wild turkey, ruffed grouse, [ring-neck] pheasant, quail or woodcock, twenty-five dollars.

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

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.

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

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.

Section 801. Acquisition.—The board may acquire title to or control of lands *or waters* within the Commonwealth, *or hunting or other rights on private lands or waters within the Commonwealth*, suitable for protection and propagation of game *and fur-bearing animals* or for hunting purposes *or for administrative purposes* or to be used as hereinafter provided, by purchase, lease, gift, or otherwise. *Lands so acquired may [to] be [known] designated by the board as State Game Lands or State Game Farms, according to the purposes for which they are to be used.* The board may also acquire title to such lands by condemnation proceedings in the same manner as provided for the condemnation of lands for State forests. The board may purchase, [or] repair, maintain, and, subject to the provisions of *The Administrative Code of one thousand nine hundred and twenty-nine*, erect such buildings *or other improvements on lands so acquired* as may be deemed necessary [properly to maintain and protect] *for the proper utilization, maintenance and protection of such lands or for the protection and propagation of game.* The board may purchase or lease land from which the ownership of

minerals, oil, or gas and the right to mine and drill for *or remove* the same have been excepted, *or from which water rights or timber rights or other rights have been excepted or reserved: Provided, That such exceptions or reservations will not interfere with the proper use of the land for which it was acquired.* All purchases and leases shall be made only with the consent of a majority of the board. The president shall represent the board in *the execution of contracts* for all purchases and leases.

Section 803. Purchase Price.—No land *or waters* shall be purchased at a price to exceed ten dollars per acre, except [where] *that the board, with the approval of the Governor, may pay a fair and reasonable price for lands, with or without buildings, or cultivated lands, required for the establishment of State game farms or deemed necessary to the proper maintenance and administration of such farms, State game lands, or game refuges.* [or for game propagation are included.] The board, *subject to the approval of the Governor,* may expend for the purchase of lands *and waters,* during any year, such amount as in their opinion can be allotted for that purpose.

Section 804. Sale and Exchange.—Whenever the board shall deem it to the best interests of the Commonwealth, it may, by resolution adopted by unanimous vote at a meeting when a majority of the board are present and voting, and with the consent of the Governor, authorize the exchange of any lands, or any part thereof, to which title has been acquired by purchase, gift, or otherwise, together with the buildings, improvements, and appurtenances thereof, for privately owned lands of equal or greater value, and adapted for State game lands or game propagation. [or may authorize the sale of any lands to which title has been acquired as aforesaid, or any part thereof, to the party or parties offering the highest price therefor, after advertisement once each week, for three successive weeks, in at least two newspapers published in the county or county or counties in which the land is situate.]

Such lands may also be *exchanged or sold* to the State Forest Commission of the Commonwealth, or the United States of America for National Forest Reserves. [in the same manner as above except no advertisement shall be required.]

The Attorney General shall prepare the necessary deeds *or records* to consummate such exchange or sale, and the deeds *or transfer papers* shall be executed by the president of the board. The proceeds of such sale shall be deposited in the [game fund] *Game Fund.*

Section 805. Fixed Charges.—Lands *or waters* to which title has been taken in the name of the Commonwealth, [acquired] 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 806. Use of Lands.—Lands to which title has been acquired by the board, or which have been leased, or any part thereof, may be used for the purpose of creating and maintaining State game refuges and hunting grounds, either or both, or for the propagation of game, and as much thereof as deemed necessary may be used for the administration of such lands. The board, after consultation with the Department of [Forestry] *Forests and Waters*, may cut and remove and sell, or permit the cutting and removing and selling of, timber on lands to which title has been acquired by the board by purchase, gift, or otherwise—the net proceeds from which shall be deposited in the [game fund] *Game Fund*. The board may grant rights of way on and across lands acquired as aforesaid, when such grants will not adversely affect game protection and propagation. The board may also, at its discretion, grant leases for church or school purposes for a period not to exceed ten years.

The board, subject to the approval of the Governor, is hereby empowered to sell or lease, in the name of the Commonwealth, minerals, oil, or gas found on lands acquired under this act, whenever it appears to said board that such disposition would be to the best interests of the Commonwealth: Provided, however, that any proposed sale or lease of minerals, oil, or gas, exceeding three hundred dollars in value, shall have been advertised, at least once a week for three weeks, in advance of the sale in two or more newspapers published nearest the locality indicated.

The board may sell or otherwise dispose of buildings or other improvements on lands acquired under this act whenever such buildings or improvements are no longer of use to the Commonwealth, except that no building valued at one hundred dollars or more shall be sold without the approval of the Governor.

The proceeds from such sales or leases shall be paid into the State Treasury, through the Department of Revenue, and credited to the Game Fund.

Section 815. State Game Refuges.—The board may establish and maintain State game refuges for the protection and propagation of game and birds on all or any portion of the State Game Lands, wherein game animals and game birds and fur-bearing animals shall not be hunted, pursued, disturbed, or molested at any time. The board may also, with and by the consent of the [State Forest Department or proper Federal authority,] *proper authorities, locate and maintain State game refuges on State Forests, [or] National forests or other publicly-owned lands or waters within the Common-*

wealth. The board may also establish and maintain such refuges on privately-owned lands leased for this purpose. No such refuge shall exceed in area one-half of the total area of the State or National forest on which it is located. No State game refuge, exceeding eight hundred acres in extent, shall be established within ten miles of another State game refuge. [nor shall a refuge exceed ten miles at its greatest transverse dimension.]

Section 841. Entry Upon Refuges.—Any citizen may go upon a State game refuge or an auxiliary State game refuge without firearms *or bows and arrows* 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, *bows and arrows*, 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, *bows and arrows*, 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 *and bows and arrows* in connection therewith, on State game refuges, or auxiliary State game refuges, [between December sixteenth and September thirtieth next following.] *except that such permit shall not include the right to use a dog or gun or bow and arrow during the period between October fifteen and December fifteen, inclusive.*

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.

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 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, *and to trap or hunt for predatory animals at any time and in any manner approved by the board.*

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

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.

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.

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.

Section 1201. Establishment of Game Fund; Appropriation.—All license fees, fines, 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 a fund, or any part of a fund, separate and apart for the various purposes designated by law, 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 a separate fund to be known as "The Game Fund," and shall be held separately and apart solely for the purposes of the payment of all expenses incurred by the Department of Revenue in procuring, issuing, or supervising the issuance of resident and non-resident hunter's licenses and license tags, and the payment, under the supervision of the board, (a) of the traveling and other necessary expenses of the members of the board and [of] the salaries, wages, or other compensation and traveling and other necessary expenses of the officers of the Board of Game Commissioners, 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, laborers, and other assistants and employes as may be required for the proper conduct of the work of the board, *and of such special deputy attorneys general, assistant deputy attor-*

neys general, and attorneys, as may be assigned by the Attorney General to the board, or for handling any legal business pertaining to its work; (b) for wild bird, game and fur-bearing animal protection and propagation; (c) for the purchase of game and fur-bearing animals for propagation and stocking purposes; (d) for feeding game and wild birds; (e) for the creation, acquisition, by lease or otherwise, maintenance and administration of hunting grounds and game refuges, and the purchase of outstanding timber and mineral rights on lands purchased or being purchased, or water rights on adjoining lands wherever the board deems such purchase desirable; (f) for the purchase of other lands and buildings, and for the erection and repair of buildings; (g) for the purchase, through the Department of Property and Supplies as purchasing agency, of such furniture, furnishings, stationery, supplies, materials, fuel, motor vehicles, horses and other equipment as may be necessary for the conduct of the work of the board, and for the maintenance of equipment, and the payment of premiums on surety bonds for such officers or employes of the board as may be required 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 board; (h) for control of vermin, the payment of bounties and expenses in connection therewith; (i) 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 board, may be necessary to its work, but all such printing, posters, notices, tags, badges, buttons and other materials shall be ordered through the Department of Property and Supplies as purchasing agency; (j) for the refund of fines erroneously collected and deposited; (k) for the payment of rentals of offices, grounds, buildings, or other quarters leased for the board by the Department of Property and Supplies, and for telegrams and telephone rentals and toll charges, and rentals on leased office or other devices; (l) for the purpose of carrying into effect the provisions of the act, approved the second day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred eighty-nine), 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," as amended, not exceeding, however, the sum of ten thousand dollars (\$10,000)

during any one fiscal year; (m) for the purpose of carrying into effect the provisions of the act, approved the second day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and ninety-two), 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 appropriation," not exceeding, however, the sum of three thousand dollars (\$3,000) during any one fiscal year; and (n) for the payment of any contingent, incidental, or other expenses of any kind or description reasonably necessary in carrying on the work of the board, including the actual cost of moving household effects of employes continuously in the service for a period exceeding one year, when ordered by the board to change their headquarters and place of residence to a point more than ten miles distant from the former headquarters.

The sum of not less than one hundred thousand dollars (\$100,000), or so much thereof as can be used judiciously for that purpose, shall be expended each fiscal year for the purchase or propagation of game for stocking purposes, the distribution of game, and to supply feed for game, including all expenses in connection therewith.

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 Department of Revenue and to the board for the purposes herein specified. [The amount of this appropriation to be expended by the Department of Revenue hereunder, shall be subject to approval by the Governor; and all] All printing, tags, and other supplies or materials purchased by the Department of Revenue, for the purpose of performing its duties under the provisions of this act, shall be purchased through the Department of Property and Supplies as purchasing agency.

The sum of seventy-five cents from each resident hunter's license fee, being the increase in fees provided by this amendment, shall be used exclusively for the creation, acquisition, by purchase, lease or otherwise, and the maintenance, of public hunting grounds and game refuges and the purchase of outstanding timber and mineral rights on the lands so acquired, or the acquisition of water rights on adjoining lands, whenever the board deems such acquisition desirable.

Estimates of the amounts to be expended under this act, from time to time, by the Department of Revenue and the Board of Game Commissioners, respectively, shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made

to administrative departments, boards, and commissions, 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 Department of Revenue or by the Board of Game Commissioners 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 Department of Revenue or the Board of Game Commissioners, as the case may be.

Section 511, as amended, repealed.

Section 2. That section five hundred and eleven of said act as amended by the act, approved the fourteenth day of May, one thousand nine hundred twenty-five (Pamphlet Laws, seven hundred fifty-two), be, and the same is hereby, repealed.

When effective.

Section 3. This act shall become effective immediately upon its passage, and approval by the Governor.

APPROVED—The 9th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 148

AN ACT

Authorizing municipal subdivisions of the Commonwealth to convey or transfer to the Commonwealth any material, equipment or supplies appropriate for use in the construction or maintenance of certain highways.

Municipalities.

Section 1. Be it enacted, &c., That any municipal subdivision of the Commonwealth is authorized to sell, lease, donate or otherwise transfer to the Commonwealth any material, equipment or supplies appropriate for use in the construction or maintenance of the highways of this Commonwealth.

Transfer to State of materials for use on highways.

APPROVED—The 9th day of June, A. D. 1931.

GIFFORD PINCHOT