

and extending, in a general westerly direction, south of the Cornwall and Lebanon branch of the Pennsylvania Railroad, to the post office at Mount Gretna, Lebanon County; thence, along the south side of Conewago Lake, to the western end of the lake, and there joining with an improved military road on the State Military Reservation.

Location.

Section 2. The said State highway shall be located by the State Highway Department, after consultation with the Adjutant General of the Commonwealth, and shall be so located as to afford easy access to the State Military Reservation at Mount Gretna.

Construction and maintenance.

Section 3. The said State highway shall be constructed, improved, and maintained by the State Highway Department, in accordance with the existing laws of the Commonwealth relating to the construction, improvement, and maintenance of State highways.

Cost.

The cost of such construction, improvement, and maintenance shall be paid from moneys appropriated from time to time to the State Highway Department for the construction, improvement, and maintenance of State highways.

APPROVED—The 17th day of May, A. D. 1921.

WM. C. SPROUL.

No. 316.

AN ACT

Relating to the taking of certain fur-bearing animals.

Fur-bearing animals.

Section 1. Be it enacted, &c., That, whenever used in this act, the term "fur-bearing animal" shall include the following: Mink, muskrat, opossum, otter, raccoon, and skunk (commonly known as polecat).

Defined.

Open season.

Section 2. It is unlawful to kill or capture, in any manner, any fur-bearing animals within the limits of this Commonwealth, except from the first day of November to the last day of February next following, both dates inclusive, except raccoons, which may be killed or captured from the first day of October to the thirty first day of January, both days inclusive.

Raccoons.

Certain methods of taking prohibited.

Section 3. It is unlawful to use poison, explosives, or chemicals in taking any of the protected fur-bearing animals, or to smoke out or dig out any den of any kind or to cut den trees for the purpose of killing any fur-bearing animals, at any time within the limits of this Commonwealth: Provided, however, That the provisions of this act shall not be construed to apply to the Board of Game Commissioners, or any of its duly appointed officers or authorized agents, acting for the Commonwealth.

Proviso.

Section 4. Nothing in this act shall prevent persons residing upon and cultivating lands from digging out dens, during the closed season, in fields which they have under actual cultivation, or from killing any fur-bearing animals when found in the act of destroying personal property, or in immediate pursuit thereafter, but in no case shall pursuit be carried beyond the limits of the property upon which the damage is done.

Rights of land-owners.

Section 5. It is unlawful to buy, sell, or offer to buy or sell, or to ship out of the State, any fur-bearing animal, or any part thereof, knowing same to have been unlawfully taken. The possession of the green pelt or carcass of any fur-bearing animal, except during the open season and for fifteen days thereafter, shall be prima facie evidence of a violation of this act.

Buying, selling, and shipping.

Section 6. It is unlawful to disturb the traps of another, or to take an animal from the traps of another, unless specifically authorized by the owner. Any person disturbing or molesting the traps set by another is guilty of malicious mischief. Any person taking a trap or taking an animal from a trap set by another is guilty of larceny and punishable accordingly.

Disturbing traps.

Malicious mischief.
Larceny.

Section 7. Any person violating any of the provisions of this act, or guilty of malicious mischief under the provisions thereof, shall, upon conviction before any justice of the peace, alderman, or magistrate, in the county in which the offense was committed, be liable, for each separate offense, to a penalty of ten dollars (\$10.00) for the first offense, and for each subsequent offense a penalty of fifty dollars (\$50.00), together with the surrender of all guns, traps, dogs, boats and other appliances used in, and all pelts taken in, violation of the laws.

Jurisdiction.

Penalty.

Section 8. Any officer of the Commonwealth whose duty it is to protect the wild birds or game of the Commonwealth, or to preserve the peace of the Commonwealth, shall have the right to arrest, without warrant, any person caught in the act of violating any provisions of this act, or in pursuit immediately following such violation, and to seize all guns, shooting paraphernalia, dogs, boats, or other appliances used in violation of any provisions of this act, also all fur-bearing animals found either in possession or under control of the suspected person within this Commonwealth. All guns, boats, dogs, fur-bearing animals, traps, and shooting paraphernalia, seized when such arrest is made, shall be held subject to the determination of the proceedings instituted. All guns, boats, dogs, fur-bearing animals, traps, and shooting paraphernalia of every description thus seized shall be held subject to the payment of the penalty imposed and the costs of prosecution; and, unless security is given as required by section ten of this act, all such seized guns, boats, dogs, fur-

Arrests without warrant.

Seizures.

Disposition of seized property.

bearing animals, traps, and shooting paraphernalia shall be sold at public auction, after advertising the same, for five days, by at least five public handbills conspicuously posted in the city, borough, town, or township wherein the conviction was secured. Any fund thus arising shall be applied, first, to the payment of the costs of prosecution, then to the payment of the penalty imposed, and the remainder, if any, shall be returned to the owner of the property seized. Where fur-bearing animals, traps, dogs, boats, or shooting paraphernalia of any description are seized, and the owners thereof escape arrest, and refuse to present themselves and make claim to said property, the same shall be held for a period of ten days, after which time, if the owner thereof fails to appear and defend himself against the charges made, such property of all description shall be sold in the manner prescribed for the sale of seized property after conviction, and the fund arising from such sale be applied as in the case of the sale after conviction. The fact that imprisonment is suffered by any person convicted of violating any provisions of this act shall not prevent the sale of fur-bearing animals, traps, guns, dogs, boats, or other shooting paraphernalia of any description, held as the property of the imprisoned party, and the application of the fund thus realized to the payment of the costs and the penalty imposed.

Obstructing enforcement of act.

Penalty.

Failure to pay penalties.

Section 9. Every person resisting arrest for violation of any of the provisions of this act, or refusing to go with an officer after an arrest has been made, or interfering with an officer of the Commonwealth in the performance of his duty under the provisions of this act, shall be liable to a penalty of one hundred dollars, which penalty, when collected, shall be applied as are other penalties under the provisions of this act.

Section 10. Whenever, because of the violation of any of the requirements of this act, any person is convicted for a first offense and a penalty is imposed, and the defendant neglects or refuses to at once pay said amount, together with the costs of prosecution, in lawful money of the United States, he shall at once be committed to the jail of the county in which the conviction is secured for a period of one day for each dollar of penalty imposed, unless he shall enter into good sufficient recognizances to either pay the penalty and costs within a period of ten days after the date of said conviction, or to certiorari the proceedings under the forms of law, or to carry the case to a higher court on appeal under the provisions of section fourteen of article five of the Constitution and laws of Pennsylvania relating thereto. In every case of a conviction for violation of any of the provisions of this act, wherein the defendant suffers imprisonment in lieu of a cash payment of the penalty imposed, or fails to pay the

costs of prosecution, all fur-bearing animals, traps, guns, boats, shooting paraphernalia, or other appliances, used in violation of the law and found in his possession at the time of arrest, or proven to have been used in violation of law, shall be forfeited to the Commonwealth of Pennsylvania, and shall be either destroyed or sold as the Board of Game Commissioners may consider best, and the money secured through such sale shall be applied by said board, first, to the payment of the costs incurred, and the remainder, if any, be deposited with the State Treasurer, to be used for the purposes herein otherwise provided. The defendant shall be entitled, for the first offense only, to the credit of one day off his imprisonment for each dollar so deposited with the State Treasurer.

Section 11. All fines and penalties imposed and collected for violation of any of the provisions of this act shall be paid to the State Treasurer, who shall keep the moneys thus collected as a fund separate and apart solely for the purpose of wild bird and game protection, for the creation and maintenance of game sanctuaries, for the purchase, propagation, and feeding of game and wild birds, and the payment of bounties, under the supervision of the Board of Game Commissioners of the Commonwealth of Pennsylvania, as provided for by the laws of this Commonwealth.

Section 12. Every magistrate, justice of the peace, and alderman, within this Commonwealth, shall have the power of summary conviction in matters pertaining to the violation of any of the provisions of this act. All actions for violation of any of the provisions of of this act, excepting where the defendant is taken in the act of violating the law, or in a pursuit immediately following such violation, shall be commenced by affidavit made within two years after the date of such violation. Any magistrate, justice of the peace, or alderman, on complaint made before him, by affidavit by one or more persons, of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, or any officer of the Commonwealth whose duty it is to protect the game and wild birds of the Commonwealth, and cause such persons to be brought before such magistrate, justice of the peace, or alderman, who shall hear the evidence, and determine the guilt or innocence of the person accused. If such person is convicted of the offense charged, he shall be sentenced to pay the full penalty prescribed by the section violated, together with the costs of prosecution. All penalties thus recovered, in cases where the prosecutor is a salaried officer of the Commonwealth, shall be immediately surrendered by the court receiving the same to the prosecutor, who in turn, as

Disposition of fines
and penalties.

Acknowledgment
of guilt.

Conviction on ap-
peal.

Disposition of pen-
alties.

Sentence.

Hearing.

Jurisdiction.

Procedure.

Warrant.

soon as may be, shall forward or deliver such amount in full to the Secretary of the Board of Game Commissioners, at Harrisburg. Where any officer of the Commonwealth, other than a salaried officer, is the prosecutor, the penalty shall be, as soon as the case is fully determined before him, forwarded by such magistrate, justice of the peace, or alderman to the Secretary of the Board of Game Commissioners, at Harrisburg, together with a statement of the cause for which such money has been collected, the cost of which statement is hereby fixed at fifty cents, and made a part of the costs of prosecution. It shall be the duty of the Secretary of the Board of Game Commissioners to, at least once a month, make return of moneys thus collected to the State Treasurer, to be applied to the purposes provided for in this act. Every defendant convicted on appeal before any court of this Commonwealth shall be sentenced to pay the penalty imposed by the section violated, or to undergo imprisonment in the jail of the county one day for each dollar of penalty imposed and unpaid. Any person charged with violating any provision of this act may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly appointed and commissioned game protector, or special deputy game protector, the penalty in full as fixed by the act, together with the costs accruing to the State to that date. The printed receipt therefor, which shall in every instance bear the imprint of the seal of the Board of Game Commissioners of Pennsylvania and the signature of its secretary, shall be evidence of full satisfaction of the offense committed.

Act of May 23,
1919 (P. L. 270),
repealed in part.

Section 13. The act, approved the twenty-third day of May, one thousand nine hundred and nineteen (Pamphlet laws, two hundred and seventy), entitled "An act creating a reward or bounty for the destruction of certain noxious animals killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same; and providing the method of furnishing evidence of said destruction, and penalties for the violation of the several provisions hereof," is repealed so far as the same applies to the mink.

Act of July 8,
1919 (P. L. 787),
repealed.

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and eighty-seven), entitled "An act for the better protection of the skunk or polecat, and muskrat; providing a method for the taking of such animals; and providing penalties," is absolutely repealed.

Repeal.

All other acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 17th day of May, A. D. 1921.

WM. C. SPROUL.