

Provided, That all acts or parts of acts inconsistent herewith be, and the same are, hereby repealed.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 118

AN ACT

To amend sections four hundred two and four hundred four as amended, sections four hundred nine and four hundred twelve, and sections five hundred twelve and seven hundred four as amended, 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," prohibiting the breeding, selling, possessing, and using of fitches or weasels for hunting purposes; providing for the licensure of persons breeding, selling, possessing, and using fitches or weasels; and imposing additional penalties.

Section 1. Be it enacted, &c., That sections four hundred and two and four hundred and four 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 by the act, approved the ninth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, four hundred fifty-five), are hereby further amended to read as follows:

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, or to possess, breed, or sell the *European member of the ferret family known as the fitch, and weasel*; (f) to any person 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 ex-

Game Law.

Sections 402 and 404, act of May 24, 1923 (P. L. 359), as amended by act of June 9, 1931 (P. L. 455), further amended.

pires 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 or *fitches or weasels* 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 Commonwealth to licensed dealers of this Commonwealth shall pay five dollars; fur dealers of this Commonwealth, purchasing or receiving raw furs for commercial purposes, shall pay ten dollars; and non-resident fur dealers, purchasing or receiving furs for commercial purposes in this 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. 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.

Sections 409 and
412 of said act,
amended.

Section 2. That sections four hundred and nine and four hundred and twelve of said act are hereby amended to read as follows:

Section 409. Possession, Breeding, and Selling of Ferrets or *Fitches or Weasels*.—It is unlawful for any person to breed or to sell ferrets or *fitches or weasels*, or to offer to sell ferrets or *fitches or weasels*, either for himself or as the agent of another, or to have any ferret or *fitch or weasel* in his possession, except by virtue of a license issued by the board. It is unlawful for any breeder or dealer in ferrets or *fitches or weasels* to sell, or for any common carrier, or the agent of any common carrier, to deliver any ferret or *fitch or weasel* to any

person within this Commonwealth, unless the person to whom such ferret *or fitch* is to be sold or delivered shall possess a proper license to have such animal in possession. Proof, to the satisfaction of the person selling or delivering any ferret *or fitch or weasel*, of the possession of any such license must be required by the production of the license, or by inquiry made to the board; and a record shall be made of all sales by dealers, showing the name, address, ferret *or fitch or weasel* license number, and date of such license, before the sale is consummated.

Section 412. Penalties.—Any person violating any of the provisions of this article shall be sentenced to pay the following fines and costs of prosecution for each offense:

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

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

(c) For the sale, or shipment from or removal from or the permitting of the removal from the Commonwealth, by the holder of any taxidermy license, of each mounted specimen of a bird or animal protected by this act, without the written consent or permit required by this act, twenty-five dollars;

(d) For the breeding or raising of game in captivity without a propagating license, contrary to the provisions of this article, twenty-five dollars for each bird or animal so bred or raised;

(e) For neglecting to return to the board the part of the tag not attached to the container or bird or animal, with the information thereon required, or for the killing or selling or giving away or removing or shipping of game bred or raised, or eggs produced, by the holder of any propagating license, or his agent or employe, contrary to the provisions of this article, fifty dollars;

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

(g) For wilfully or wantonly removing, or mutilating, or destroying a tag attached to a container or bird or animal, contrary to the provisions of this article, fifty dollars;

(h) For wilfully using any tag for the carrying, or removing, or shipping of game or the eggs of game birds

taken or killed outside of premises for propagating game, under authority of license, or for the purpose of a second shipment of game from any such premises, contrary to the provisions of this article, fifty dollars;

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

(j) For purchasing, or receiving, or reselling raw furs for commercial purposes without a license, as provided in this article, twenty-five dollars;

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 512 of said act, as amended by act of May 14, 1925 (P. L. 752), further amended.

Section 3. That section five hundred and twelve of said act, as amended by the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred fifty-two), is hereby further amended to read as follows:

Section 512. Penalties.—Any person violating any of the provisions of this article shall be sentenced to pay the following fines and costs of prosecution for each offense:

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

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

(b) Each deer, one hundred dollars;

(c) Each bear, fifty dollars;

(d) Each wild turkey, ruffed grouse, ring-neck pheasant, quail, *partridge*, or woodcock, twenty-five dollars;

(e) Each other bird or animal, ten dollars;

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

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 dis-

cretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Section 4. That section seven hundred and four of said act, as amended by the act, approved the ninth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, four hundred fifty-five), is hereby further amended to read as follows:

Section 704 of said act, as amended by act of June 9, 1931 (P. L. 455), further amended.

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 apparatus 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 or *Fitches* or *Weasels*.

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 or a *fitch* or a *weasel*. The fact that any person shall place a ferret or a *fitch* or a *weasel* in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret or a *fitch* or a *weasel* in taking hares or rabbits, or shall have a ferret or a *fitch* or a *weasel* 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 or *fitch* or *weasel* found running at large, or found in the possession or under the control of a person not possessed of a ferret or a *fitch* or a *weasel* 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 5. This act shall become effective immediately upon its final enactment.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 119

AN ACT

Providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth.

Section 1. Be it enacted, &c., That the Governor shall annually issue his proclamation, designating and calling upon the public schools of this Commonwealth to observe Free School Day in commemoration of the founding and development of free public schools within this Commonwealth. Said Free School Day shall be designated and observed each year between the dates of April first and April eleventh, both days inclusive. In pursuance to said proclamation of the Governor, appropriate exercises with respect to, and special study concerning, the founding and development of free public schools within this Commonwealth, and the recognition of the efforts and achievements of Honorable George Wolf, former Governor of this Commonwealth, Honorable Samuel Breck, former State Senator, Honorable Thaddeus Stevens, a member of the Legislature, relative thereto, shall be held in the public schools and other educational institutions within this Commonwealth.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 120

AN ACT

To repeal the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-one), entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial, in the county court for the county of Allegheny."

Section 1. Be it enacted, &c., That the act, approved the second day of May, one thousand nine hundred and