

No. 173.

AN ACT

To amend and further amend sections five, seven, fourteen, fifteen, sixteen, nineteen, twenty-one, twenty-two, and twenty-six of an act, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws, five hundred seventy-two), entitled "An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," sections fourteen and fifteen previously having been amended.

Section 1. Be it enacted, &c., That section five of an act, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws, five hundred seventy-two), entitled "An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," which reads as follows:—

"Section 5. It shall be unlawful for any person to breed or sell ferrets, or in any manner to offer to sell ferrets, either for himself or as the agent of another, or to have a ferret in possession, except by virtue of a license to be issued by the Board of Game Commissioners; which said license may be issued, at their discretion, by the said board, upon application made by any *person residing within this Commonwealth*, and the payment of twenty-five dollars upon the part of a breeder of or a dealer in ferrets, and one dollar upon the part of such person as may desire to own a ferret without breeding same. Any person violating this section shall, upon conviction, be liable to a penalty of twenty-five dollars for each ferret bred for sale, sold, or in any manner offered for sale, or had in possession, contrary to this section," is hereby amended to read as follows:—

Section 5. It shall be unlawful for any person to breed or sell ferrets, or in any manner to offer to sell ferrets, either for himself or as the agent of another, or to have a ferret in possession, except by virtue of a license to be issued by the Board of Game Commissioners; which said license may be issued, at their discretion, by the said board, upon application made by any *resident citizen of the United States*, and the payment of twenty-five dollars upon the part of a breeder of or a dealer in ferrets, and one dollar upon the part of such person as may desire to own a ferret without breeding same: *Provided, That before any breeder or dealer in ferrets may lawfully sell, or any common carrier or agent of such common carrier may lawfully deliver, a ferret or ferrets to any person within this Commonwealth, such person or agent must per-*

Game.

Amendments to the act of June 7, 1917 (P. L. 572).

Section 5, cited for amendment.

Ferrets.

License.

Fee.

Proviso.

Duty of vendors of carriers.

sonally see to it, by requiring presentation of the certificate or inquiry from the Board of Game Commissioners, that the person desiring to make such purchase or to whom a ferret or ferrets may be consigned has first obtained a proper license to have such animal or animals in possession.

Violations.
Penalty.

Any person violating this section shall, upon conviction, be liable to a penalty of twenty-five dollars for each ferret bred for sale, sold, *delivered*, or in any manner offered for sale, *or delivered*, or had in possession, contrary to this section.

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

Section 7, cited
for amendment.

“Section 7. A certificate, to be known as a propagating certificate, may be issued by the Board of Game Commissioners to any accredited *person residing within this Commonwealth*, of the age of twenty-one years or upwards, permitting the holder thereof and his assistants to breed or raise game-quadrupeds or game-birds of any kind, both or either, and to sell the same, dead or alive, at any time *within the Commonwealth*, under the following restrictions and regulations:

“Any person or corporation or association desiring to raise either animals or birds classed as game for sale shall file with the secretary of the Board of Game Commissioners, at Harrisburg, a petition asking for this privilege. *In all cases* where the premises intended to be used for this purpose are under the control of a company or association, the petition shall bear the name of the president of such body, and the certificate shall be issued in his name. This petition shall be accompanied by a written description of the premises to be used for such purpose, with the location; which said premises, in the matter of the raising of small game, may be in such form as to the operator thereof seems best suited to his purposes, so long as wild game is prevented from coming onto such property. In the matter of the raising of deer or other large game the preserve shall, *in all cases*, be surrounded by a wire fence of approved pattern for game preserves, with a height of not less than eight feet, so constructed and maintained as to absolutely prevent wild deer from jumping into said preserve or in any manner passing into said preserve from the outside. *It being also distinctly understood, that*, before the fence surrounding any preserve of this character shall be completed or closed, all wild deer that may be found upon said territory shall be, as far as possible, driven therefrom by the owner of such lands, under the direction *and supervision* of an officer of the Game Commission. The bond hereinafter provided for shall be forfeited to the Commonwealth and the certificate become void upon the conviction of the principal therein named of

having violated any provision of this section, or having knowingly or negligently permitted any one to violate any of the game-laws on said premises.

"Upon notification of the favorable consideration of this petition by the said board, the applicant shall pay to said secretary the sum of one dollar, and file a duly executed bond, properly secured, in the sum of five hundred dollars, conditioned for the faithful keeping, upon the part of the principal therein named and his employes upon said premises, of all the provisions of this section and all other game-laws of this State. He shall keep, as nearly as possible, a just and true account, in a book to be kept for that purpose only, of all game raised on said premises; *a just and true account* of all game brought to said premises from outside of the preserve, *the number of birds or animals*, with the time they were received, the place from whence they were shipped, and the name of the shipper. He shall keep a strict account of all game sold, its character, *the number of birds or quadrupeds*, the time and manner of shipment, with the name and address of the purchaser; and shall file with the secretary of said board, at Harrisburg, an itemized statement from the before-named book account, under oath, at the close of every twelve months, beginning with the date of the certificate. Data thus collected shall be held strictly confidential, and shall be used by said board only for the purpose of satisfying themselves that the law relative to this subject is being obeyed within said preserve, or as evidence in cases where they are satisfied the law is not being obeyed.

"The before-named book, together with the premises described and all game thereon, shall be open to inspection upon demand of any member of the Board of Game Commissioners, or of its secretary, or to any game protector, upon the presentation by such game protector of written instructions from the secretary of said board, directing him to thus inspect such plant; and the refusal of any person holding a propagating certificate to permit such inspection by any of the officers above named, or the neglect or refusal upon the part of said holder of such certificate to comply with the reasonable request of the secretary of said board, in any matter pertaining to said plant in which the said board has a legal right to be heard, shall be sufficient cause for refusal upon the part of said board to renew such propagation certificate.

"Where game-birds or animals of any kind shall be raised in captivity under the provisions of this section, they may be sold or given away, and shipped alive from said enclosure, for propagation purposes *within the Commonwealth*; or may be killed within said enclosure, for sale or gift *within the Commonwealth*,

without regard to sex or numbers, at any time of the year, under the following *restrictions*:

"All boxes or crates or packages of any description, in which small game may be shipped or removed from said premises, shall, before removal therefrom, have attached thereto a *card or marker*, to be supplied in duplicate, at cost, by *the Board of Game Commissioners*, upon each part of which shall be plainly written, in the blank spaces left for *that* purpose, the name and address of the purchaser, with the contents of the box, crate, or package. One part of this *card or marker* shall be attached to the receptacle containing the game shipped, and the other part shall be immediately sent to *the Board of Game Commissioners*, at Harrisburg.

"Before any deer or elk, or animal classed as large game, shall be removed or shipped from any licensed propagating plant, there shall first be attached to either the crate or box in which the animal is shipped, or to the animal itself, a *tag or marker*, in such form as may be decided upon by *the Board of Game Commissioners*; which said *tag or marker* shall be supplied in duplicate, by said board at cost; and it shall be the duty of any person raising and selling, or shipping, such deer or elk or large game-animal, to attach to either the crate or box in which a live animal is shipped, or to the body of a dead animal, raised in such preserve, one of these tags or markers, and to forward the duplicate thereof at once to *the Board of Game Commissioners*, at Harrisburg.

"The tag or marker, so attached to either crate or box or animal, shall remain thus attached until the living birds or animals are released from the crate or box, or the dead body of the animal is cut up for retail purposes or final consumption; after which the tag or marker shall be removed from the crate or box or remainder of the carcass by the person finally disposing of the animal, and shall be at once forwarded to *the Board of Game Commissioners*, at Harrisburg.

"Any person failing to comply with the requirements of this section in the matter of attaching tags or markers before shipment of birds or animals, or in any other manner violating the provisions of this section relating to such shipment, shall, upon conviction, be sentenced to pay a penalty of one hundred dollars for each offense. And any person failing to comply with the requirements of this section in the matter of returning to the Board of Game Commissioners the tags so affixed, shall, upon conviction, be sentenced to pay a penalty of ten dollars for each offense: Provided, That no provision of this act relating to license or tags shall be considered to apply to persons who may raise small game to release within the Commonwealth, or to be given away, or to either large or small game sold

alive to a representative of the State, for propagating purposes within the Commonwealth," is hereby amended to read as follows:—

Section 7. A certificate, to be known as a propagating certificate, may be issued by the Board of Game Commissioners to any accredited *resident* of the age of twenty-one years or upwards, permitting the holder thereof and his assistants to breed or raise game-quadrupeds or game-birds of any kind, both or either, and to sell the same, dead or alive, at any time, under the following restrictions and regulations:

Propagating certificates.

Any person or corporation or association desiring to raise either animals or birds classed as game for sale shall file with the secretary of the Board of Game Commissioners, at Harrisburg, a petition asking for this privilege.

Petition for certificate.

Where the premises intended to be used for this purpose are under the control of a company or association, the petition shall bear the name of the president of such body, and the certificate shall be issued in his name. This petition shall be accompanied by a written description of the premises to be used for such purpose, with the location; which said premises, in the matter of raising of small game, may be in such form as to the operator thereof seems best suited to his purposes, so long as wild game is prevented from coming onto such property.

Premises.

Description.

Character.

For small game.

In the matter of the raising of deer or other large game, the preserve shall be surrounded by a wire fence of approved pattern for game preserves, with a height of not less than eight feet, so constructed and maintained as to absolutely prevent wild deer from jumping into said preserve or in any manner passing into said preserve from the outside. Before the fence surrounding any preserve of this character shall be completed or closed, all wild deer that may be found upon said territory shall be, as far as possible, driven therefrom by the owner of such lands, under the direction of an officer of the Game Commission.

For large game.

Fence.

Wild deer to be excluded.

The bond hereinafter provided for shall be forfeited to the Commonwealth and the certificate become void upon the conviction of the principal therein named of having violated any provision of this section, or having knowingly or negligently permitted any one to violate any of the game laws on said premises.

Forfeiture of bond and certificate

Upon notification of the favorable consideration of this petition by the said board, the applicant shall pay to said secretary the sum of one dollar, and file a duly executed bond, properly secured, in the sum of five hundred dollars, conditioned for the faithful keeping, upon the part of the principal therein named and his employes upon said premises, of all the provisions of this section and all other game-laws of this

Fee.

Bond.

Records.

State. He shall keep, as nearly as possible, a just and true account, in a book to be kept for that purpose only, of all game raised on said premises, of all game brought to said premises from outside of the preserve, with the time they were received, the place from whence they were shipped, and the name of the shipper. He shall keep a strict account of all game sold, its character, the time and manner of shipment, with the name and address of the purchaser; and shall file with the secretary of said board, at Harrisburg, an itemized statement from the before-named book account, under oath, at the close of every twelve months, beginning with the date of the certificate. Data thus collected shall be held strictly confidential, and shall be used by said board only for the purpose of satisfying themselves that the law relative to this subject is being obeyed within said preserve or as evidence in cases where they are satisfied the law is not being obeyed.

Itemized statement to be filed with game commission.

Inspection of records and premises.

The before-named book, together with the premises described and all game thereon, shall be open to inspection upon demand of any member of the Board of Game Commissioners, or of its secretary, or of any game protector, upon the presentation by such game protector of written instructions from the secretary of said board, directing him to thus inspect such plant; and the refusal of any person holding a propagating certificate to permit such inspection by any of the officers above named, or the neglect or refusal upon the part of said holder of such certificate to comply with the reasonable request of the secretary of said board, in any matter pertaining to said plant in which the said board has a legal right to be heard, shall be sufficient cause for refusal upon the part of said board to renew such propagation certificate.

Refusal to allow inspection.

Sale or shipment of game raised.

Where game-birds or animals of any kind shall be raised in captivity under the provisions of this section, they may be sold or given away, and shipped alive from said enclosure, for propagating purposes, or may be killed within said enclosure for sale or gift, without regard to sex or numbers, at any time of the year under the following regulations:

Before any live game of any kind is shipped out of the Commonwealth, such game must be offered to the Board of Game Commissioners for propagating purposes, which board shall advise within ten days whether interested in such purchases, whereupon, if not interested, shipment to any other State or Nation, if properly tagged as hereinafter provided, shall be legal without further permit.

Small game.

All boxes or crates or packages of any description, in which small game may be shipped or removed from said premises, shall, before removal therefrom, have attached thereto a tag to be supplied in duplicate, at cost, by said board, upon each part of which shall be

Tags.

plainly written, in the blank spaces left for *the* purpose, the name and address of the purchaser, with the contents of the box, crate, or package. One part of this *tag* shall be attached to the receptacle containing the game shipped, and the other part shall be immediately sent to *said* board, at Harrisburg.

Before any deer or elk, or animal classed as large game, shall be removed, *sold* or shipped from any licensed propagating plant, there shall first be attached, to either the crate or box in which the animal is shipped or to the animal itself, *one of the tags herein required for small game, and* the duplicate thereof shall be forwarded at once to *said* board, at Harrisburg.

The tag so attached to either crate or box or animal shall remain thus attached until the living birds or animals are released from the crate or box, or the dead body of the animal is cut up for retail purposes or final consumption; after which the tag shall be removed from the crate or box or remainder of the carcass by the person finally disposing of the animal, and shall be at once forwarded to *said* board, at Harrisburg.

Any person failing to comply with the requirements of this section in the matter of attaching tags before shipment of birds or animals, or in any other manner violating the provisions of this section relating to such shipment, shall, upon conviction, be sentenced to pay a penalty of one hundred dollars for each offense. And any person failing to comply with the requirements of this section in the matter of returning to the Board of Game Commissioners the tags so affixed shall, upon conviction, be sentenced to pay a penalty of ten dollars for each offense: Provided, That no provision of this act relating to license or tags shall be considered to apply to persons who may raise small game to release within the Commonwealth, or to be given away *within the Commonwealth*, or to either large or small game sold alive to a representative of the State, for propagating purposes within the Commonwealth.

Section 3. That section fourteen of said act, as amended by an act, approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws, eight hundred and twenty-three), entitled "An act to amend sections fourteen and fifteen of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled 'An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions,' " which reads as follows:—

Large game.

Tags.

Removal of tags.

Violations.

Penalty.

Penalty.

Proviso.

Section 14, as amended by section 1, act of July 9, 1919 (P. L. 823), cited for amendment.

"Section 14. It shall be unlawful for any person, excepting as provided for in this act, to take or kill or wound, or to attempt to take or kill or wound, or have in possession, either living or dead, any game-bird or game-animal, or any part of such bird or animal, protected by this act. The open season for game-birds and animals shall be as follows:—

"For the ruffed grouse, commonly called pheasant, Virginia partridge, commonly called quail, ring-necked pheasants, Hungarian quail, the gray, black, and fox squirrel, from the *twentieth* day of *October* to the thirtieth day of November. For woodcock, from the first day of October to the thirtieth day of November. For the wild-turkey, from the *fifteenth* day of *November* to the *thirtieth* day of *November*. For the wild rabbit and the hare, from the first day of November to the fifteenth day of December. For the raccoon, from the first day of *September* to the thirty-first day of *December*. For bear, from the *fifteenth* day of *October* to the fifteenth day of December. For male deer, with antlers extending not less than *two* inches above the *hair*, from the first day of December to the fifteenth day of *the same month*. For upland or grass plover, and the birds commonly called blackbirds, from the first day of August to the thirtieth day of November. For the rail, coot, or mud-hen, reed-bird, sand-piper, tattler, curlew, Wilson or jack-snipe, or any other shore-bird, excepting woodcock, from the first day of September to the thirtieth day of November. For all kinds of birds known as wild water-fowl, from the sixteenth day of September to the thirty-first day of *January next following*: Provided, *That the red squirrel may be killed at any time of the year without regard to numbers, and that the Gambel quail shall be accorded every protection, with the same open season, bag-limit, et cetera, given by the act of June twenty-seventh, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred seventy-two), to the Virginia partridge, commonly called quail.*

"Any person who shall violate any provisions of this section shall be liable to a penalty of one hundred dollars for each deer; and a *penalty of fifty* dollars for each bear; and a *penalty of twenty-five* dollars for each wild-turkey or ruffed grouse or quail or woodcock or ring-necked pheasant; and a *penalty of ten* dollars for each rabbit or hare or squirrel or raccoon or wild water-fowl or shore-bird, other than a woodcock, or plover or reed-bird or blackbird, killed or taken, or attempted to be killed or taken, or had in possession, at a time other than that fixed as the open season for such animals and birds, or in any manner contrary to this section: Provided, however, *That ring-necked pheasants raised strictly in captivity may be killed by*

the owner of such birds upon lands such person may own or control, without regard to numbers, during the open season for ring-necked pheasants; and that any game-bird or animal raised strictly in captivity and killed or captured within such place of confinement without being first released in the Commonwealth at large, may be killed or captured at any season of the year without regard to sex or numbers or age, and may be sold or given away within the Commonwealth, either alive or dead, under the rules and regulations of the Board of Game Commissioners pertaining to the marking and tagging of game raised in licensed preserves: Provided also, That those birds commonly known as blackbirds may be killed by the owner or lessee of lands, or by the legitimate employe of such owner or lessee, when, upon the property under their control, such birds may be destroying either the eggs or the young of other birds, or growing crops or grain, or cultivated fruit or berries; and the Board of Game Commissioners shall have authority to direct the killing of those birds commonly called blackbirds when satisfied that such birds have from any cause become a nuisance in the section wherein they may be located," is hereby amended to read as follows:—

Section 14. It shall be unlawful for any person, excepting as provided for in this act, to take or kill or wound, or to attempt to take or kill or wound, or have in possession, either living or dead, any game-bird or game-animal, or any part of such bird or animal, protected by this act. The open season for game-birds and animals, *Sundays excepted*, shall be as follows:

For the *wild-turkey*, ruffed grouse, commonly called pheasant, ring-necked pheasant, Virginia partridge, commonly called quail, *Gambel quail*, *Valley quail*, Hungarian quail, and the gray, black, and fox squirrel, from the *first day of November* to the thirtieth day of November.

For the *red squirrel*, from the *first day of November* to the *fifteenth day of August* next following.

For the wild rabbit and the hare, from the first day of November to the fifteenth day of December.

For woodcock, from the first day of October to the thirtieth day of November.

For the raccoon, from the first day of *October* to the thirty-first day of *January*.

For bear, from the first day of *November* to the fifteenth day of December. For male deer, with antlers extending not less than *four* inches above the *top of the skull*, from the first day of December to the fifteenth day of *December*.

Open seasons.

Wild-turkey,
pheasant and quail.

Squirrel.

Rabbit and hare.

Woodcock.

Raccoon.

Bear.

Deer.

Plover and black-birds.

For upland or grass plover, and the birds commonly called blackbirds, from the first day of August to the thirtieth day of November.

Rail, coot, shore-birds, etc.

For the rail, coot, or mud-hen, reed-bird, sand-piper, tattler, curlew, Wilson or jack-snipe, or any other shore-bird, excepting woodcock, from the first day of September to the thirtieth day of November.

Wild water-fowl.

For all kinds of birds known as wild water-fowl, from the sixteenth day of September to the thirty-first day of December: Provided, That the Gambel and Valley quail shall be accorded *the same* protection *throughout* given to the Virginia partridge, commonly called quail, by the act of June seventh, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), *and its several amendments*.

Gambel and Valley quail.

Penalties.

Any person who shall violate any provision of this section shall be liable to a penalty of one hundred dollars for each deer; and fifty dollars for each bear; and twenty-five dollars for each wild-turkey or ruffed grouse or quail or woodcock or ring-necked pheasant; and ten dollars for each rabbit or hare or squirrel or raccoon or wild water-fowl or shore-bird, other than a woodcock, or plover or reed-bird or blackbird,—killed or taken, or attempted to be killed or taken, or had in possession, at a time other than that fixed as the open season for such animals and birds, or in any manner contrary to this section: Provided, however, That ring-necked pheasants raised strictly in captivity may be killed by the owner of such birds upon lands such person may own or control, without regard to numbers, during the open season for ring-necked pheasants.

Proviso.

Section 4. That section fifteen of said act, as amended by an act, approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws, eight hundred twenty-three), entitled "An act to amend sections fourteen and fifteen of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and seventy-two), entitled 'An act to provide for the protection and preservation of game, game-quadrupeds, and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions,' " which reads as follows:—

Section 15, as amended by section 2, act of July 9, 1919 (P. L., 823), cited for amendment.

"Section 15. It shall be unlawful for any person to kill in one day more than one wild-turkey, or more than *four* ruffed grouse, or more than eight Virginia partridges, commonly called quail, or more than six woodcock, or more than *four* ring-necked pheasants, or more than four Hungarian quail, or more than six squirrels of the combined kinds of fox, black, or gray, or *either* of them, or more than *ten* wild rabbits, or more than three hares; or to kill in any one season

more than one wild turkey, or more than *twenty-four* ruffed grouse, or more than twenty-five Virginia partridges, commonly called quail, or more than twenty woodcock, or more than *ten* ring-necked pheasants, or more than ten Hungarian quail, or more than twenty of the combined kinds of squirrels of fox, black, or gray, or *either* of them, or more than forty wild rabbits, or more than fifteen hares, or more than one bear, or more than one deer, which in every instance shall be a male deer with antlers not less than *two* inches above the *hair*; and it shall be unlawful for any person at any time to attempt, by standing on watch or otherwise, to kill a second male deer in one season; and it shall be unlawful for any person at any time to shoot at or wound or kill, or to attempt to wound or kill, or have in possession, a female deer or an elk or any *fawn* found in a wild state in this Commonwealth, except as otherwise provided by the laws of this Commonwealth relating to the taking of game-animals and game-birds under authority of a certificate issued by the Board of Game Commissioners. Any person taking or wounding or killing, or attempting to take, kill, or wound, any animal or bird protected by this act, or in excess of the number permitted by this act, or in any manner violate any provision of this section, — shall, upon conviction, be liable to a penalty of two hundred dollars and six months imprisonment for each elk, and one hundred dollars for each deer, and fifty dollars for each bear, and twenty-five dollars for each wild-turkey or ruffed grouse or quail or woodcock or ring-necked pheasant, and ten dollars for each rabbit or hare or squirrel, so taken, wounded, killed, or attempted to be taken, wounded, or killed, or had in possession, contrary to the provisions of this section.

“Every person who knowingly uses game that has been illegally killed or taken, or who knowingly aids or assists in the concealment of game illegally killed, or who knowingly has game in possession that has been illegally killed or taken with intent to use or conceal same, shall be liable to the full penalty imposed by law for the killing of such game contrary to law.

“*When it is proven to the satisfaction of the Board of Game Commissioners that either a bear or deer or elk or rabbits or other game is excessively destroying property, and thereby becoming a nuisance in any section of the State, the said board shall have authority to at any time remove or to have removed said animals from that neighborhood, or to have the same killed, as the case may require: Provided also, That upon receipt of a petition from any county, containing the signatures of not less than two hundred citizens of that county, declaring that bears have become a*

nuisance in that section, setting forth in what manner such animals are a nuisance and such other writing or evidence as the petitioners may deem it advisable to file, the said board, if upon investigation is satisfied the conditions in that county warrant such action, may declare such county open to the killing of bear, at any time of the year, in any number, and by any method, except steel traps and deadfalls, by any resident citizen of the United States, either licensed or unlicensed. To either open a county to the killing of bear, as herein provided for, or to revoke such declaration, a proper notice to that effect shall be published by said board in not less than three newspapers of general circulation in the county affected, if there be that many published in the county, one time each week for three consecutive weeks, setting forth the date such action becomes effective. Bears killed under the provisions of such special declaration may be consumed or disposed of in any manner by the person killing same," is hereby amended to read as follows:—

Limitation as to
number.
Day.

Section 15. It shall be unlawful for any person to kill in one day more than one wild-turkey, or more than three ruffed grouse, or more than eight Virginia partridges, commonly called quail, or more than eight Gambel or Valley quail, or more than six woodcock, or more than three ring-necked pheasants, or more than four Hungarian quail, or more than six squirrels of the combined kinds of fox, black or gray, or any of them, or more than five wild rabbits, or more than three hares; or to kill in any one season more than one wild-turkey, or more than fifteen ruffed grouse, or more than twenty-five Virginia partridges, commonly called quail, or more than twenty-five Gambel or Valley quail, or more than twenty woodcock, or more than six ring-necked pheasants, or more than ten Hungarian quail, or more than twenty of the combined kinds of squirrels of fox, black or gray, or any of them, or more than forty wild rabbits, or more than fifteen hares, or more than one bear, or more than one deer, which in every instance shall be a male deer with antlers extending not less than four inches above the top of the skull; and it shall be unlawful for any person at any time to attempt, by standing on watch or otherwise, to kill a second male deer in one season; and it shall be unlawful for any person at any time to shoot at or wound or kill, or to attempt to wound or kill, or have in possession, a female deer or an elk or any illegal male deer or elk, found in a wild state in this Commonwealth, except as otherwise provided by the laws of this Commonwealth relating to the taking of game-animals and game-birds under authority of a certificate issued by the Board of Game Commissioners.

Season.

Second deer.

Female deer, elk,
or illegal deer.

Any person taking or wounding or killing, or attempting to take, kill, or wound, any animal or bird protected by this act, or in excess of the number permitted by this act, or in any manner violate any provision of this section, shall, upon conviction, be liable to a penalty of two hundred dollars and six months imprisonment for each elk, and one hundred dollars for each deer, and fifty dollars for each bear, and twenty-five dollars for each wild-turkey or ruffed grouse or quail or woodcock or ring-necked pheasant, and ten dollars for each rabbit or hare or squirrel, so taken, wounded, killed, or attempted to be taken, wounded, or killed, or had in possession, contrary to the provisions of this section.

Violations.

Penalty.

Every person who knowingly uses game that has been illegally killed or taken, or who knowingly aids or assists in the concealment of game illegally killed, or who knowingly has game in possession that has been illegally killed or taken with intent to use or conceal same, shall be liable to the full penalty imposed by law for the killing of such game contrary to law.

Use or concealment of game illegally taken.

Section 5. That section sixteen of said act, which reads as follows:—

“Section 16. It shall be unlawful to hunt for, or to catch or to kill, or to attempt to catch or kill, any of the game-birds or any of the game-animals *protected by the laws of this Commonwealth*, between sunset of one day and sunrise of the day following; or to take or kill or wound, or to attempt to take or kill or wound, game of any kind except through the use of a gun, such as is usually raised at arm’s length and fired from the shoulder, or through the use of a pistol other than an automatic pistol or a revolver, such as is usually held in the hand and fired at arm’s length; and no person, except as provided for by this act, shall at any time set, lay, or prepare for use, or use any trap, snare, net, bird-lime, swivel-gun, the apparatus known as a silencer, deer-lick, pit-fall, turkey blind, turkey call, or turkey pen, for the purpose of catching or taking or killing game of any kind; or shall shoot at or take or kill, or attempt to shoot or take or kill, game-birds or animals of any kind from an automobile, or *vehicle* of any kind propelled by any mechanical power; or shall make use of or take advantage of any artificial light, battery, or other contrivance or device, except the before-mentioned gun, with intent to catch, take, or injure, or kill any of the game-animals or game-birds *found in this Commonwealth*, excepting that raccoons may be hunted for and be killed at any time, either day or night, during the open season, Sunday excepted, *for such animals*, and may be killed or captured in any manner that to the hunter may seem best, and may be retained in captivity or sold dead or alive at any time,

Section 16, cited for amendment.

either within or outside the Commonwealth, if taken during the open season; and that decoys in numbers as provided for in this act, and blinds, may be used in hunting wild water-fowls; and that residents under the age of fourteen years may take rabbits through the use of box-traps during the open season, upon the lands whereon such persons reside.

"Any person violating any provision of this section shall, upon conviction, be liable to a penalty of two hundred dollars and six months' imprisonment for each elk, and a penalty of one hundred dollars for each deer, and fifty dollars for each bear, and ten dollars for each rabbit or hare or squirrel, and twenty-five dollars for each game-bird, taken, killed, or wounded, or attempted to be taken, killed, or wounded, contrary to this section: *Provided, That as a protection to growing crops, vegetables, and fruit-trees, raccoons and rabbits may be killed by the owner or lessee of lands, or by the employe of such owner or lessee, upon which lands such animals may be committing depredations, at any time and in such manner as may be best suited to secure the desired end:* Provided also, That it shall be lawful to use steel traps, not to exceed in size a standard number three, for the purpose of taking wild-cats, and other wild animals classed as vermin, so long as such traps are not set where rabbits and other protected game may be caught in such traps," is hereby amended to read as follows:—

Night hunting.

Permissible weapons.

Traps, snares, etc.

Vehicles.

Lights.

Raccoons.

Section 16. It shall be unlawful to hunt for or to catch or to kill, or to attempt to catch or kill, any game-birds or any game-animals between sunset of one day and sunrise of the day following; or to take or kill or wound, or to attempt to take or kill or wound, game of any kind except through the use of a gun, such as is usually raised at arm's length and fired from the shoulder, or a pistol, other than an automatic pistol or revolver, such as is usually held in the hand and fired at arm's length; and no person, except as provided for by this act, shall, at any time, set, lay, or prepare for use, or use any trap, snare, net, bird-lime, swivel-gun, *air-rifle*, the apparatus known as a silencer, deer-lick, pitfall, turkey blind, turkey call, or turkey pen, for the purpose of catching or taking or killing game of any kind; or shall shoot at or take or kill, or attempt to shoot or take or kill, game-birds or animals of any kind from an automobile or *vehicles* of any kind propelled by any mechanical power; or shall make use of or take advantage of any artificial light, battery, or other contrivance or device, except the before-mentioned gun, with intent to catch, take, injure, or kill any game-animals or game-birds,—excepting that raccoons may be hunted for and be killed at any time, either day or night, during the open sea-

son, Sunday excepted, and may be killed or captured in any manner that to the hunter may seem best, and may be retained in captivity, or sold dead or alive at any time, either within or outside the Commonwealth, if taken during the open season; and that decoys in numbers as provided for in this act and blinds may be used in hunting wild water-fowl; and that residents under the age of fourteen years may take rabbits through the use of box-traps during the open season upon the lands whereon such persons reside: Provided also, That it shall be lawful to use steel traps, not to exceed in size a standard number three, for the purpose of taking wildcats and other wild animals classed as vermin, so long as such traps are not set where rabbits and other protected game may be caught in same.

Decoys and blinds.

Residents under fourteen.

Proviso.

Steel traps for vermin.

Any person violating any provisions of this section shall, upon conviction, be liable to a penalty of two hundred dollars and six months imprisonment for each elk, and a penalty of one hundred dollars for each deer, and fifty dollars for each bear, and ten dollars for each rabbit or hare or squirrel, and twenty-five dollars for each game-bird, taken, killed, or wounded, or attempted to be taken, killed, or wounded, contrary to this section.

Violations.

Penalty.

Section 6. That section nineteen of said act, which reads as follows:—

“Section 19. It shall be unlawful for any person to kill or wound or capture, or to attempt to kill or wound or capture, any wapiti or elk found in a wild state in this Commonwealth; or to have such wapiti or elk, or any part thereof, in possession before the first day of December, one thousand nine hundred and *twenty-one*. That after the thirtieth day of November, one thousand nine hundred and *twenty-one*, unless otherwise provided, there shall be annually an open season for wapiti or elk, which open season shall correspond with the open season for deer at that time; during which open season of each year, Sundays excepted, it shall be lawful for any person in this Commonwealth to kill, through the method known as still-hunting, only one wild wapiti or elk, which in all instances shall be a male wapiti or elk with antlers, commonly called horns, with not less than four points to one antler. Any person violating any provision of this section shall be liable to a penalty of two hundred dollars and six months’ imprisonment for each offense,” is hereby amended to read as follows:—

Section 19, cited for amendment.

Section 19. It shall be unlawful for any person to kill or wound or capture, or to attempt to kill or wound or capture, any wapiti or elk found in a wild state in this Commonwealth, or to have such wapiti or elk, or any part thereof, in possession, before the

Wapiti or elk.

Close season.

- Open season. first day of December, one thousand nine hundred and *twenty-three*. That after the thirtieth day of November, one thousand nine hundred and *twenty-three*, unless otherwise provided, there shall be annually an open season for wapiti or elk, which open season shall correspond with the open season for deer at that time, during which open season of each year, Sundays excepted, it shall be lawful for any person in this Commonwealth to kill, through the method known as
- Still-hunting. still-hunting, only one wild wapiti or elk, which in all instances shall be a male wapiti or elk with antlers, commonly called horns, with not less than four points to one antler.
- Penalty. Any person violating any provision of this section shall be liable to a penalty of two hundred dollars and six months imprisonment for each offense.
- Section 21, cited for amendment. Section 7. That section twenty-one of said act, which reads as follows:—
 “Section 21. It shall be unlawful for any body of men, either camping together or hunting in unison, to kill or be possessed of more than six male deer, or more than one elk, or more than three bear, killed under the provisions of existing law, in a wild state, *in any part of this Commonwealth*, in one season.
 “Every person in a camp or *who may join* with others in hunting for deer or elk or bear *in this Commonwealth*, shall be liable to the penalty now imposed by law for the *unlawful* killing of deer or elk or bear, *that may be* killed by any member of their party in excess of the before-mentioned numbers, after the *day upon which the number of deer or elk or bear as fixed by this section for camps, has been legally taken*,” is hereby amended to read as follows:—
- Camps and hunting parties. Section 21. It shall be unlawful for any body of men, either camping together or hunting in unison or *in any manner cooperating with each other*, to
- Limitation. kill or be possessed of more than six *legal* male deer, or more than one *legal* elk, or more than three bear, killed under the provisions of existing law, in a wild state, in one season.
- Records. *Each camp or body of men hunting together 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, which roster or record shall be kept at the camp boarding house or other stopping place, and, if not camping 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 may be to protect the game of the Commonwealth.*
- Tags and markers. *Each person killing a deer, elk, or bear in a wild state shall see to it that a tag or marker is attached within*

six hours after such killing, bearing in plain English his name, address, license number, and county number, with the location where same was killed.

Every person in a camp or body of men hunting together or in any manner cooperating with others in hunting for deer or elk or bear, shall be liable to the full penalty now imposed for killing deer or elk or bear during the close season for each animal killed by any member of their party in excess of the before-mentioned numbers, 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: Provided, That should more than the lawful number of deer or elk or bear to fill out the legal quota be 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, within eighteen hours after killing, for delivery to a charitable institution, the head and skin to be disposed of by the Board of Game Commissioners.

Liability to penalties.

Proviso.

Every person who may hunt individually or with another camp or party hunting in unison for deer or elk or bear, or in any manner cooperating with others hunting for deer or elk or bear, after having participated in any manner in killing during that season the number of such animals above prescribed for camps or hunting parties, shall be liable to the full penalty prescribed for killing such animals during the close season for every day such person may hunt contrary to this provision.

For failure to keep, or produce immediately upon demand by any officer specified, the roster or record required by this section, or for failure to tag deer or elk or bear as herein required, any game found in possession shall be confiscated, and the person responsible for such neglect or, if unable to immediately locate the individual responsible, each member of a camp or party hunting in unison, shall be liable to a penalty of twenty-five dollars for each offense.

Failure to keep or produce records.

Penalty.

Section 8. That section twenty-two of said act, which reads as follows:—

“Section 22. Nothing in this act shall be so construed as to prevent any person, actually residing upon and cultivating lands within this Commonwealth, from killing any deer, regardless of sex or age, which he may find actually engaged in the destruction of any fruit-trees or crops on said lands,” is hereby amended to read as follows:—

Section 22, cited for amendment.

Section 22. When it is proven to the satisfaction of the Board of Game Commissioners that either deer or elk or bear or rabbits or blackbirds or other game

Game destroying property.

Powers of Game
Commissioners.

is excessively destroying property or otherwise becoming a nuisance in any section of the State, the said board shall have authority to at any time remove or to have removed said animals or birds from that neighborhood or to direct the killing of same, as the case may require.

Powers of land-
owners, etc.

Nothing in this act shall be so construed as to prevent any person, actually residing upon or cultivating lands within this Commonwealth, as either the owner or lessee, or the legitimate employe of such owner or lessee, from killing, in any manner or at any time, any deer or elk or bear or rabbit or raccoon or the birds commonly known as blackbirds, regardless of sex or age, which he may find on such lands actually engaged in the material destruction of cultivated fruit trees, cultivated crops, vegetables, live stock, poultry, or bee-hives, or, in the case of blackbirds, either the eggs or young of other birds, or anywhere on the property under their control immediately following such destruction: *Provided, That such person shall at all times be in position to prove that material damage was being done by the animal or bird killed, and report such killing, except in the case of blackbirds, within twenty-four hours, either verbally or in writing, to the nearest game protector or the office of the Board of Game Commissioners, at Harrisburg; also dress and properly care for the carcass of any animal killed for delivery to such charitable institution as such officer or board may direct. Failure to prove material damage or make the report herein required or properly care for such carcass shall be prima facie evidence that the purpose was not to relieve the destruction of property as herein contemplated, and shall subject any person killing any animal or bird named in this section to the full penalty provided by law for killing such animal or bird during the close season: Provided, however, That nothing in this act shall be construed to prevent any person from killing a bear at any time or in any manner when such animal is inflicting or attempting to inflict injury to either the person or personal property of any individual, or the killing of such bear in a pursuit commenced within forty-eight hours after the commission of such offense, or to prevent any person from killing a bear at any time, in any manner, when such animal is found within one-half mile of his regular place of residence, if such person has just cause to fear injury to persons or his personal property: Provided, That steel traps shall not be used for the purposes stipulated in this provision relative to bear. Any bears killed under this provision shall be reported, and the carcass cared for and disposed of in the same manner as directed above: Provided also, That upon receipt of a petition from*

Proviso.

Proof.
Report.

Proviso.

Bears.

any county, containing the signatures of not less than two hundred citizens of that county, declaring that bears have become a nuisance in that section, setting forth in what manner such animals are a nuisance and such other writing or evidence as the petitioners may deem it advisable to file, the said board, if upon investigation it is satisfied the conditions in that county warrant such action, may declare such county open to the killing of bear, at any time of the year, in any number, and by any method, except steel traps and deadfalls, by any citizen of the United States when complying with the hunter's license laws of the Commonwealth. To either open a county to the killing of bear, as herein provided for, or to revoke such declaration, a proper notice to that effect shall be published by said board in not less than three newspapers of general circulation in the county affected, if there be that many published in the county, one time each week for three consecutive weeks, setting forth the date such action becomes effective. Bears killed under the provisions of such special declaration may be consumed or disposed of under the provisions of law by the person killing same.

Opening counties
for bear hunting.

Section 9. That section twenty-six of said act, which reads as follows:—

“Section 26. Any dog pursuing or following upon the track of any game-quadruped, such as hare or rabbits, and known as small game, or following upon the track of any game-bird or other wild bird protected by existing law, during what is known as the close season for such animal or bird, is hereby declared to be a public nuisance; and may be killed by the owner or lessee of land whereon it is found, or by an employe of such owner or lessee, or by a game-protector, deputy game-protector, game-warden, forestry-warden, or any other officer of the Commonwealth whose duty it is to protect the game or wild birds, unless such dog shall wear a collar having attached thereto a metallic tag or plate upon which shall be plainly inscribed, in English, the name and address of the owner of such dog; and any dog thus wearing a collar, inscribed as before mentioned, pursuing small game during what is known as the close season for such game or wild birds, may be killed by the owner or lessee of any land upon which such dog may be found, or by any employe of either the owner or lessee, or by a game-protector, deputy game-protector, game-warden, forestry-warden, or any officer of the State whose duty it is to protect the game of the State, when such dog is seen upon the track of such game, after notice in writing from that particular person or from the secretary of the Game Commission, has been given to the owner or reputed owner or person in cou-

Section 26, cited
for amendment.

trol of such dog, to the effect that the dog in question is in the habit of destroying, or pursuing, or following upon the track of, game or wild birds, contrary to this section.

“Any person who shall either knowingly or negligently permit his dog or a dog under his control to pursue small game during the close season off land he may own or control, *after notice as before stated*, shall be liable to a penalty of ten dollars for each day small game may be pursued in violation of this section, and to an additional penalty of five dollars for each game-bird or rabbit killed by such dog pursuing game without the aid or direction of its master: Provided, That dogs, when accompanied by and under control of their masters, may be trained upon any of the living wild-game or birds in this State, excepting elk and deer and fawn or wild-turkeys, from the first day of September to the first day of March next following, so long as no injury is inflicted upon said animals or birds,” is hereby amended to read as follows:—

Section 26. Any dog pursuing or following upon the track of any game-quadruped, such as hare or rabbits, and known as small game, or following upon the track of any game-bird or other wild bird protected by existing law, during what is known as the close season for such animal or bird, is hereby declared to be a public nuisance, and may be killed by the owner or lessee of land whereon it is found, or by an employe of such owner or lessee, or *by* any officer of the Commonwealth whose duty it is to protect the game or wild birds, unless such dog shall wear a collar having attached thereto a metallic tag or plate upon which shall be plainly inscribed, in English, the name and address of the owner of such dog; and any dog thus wearing a collar, inscribed as before mentioned, pursuing small game during what is known as the close season for such game or wild birds, may be killed by the owner or lessee of any land upon which such dog may be found, or by any employe of either the owner or lessee, or *by* any officer of the State whose duty it is to protect the game of the State, when such dog is seen upon the track of such game, after notice in writing from that particular person, or from the secretary of the Game Commission, has been given to the owner or reputed owner or person in control of such dog, to the effect that the dog in question is in the habit of destroying or pursuing or following upon the track of game or wild birds contrary to this section.

Any person who shall either knowingly or negligently permit his dog or a dog under his control to pursue small game during the close season off land he may own or control, shall be liable to a penalty of ten dollars for each day small game may be pursued in

Dogs nursing
small game.

During close sea-
son.

Public nuisance.

Killing of dog.

Collar and name
plate.

Killing after notice
to owner.

Liability of dog
owner.

Penalty.

violation of this section, and to an additional penalty of five dollars for each game-bird or rabbit killed by such dog pursuing game without the aid or direction of its master: Provided, That dogs, when accompanied by and under control of their masters, may be trained upon any of the living wild-game or birds in this State, excepting elk and deer and fawn or wild-turkeys, from the first day of September to the first day of March next following, *Sundays excepted*, so long as *no fire-arms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds.*

Proviso.
Training dogs.

APPROVED—The 5th day of May, A. D. 1921.

WM. C. SPROUL.

No. 174.

AN ACT

Concerning the proof of statutes of other jurisdictions, and to make uniform the law with reference thereto.

Section 1. Be it enacted, &c., That printed books or pamphlets purporting on their face to be the session or other statutes of the session or other statutes of the United States, of any of the territories or possessions thereof, of any State of the United States, or of any foreign country, or of any jurisdiction outside of Pennsylvania, and to have been printed and published by the authority of any such government, territory, possession, State, foreign country, or foreign jurisdiction, or proved to be commonly recognized in its courts, shall be received in the courts of this State as prima facie evidence of such statutes.

Uniform Proof of
Statutes Act.

Books or pam-
phlets.

To be prima facie
evidence.

Section 2. This act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those States which enact it.

Construction.

Section 3. This act may be cited as the Uniform Proof of Statutes Act.

Title.

Section 4. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Repeal.

APPROVED—The 5th day of May, A. D. 1921.

WM. C. SPROUL.