

No. 263.

AN ACT

Relating to fish: and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth.

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Section 1. Be it enacted, &c., That the laws relating to fish are hereby amended, revised, consolidated, and changed, as hereinafter provided.

CHAPTER I

PRELIMINARY PROVISIONS

Section 2. *Short Title.* This act shall be known and may be cited as "The Fish Law of one thousand nine hundred and twenty-five."

Section 3. *Definitions.* Whenever used in this act, unless a contrary intention is evident from the context, the word "person" shall include individuals, co-

partnerships, associations, and corporations; the singular shall include the plural; and the masculine, the feminine and neuter.

The word "Board," as used in this act, shall mean the Board of Fish Commissioners.

The word "Commissioner," as used in this act, shall mean the Commissioner of Fisheries.

Section 4. *Effect of Act on Existing Laws.* The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments. The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any act done, liability incurred, or any right accrued or vested, or affect, abate, or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws.

Section 5. *Constitutionality.* The provisions of this act shall be severable, and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein.

CHAPTER II

FISHING REGULATIONS APPLYING TO INLAND WATERS

ARTICLE I

DEFINITIONS. SCOPE OF CHAPTER

Section 10. *Game-fish Defined.* The term "game-fish," as used in this chapter, means the following fish: Charr, commonly called brook trout; all species of trout and the salmon family; blue-pike; pike-perch, otherwise known as Susquehanna salmon, or wall-eyed pike; pickerel, western pike; muscallonge; fallfish; small mouth bass, otherwise called blackbass; large mouth bass, otherwise called Oswego, green or yellow bass; crappie, grass, strawberry, or calico bass; white bass; rock-bass, otherwise known as red-eye, or goggle-eye; yellow perch; striped-bass or rockfish; all suckers, eels and chubs; and all other species or varieties of fresh-water fish except bait-fish.

Section 11. *Bait-fish Defined.* The term "bait fish," as used in this chapter, means the following fish: All forms of minnows except fallfish, and all forms of killifishes and stone catfish.

Section 12. *Scope of Chapter Provisions.* The provisions of this chapter (II) and its several articles and sections shall be construed as applying only to waters wholly within the boundaries of the Commonwealth.

CHAPTER II

FISHING REGULATIONS APPLYING TO INLAND
WATERS

ARTICLE II

CLOSED SEASONS

Section 20. *Closed Seasons.* The following closed seasons are hereby established for:

(a) Charr, commonly called brook trout, or any species of trout except lake or salmon trout, from the first day of August to the fourteenth day of April next following, both dates inclusive;

(b) Lake trout or salmon trout, from the thirtieth day of September to the thirtieth day of June next following, both dates inclusive;

(c) Small mouth and large mouth bass, rock-bass, white bass, crappie, strawberry, or calico bass, pike-perch, otherwise called wall-eyed pike or Susquehanna salmon, pickerel, and muscallonge or western pike, from the first day of December to the thirtieth day of June next following, both dates inclusive.

Section 21. *Penalty for Having Fish during Closed Season.* No person shall have in his possession, except as in this article otherwise provided, any of the fish enumerated in section twenty of this act during the closed season respectively provided for. Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of ten dollars for each fish so taken, caught, or had in possession.

Section 22. *Exceptions to Penalty Clause.* Charr, commonly called brook trout, or any species of trout, except lake trout and large or small mouth bass, caught during the lawful season respectively provided therefor, may be kept in possession six days after the expiration of such season.

The provisions of section twenty-one of this act do not apply to a person who, having caught any fish during the closed season respectively provided therefor, immediately returns such fish in the condition in which it was captured to the water from which it was taken, nor shall such provisions apply to fish artificially propagated under the authority of this act.

CHAPTER II
FISHING REGULATIONS APPLYING TO INLAND
WATERS

ARTICLE III
LEGAL SIZES OF FISH

Section 30. *Legal Sizes.* No person shall have in possession, except as in this article otherwise provided, any:

(a) Charr, commonly called brook trout, or any species of trout except lake trout, less than six inches in length.

(b) White bass, rock-bass, crappie, strawberry, or calico-bass, less than six inches in length;

(c) Black bass, or small mouth bass, or large mouth bass, otherwise called Oswego, green, or yellow bass, less than nine inches in length;

(d) Pike-perch, otherwise called wall-eyed pike, or Susquehanna salmon, less than twelve inches in length;

(e) Pickerel, less than twelve inches in length;

(f) Muscallonge or western pike, less than twenty-eight inches in length;

(g) Rockfish or striped-bass, less than twenty inches in length.

Section 31. *Penalty.* Any person violating the provisions of section thirty of this act shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of ten dollars for each fish so taken or had in possession.

Section 32. *Exceptions to Penalty.* The provisions of sections thirty and thirty-one of this act do not apply to a person who, having caught any fish less than the size respectively permitted, returns such fish in the condition in which it was caught to the water from which it was taken, nor shall such provisions apply to fish artificially propagated under the authority of this act.

CHAPTER II
FISHING REGULATIONS APPLYING TO INLAND
WATERS

ARTICLE IV
CREEL LIMITS

Section 40. *Number of Fish Which may be Caught.* No person, except as in this article otherwise provided, shall in any one day catch, kill, or have in possession more than the number of fish hereby designated for the respective species, that is to say:

(a) Charr, or trout, of the combined species, twenty-five;

- (b) White bass, rock-bass, crappie, strawberry, or calico bass, fifteen;
- (c) Small or large mouth bass, ten;
- (d) Pike-perch, otherwise called wall-eyed pike, or Susquehanna salmon, ten;
- (e) Pickerel, fifteen;
- (f) Muscallonge or western pike, three;
- (g) Yellow perch, twenty-five;
- (h) Sunfish, twenty-five;
- (i) Catfish, twenty-five;
- (j) Suckers, twenty-five;
- (k) Chubs, twenty-five;
- (l) Fallfish, twenty-five;
- (m) Rockfish, or striped-bass, five;
- (n) All other species of fish not specifically mentioned in this section, except eels, fifty.

Section 41. *Penalty.* Any person violating the provision of section forty of this act shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of ten dollars for each fish taken, caught, or had in possession over the number respectively allowed by this act.

Section 42. *Exceptions to Penalty.* In computing the number of fish taken, caught, or had in possession, the number of fish returned in the condition in which they were caught to the waters from which they were taken shall be omitted, and the provisions of this article do not apply to fish artificially propagated under the authority of this act.

CHAPTER II

FISHING REGULATIONS APPLYING TO INLAND WATERS

ARTICLE V

FISHING DEVICES

Section 50. *Devices to Catch Game-fish and Bait-fish.* No person shall use any device, means, or method whatsoever, except as in this article otherwise provided, for taking fish from the waters within this Commonwealth, except the following; that is to say, **for:**

- (a) Game-fish, two rods and two lines and one hand line, with not more than three hooks attached to either line;
- (b) Bait-fish, two rods and lines, with not more than three hooks attached to each line; a dip-net, or minnow seine not over four feet square or four feet in diameter; a minnow trap, with not more than one opening, which shall not exceed one inch in diameter. The rods, hooks, and lines must be under the immediate control of the person using the same.

Section 51. *Penalty.* Any person violating the provisions of section fifty of this article shall on conviction, as provided in chapter fourteen, be sentenced to pay a fine of twenty dollars and shall forfeit to the Board all devices unlawfully used.

Section 52. *Exceptions to Penalty.* The provisions of this article do not prohibit the use of a gaff or landing-net to assist in landing fish already caught by a lawful device, nor do they apply to fish artificially propagated under the authority of this act or to fish caught by a seine or net for which a license is obtained under the provisions of this act, or to fish caught by a device for which a lawful permit is obtained from the Commissioner or Board under the provisions of this act.

CHAPTER III

FISHING REGULATIONS APPLYING TO BOUNDARY LAKES

ARTICLE I

DEFINITIONS. SCOPE OF CHAPTER

Section 60. *Definitions.* The following terms when used in this act are employed except where the context otherwise indicates with the meaning herein respectively assigned thereto.

“Boundary lake” means such part or parts of lakes of more than five thousand acres lying between this and any other State or foreign country as this Commonwealth has jurisdiction over.

“Bay” means a bay adjacent to or connected with a boundary lake, as above defined.

“Peninsular waters” means water on any peninsula, which water is adjacent to or connected with a boundary lake, as above defined.

“Game-fish” means all species or varieties of black or yellow rock-bass, calico bass, or strawberry bass, crappie bass, muscallonge, and grass pike.

“Bait-fish” means minnows and killifishes.

“Food-fish” means all fish other than game-fish and bait-fish, as above defined.

Section 61. *Scope of Chapter.* The provisions of this chapter (III) and its several articles and sections shall be construed to apply only to the boundary lakes of the Commonwealth and their bays and peninsular waters.

LAWS OF PENNSYLVANIA,

CHAPTER III

FISHING REGULATIONS APPLYING TO BOUNDARY
LAKES

ARTICLE II

FISHING DEVICES. CREEL LIMITS. CLOSED SEASON
GENERAL REGULATIONS. REGULATORY PROVI-
SION APPLICABLE TO BOUNDARY LAKES,
BAYS, AND PENINSULAR WATERS

Section 70. *Fishing Devices.* Except as hereinafter in article III of this chapter otherwise specifically provided, no person shall fish for or capture game-fish or food-fish in boundary lakes, bays, or peninsular waters in any manner with any device, means, or method other than—

- (a) Rod and line having not more than three hooks;
- (b) Hand-line having not more than three hooks;
- (c) Trolling line with spoon-hooks attached;
- (d) Spear, which may be used for catching carp and suckers only.

Any person violating any provision of this act shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of twenty-five dollars.

Section 71. *Creel Limits.* No person shall in any one day catch, kill, or have in possession—the same being killed—more than the number of fish herein designated for the respective species, that is to say:

- (a) Rock-bass, twenty-five;
- (b) Crappie, twenty-five;
- (c) Strawberry or calico, twenty-five;
- (d) Any species of black bass, twelve;
- (e) Any species of grass pike, twelve;
- (f) Any species of muscullonge, twelve.

Section 72. *Closed Season.* No person shall catch, take, or have in possession—the same being killed—any game-fish from the first day of November to the twenty-ninth day of May next ensuing, both dates inclusive.

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction, in the manner provided in chapter fourteen of this act, be subject to a penalty of five dollars for each and every fish caught, killed, or had in possession.

Section 73. *Fish Not to be Used for Fertilizers.* Except by and with the consent of the Commissioner, no person shall catch, sell, or make use of any game-fish or food-fish or minor food-fish for the purpose of making composts or other fertilizing mixture.

Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of

this act, be subject to a penalty of one hundred dollars or to undergo an imprisonment in the county jail for three months or both.

Section 74. *Regulations concerning Sturgeon.* No person shall capture and kill any sturgeon under four feet in length nor have in possession the carcass or flesh of any sturgeon under the length aforesaid.

Any sturgeon of less than the said length of four feet which may be captured must be immediately returned to the waters from which taken and in such a manner as to cause to the fish so returned the least possible injury.

Any person violating any provision of this section shall on conviction, as provided in chapter fourteen of this act, be subject, for each sturgeon illegally captured and killed or had in possession, to a penalty of twenty-five dollars or to undergo an imprisonment in the county jail for the period of one month.

Section 75. *Rules and Regulations of Commissioner.* The Commissioner, with the approval of the Board, may make such rules and regulations applicable to any peninsula on which is located any peninsular waters, as hereinbefore defined, as he may deem necessary for the protection of fish in such peninsular waters or for the protection of any fish hatchery located on such peninsula. Such rules and regulations shall be posted in not less than five conspicuous places on such peninsula. Any person violating any such rule or regulation shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of fifty dollars.

Section 76. *General Powers of Commissioner and Board.* The Commissioner, with the approval of the Board, is hereby empowered to authorize the use of minnow nets for angling or scientific purpose in any bay or peninsular water.

The Commissioner, or any representative of the Board of Fish Commissioners, for the purpose of stocking the waters or for the purpose of taking spawn, catch fish with nets in such waters at any time of the year.

The Board may remove by means of nets, by contract or otherwise, any fish which it may deem injurious to other fish.

CHAPTER III

FISHING REGULATIONS APPLYING TO BOUNDARY LAKES

ARTICLE III

BOAT AND NET LICENSES

Section 90. *Boat and Net Licenses. Fees. Revocation.* The Board is hereby authorized to issue a fish

ing license, upon written application therefor signed by the applicant, upon payment of the license fee herein prescribed for the respective fishing devices or persons; that is to say, for each:

(a) Row or sailboat used in fishing with gill-nets, resident citizens, twenty dollars; non-resident citizens of the United States, forty dollars;

(b) Boat other than a row or sailboat under ten tons gross burden, resident citizens, forty dollars; non-resident citizens of the United States, eighty dollars;

(c) Boat of from ten to twenty tons gross burden, resident citizens, sixty dollars; non-resident citizens of the United States, one hundred and twenty dollars;

(d) Boat over twenty tons gross burden, resident citizens, eighty dollars; non-resident citizens of the United States, one hundred sixty dollars;

(e) Pound-net, resident citizens, twenty-five dollars; non-resident citizens of the United States, eighty dollars;

(f) Trap-net or device other than a pound-net, resident citizens, not less than ten dollars nor more than twenty dollars; non-resident citizens of the United States, not less than twenty dollars nor more than forty dollars; to be determined and fixed by the Commissioner;

(g) Person employed on a licensed boat, two dollars.

The Commissioner may revoke any license for violation of any provision of this act or for violation of any conditions on which the license was granted.

Any person operating or employing others to operate any boat, net, or device without being licensed as hereinbefore provided shall, on conviction as provided in chapter fourteen of this act, be subject to a penalty of fifty dollars. All fish caught with such unlicensed devices shall be forfeited to the Board. All unlicensed devices used in violation of the provisions of this act shall be forfeited to the Board.

Section 91. *Representatives of Board may Accompany Boats to Secure Spawn.* No license shall be issued except upon the condition that the operator of any boat so licensed shall permit a person designated by the Commissioner or the Board to accompany such boat at any time when it is engaged in fishing, for the purpose of securing for the use of the Board from the fish so caught so much of their spawn as the Board may desire. Any person refusing to permit a person so designated by the Commissioner to accompany such boat or to secure such spawn as he may deem necessary shall upon conviction, as provided in chapter fourteen of this act, be subject to a penalty of one hundred

dollars or thirty days' imprisonment in default of the payment of such fine and costs.

Section 92. *Licenses to Non-Residents.* No license shall be issued to a resident of any State or country whose laws prohibit the issuing of a license to a resident of the Commonwealth of Pennsylvania.

Section 93. *Meshes of Nets.* Except as in this section hereinafter provided no gill-nets shall be licensed other than gill-nets having a mesh of at least sufficient size to permit a standardized three and one-sixteenth inch ($3\frac{1}{16}$) steel rule, stamped and authenticated by the Board, to be passed through without bending the rule.

Gill-nets used in fishing for trout may be licensed which have meshes of at least five and one-half inches in size, stretched mesh, fishing measure.

No pound-nets shall be licensed other than pound-nets the cribs of which shall have a mesh of not less than two and one-half inches stretched mesh, fishing measure.

No trap shall be licensed other than trap-nets of which shall have a mesh of not less than two and one-half inches, stretched mesh, fishing measure.

Section 94. *License Year. Exhibition of License.* Licenses issued under the authority of this article shall be good for the calendar year in which issued. Such licenses shall be carried by the operator of any boat, net, or device for which issued and by each person employed on such boat, and shall be shown on demand to any fish warden, constable, deputy sheriff, the Commissioner or any authorized representative of the Board.

Any person refusing to exhibit his license on demand, as aforesaid, shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of ten dollars.

Section 95. *Nets Not to be Used in Certain Places.* No net except a gill or net fastened to and supported by poles driven in the ground and known as a pound-net shall be set, fastened, drawn, or used within sixteen miles from the entrance to any bay, nor within one-half mile from any stream, measured in a direct line.

No gill-net or pound-net shall be set, fastened, drawn, or used within two miles of the entrance of any bay.

No net of any character shall be set, fastened, drawn, or used within three-fourths of a mile from shore, measured in a direct line.

A person violating any provision of this section shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of one hundred dollars or imprisonment in the county jail for a period of three months.

Section 96. *Nets in Use to Bear Owner's Name and Address.* No nets except gill-nets and pound-nets shall be set, fixed, or fastened without having thereto attached a buoy of at least eighteen inches in diameter, bearing a metallic tag on which shall be marked the owner's name and address, and which buoy must be plainly visible and above water at all times.

A person violating any provision of this section shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of twenty-five dollars and the confiscation of the net. Any net required to be buoyed which is found in the water without buoy as above provided—and the owner cannot be located—shall be confiscated to the Board.

Section 97. *Unlawful Removal of Fish from Nets.* No person except the owners thereof, or their representatives, shall remove or take fish from any net or device licensed under and operated according to the provisions of this act.

A person violating any provision of this section shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of ten dollars for each fish so unlawfully taken, provided the total amount of fines shall not exceed one hundred dollars for fish taken at any one time.

Any fish recovered shall be returned to the owner or owners of the net or device from which they were taken, and all boats and appliances used in unlawfully taking the fish shall be forfeited to the Board.

Section 98. *Legal Size and Weight.* No person shall catch by means of any net or device for which a license is issued under the provisions of this article any:

- (a) Blue-pike and sauger pike, less than eleven inches in length;
- (b) Yellow pike, less than thirteen inches in length;
- (c) Yellow perch, less than nine inches in length;
- (d) Ciscos, not less than six ounces in weight in the round; or
- (e) Whitefish, less than one and three-fourths pounds in weight in the round.

Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of ten dollars for each fish so taken or had in possession.

The foregoing provisions of this section shall not apply to a person who, having caught any fish less than the size or weight permitted, returns such fish in the condition in which they were caught to the waters from which they were taken.

Section 99. *Minnow Nets.* The Commissioner is hereby empowered to authorize the use of minnow nets for angling or for scientific purposes.

Section 100. *Rules and Regulations.* The Commissioner, with the approval of the Board, may make such rules and regulations applicable to any boundary lake, as hereinbefore defined, as he may deem necessary for the protection of fish in such waters.

Any person violating any of the provisions of such rules and regulations shall on conviction, in the manner provided by chapter fourteen of this act, be sentenced to pay a penalty of one hundred dollars for each offense.

CHARTER IV

FISHING REGULATIONS APPLYING TO BOUNDARY RIVERS

ARTICLE I

PROVISIONS APPLYING TO THE DELAWARE RIVER ABOVE TRENTON FALLS

Section 110. *Scope of Article.* The provisions of this article shall affect and apply only to the propagation, catching, taking, and protection and destruction of fish in the waters of the Delaware River above Trenton Falls, lying between the Commonwealth of Pennsylvania and the State of New Jersey.

Section 111. *Right to Fish to be Enjoyed.* The inhabitants of the Commonwealth of Pennsylvania and of the State of New Jersey shall have and enjoy a common right of fishery throughout, in, and over the waters of said river between low water mark on each side of said river between said States above Trenton Falls, except so far as either State may have heretofore granted valid and subsisting private right of fishery.

Section 112. *Game-fish, Bait-fish, and Food-fish Defined.* For the purpose of this act the following fish shall be designated as game-fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock-bass, otherwise known as red-eye, or goggle-eye; white bass; crappie; pike-perch, otherwise called wall-eyed pike, Susquehanna salmon pike; pickerel; white perch; yellow perch; charr, commonly called brook or speckled trout; or any form of trout. The following shall be designated as bait-fish, to wit: All species of minnows, killifishes, and stone catfish. All other species or varieties of fish whatsoever shall be designated as food-fish.

Section 113. *Fishing Devices for Game-fish.* It shall be unlawful to catch or fish for any game-fish in any part of the Delaware River above Trenton Falls with any device or by any means or method whatsoever excepting with rods and lines or hand-lines, com-

monly called dipsey or throw-lines, each having not more than three hooks, or with trolling lines, with spoon or artificial bait, having not more than one burr of three single hooks attached. The number of rods and lines or the number of trolling lines, not to exceed two of one or the other device named, and said lines must be under the direct and immediate supervision of the person fishing therewith. Any person violating any provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 114. *Fishing Devices for Bait-fish.* It shall be unlawful to fish for bait-fish in the Delaware River above Trenton Falls except with the following devices, to wit: Rods and lines and hand-lines with not more than three hooks attached; a minnow seine not more than one hundred feet in length; a dip-net not more than five feet square; a minnow trap the opening of which shall not be more than one and one-quarter inches in diameter; a scoop-net with single handle and with a diameter of net not more than two feet. Any person who uses any other device, method, or means for catching bait-fish other than those specified in this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 115. *Fishing Devices for Food-fish.* It shall be unlawful to fish for food-fish in the Delaware River above Trenton Falls with any device, method, or means excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine; an eelpot or fyke net, each without wings and rods; and lines or hand-lines, otherwise known as dipsey or throw lines, each having not more than three hooks. Any person who shall use or employ any method or device for catching food-fish other than those named in this section or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall on conviction, as provided in chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 116. *Seines for Sturgeon and Food-fish. Closed Season for Food-fish when Taken in Seines.* It shall be unlawful for any person to catch and take, or attempt to catch and take, sturgeon from the Delaware River above Trenton Falls with any device excepting a seine the meshes of which shall not be less than thirteen inches stretched measure while being fished, or to catch and take, or attempt to catch and take, any other food-fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished. It shall also be unlawful for any person to catch and take, or

to attempt to catch and take, any food-fish, except sturgeon, by means of a seine between the tenth day of June in each and every year and the first day of March next ensuing. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of one hundred (\$100) dollars, together with a forfeiture of all nets, boats, and appliances used.

Section 117. *Staked and Fastened Nets Prohibited. Prohibited Places for Nets.* It shall be unlawful for any person to catch and take, or attempt to catch and take, any fish of any kind from the Delaware River above Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner permanently or otherwise, or to use any net so anchored or fastened down in any manner. Nor shall any net of any kind or character, excepting an eelpot, a fyke net, each without wings, be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river, creek, or stream emptying into said Delaware River above Trenton Falls. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of twenty (\$20) dollars, together with the forfeiture of nets, boats, and other appliances used.

Section 118. *Use of Nets on Saturday Afternoon and Sunday Prohibited.* It shall be unlawful for any person to catch and take fish of any kind or description from the Delaware River above Trenton Falls by the means of a net or to use a net of any character in the waters aforesaid between Saturday at two o'clock post meridian and twelve o'clock midnight Sunday night in each week. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats, and appliances used.

Section 119. *No Closed Season for Taking Food-fish with Lines. Closed Season for Game-fish.* It shall be lawful to catch food-fish with rods and lines, and hand lines and trolling lines, as described in section one hundred and thirteen of this act, at any time of the year in the Delaware River above Trenton Falls, but it shall be unlawful to fish for and take game-fish excepting from the fifteenth day of June to the first day of December inclusive in each year. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten (\$10) dollars for each and every fish so taken.

Section 120. *Seasons for Use of Eelpots and Fyke nets.* It shall be unlawful to use eelpots and fyke nets, each without wings, in the Delaware River above Trenton Falls from June first to July first in each year, both dates inclusive, but it shall be lawful to use eelpots and fyke nets, each without wings, from July first to May thirty-first, both dates inclusive, in each year for the purpose of catching carp, catfish, eels, and suckers only. All other species of fish which may be caught in said nets must be returned unharmed immediately to the waters from which taken: Provided, That the entrance of said eelpot and fyke net shall not be more than six inches in diameter and the outside diameter not more than thirty inches, Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of twenty (\$20) dollars, together with a forfeiture of all nets, boats, and other appliances used.

Section 121. *Legal Sizes of Fish.* It shall be unlawful for any person to catch and take, or attempt to catch and take, from the Delaware River above Trenton Falls in any manner whatsoever any striped-bass, otherwise known as rockfish, weighing more than twenty pounds or measuring less than ten inches in length, or any sturgeon less than five feet in length, or any black bass or any small mouth bass, large mouth bass, otherwise known as Oswego or yellow bass, less than nine inches in length, or any pike or pickerel or any pike-perch, otherwise known as wall-eyed pike or Susquehanna salmon, less than twelve inches in length, or any calico or strawberry bass, crappie, white bass, rock-bass, otherwise known as red-eye or google-eye, or trout, or charr, less than six inches in length. Any fish of a less length than those described or any striped-bass, commonly called rockfish, weighing more than twenty pounds, which may be caught, must be returned immediately to the water: Provided, That nothing in this section shall be so construed as to prevent the fishery authorities of the Commonwealth of Pennsylvania or of the State of New Jersey capturing fish of any size from said waters or at any time of the year or in any manner, for propagating purposes and for stocking other waters in their respective States through their authorized representatives. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of ten dollars for each and every fish so caught and had in possession.

Section 122. *Penalty for Damage to Nets and Seines.* It shall be unlawful for any person by boat, anchor, dredge, or otherwise, in the Delaware River

above Trenton Falls to willfully and without reasonable cause interfere with, break, damage, or destroy any hauling seine or net of any description being lawfully used. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 123. *Sale of Fish Regulated.* It shall be unlawful to purchase, sell or offer for sale, or have in possession, any fresh dead game or food-fish except during the lawful period for catching the same and the space of six days after such period has expired. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of ten dollars for each fish.

Section 124. *Concurrent Jurisdiction of States.* The Commonwealth of Pennsylvania and the State of New Jersey shall have concurrent jurisdiction over all offenses and violations of this act committed, or attempted to be committed, by any person or persons fishing in the Delaware River above Trenton Falls within the jurisdiction respectively of the said Commonwealth of Pennsylvania and of the State of New Jersey. Any fish warden, or any person in either State authorized to make arrests for violation of the fish laws, shall have power and authority to make arrests in any part of the river or shores thereof, and take such person or persons for trial to the State in which the offense was committed, and proceed against the offender according to the legal procedure for violation of the fish laws of said State. If the arrest be made within this Commonwealth the procedure shall be as prescribed in chapter fourteen of this act.

Section 125. *Penalty for Threatening and Resisting Officers.* Any person or persons who shall by threat, menace, or force, or in any manner, attempt to deter or prevent any fish warden or other person authorized to make arrests for violation of the fish laws in either State, from enforcing or carrying into effect any provisions of this act, or who shall resist arrest or the seizure of boats or nets illegally used, shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of one hundred dollars.

CHAPTER IV
FISHING REGULATIONS APPLYING TO BOUNDARY
RIVERS

ARTICLE II
PROVISIONS APPLYING TO THE DELAWARE RIVER
BELOW TRENTON FALLS

Section 130. *Scope of Article.* The provisions of this article shall affect and apply only to the propagation, catching, taking, and protection and destruction of fish in the waters of the Delaware River below Trenton Falls lying between the Commonwealth of Pennsylvania and the State of New Jersey.

Section 131. *Right to Fish to be Enjoyed.* The inhabitants of the Commonwealth of Pennsylvania and the State of New Jersey shall have and enjoy a common right of fishery throughout, in, and over the waters of said river between low water mark on each side of said river between said States below Trenton Falls, except so far as either State may have heretofore granted valid and subsisting private right of fishery.

Section 132. *Game-fish, Bait-fish, and Food-fish Defined.* For the purposes of this act the following fish shall be designated as game-fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock-bass, otherwise known as red-eye or goggle-eye; white bass; crappie; pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pickerel; white perch; yellow perch; charr, commonly called brook or speckled trout; or any form of trout. The following shall be called bait-fish, to wit: all species of minnows, killifishes, and stone catfish. All other species of varieties of fish whatsoever shall be termed food-fish.

Section 133. *Fishing Devices for Game-fish.* It shall be unlawful to catch or fish for any game-fish in any part of the Delaware River below Trenton Falls with any device or by any means or methods whatsoever excepting with rods and lines or hand-lines, commonly called dipsey or throw lines, each having not more than three hooks, or with trolling lines with spoon or artificial bait, having not more than one burr or three single hooks attached; the number of rods and lines or the number of trolling lines not to exceed two of one or the other device named; and said lines must be under the direct and immediate supervision of the custodian thereof. Any person violating any provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 134. *Fishing Devices for Bait-fish.* It shall be unlawful to fish for bait-fish in the Delaware River below Trenton Falls except with the following devices, to wit: Rods and lines and hand-lines with not more than three hooks attached, a minnow seine not more than one hundred feet in length; a dip-net not more than five feet square; a minnow trap the opening of which shall not be more than one and one-quarter inches in diameter; a scoop-net with a single handle and with a diameter of net of not more than two feet. Any person who uses any other device, method, or means for catching bait-fish or of a greater length or diameter of nets than specified in this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 135. *Fishing Devices for Food-fish.* It shall be unlawful to fish for food-fish in the Delaware River below Trenton Falls with any device, method, or means excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, a gill-net and eelpot, a fyke net, each without wings; a parallel net or net set at the edge of low water, and rods and lines or hand-lines otherwise known as dipsey or throw lines, each having not more than three hooks. Any person who shall use or employ any method or device for catching food-fish other than those named in this section or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall on conviction, as is provided in chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 136. *S seines and Nets for Taking Sturgeon and Food-fish. Season for Herring and Food-fish when Taken with Seines or Nets.* It shall be unlawful for any person to catch and take, or attempt to catch and take, sturgeon from the Delaware River below Trenton Falls with any device excepting a seine or gill-net the meshes of which shall not be less than thirteen inches stretched measure while being fished, or to catch and take, or attempt to catch and take, any other food-fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished, or any gill-net the meshes of which shall be less than five and one-quarter inches stretched measure while being fished: Provided, That gill-nets with a mesh not smaller than three inches may be used from March first to June tenth in each year for the purpose of taking herring only. It shall also be unlawful for any person to catch and take, or attempt to catch and take, any food-fish except sturgeon by means of a seine or gill-net between the tenth day of June in each and every year and the first day of

March next ensuing. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided by chapter fourteen of this act, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats, and appliances used.

Section 137. *Anchored, Staked, and Fastened Nets Prohibited. Prohibited Places for Nets.* It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind from the Delaware River below Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner. Nor shall any net of any kind or character excepting a drifting net, an eel net, a fyke net, each without wings, or a parallel net for the capture of carp only, be used for the purpose of catching and taking fish in said waters within one-quarter of a mile above or below the mouth of any river, creek, or stream emptying into said Delaware River below Trenton Falls. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of twenty dollars, with the forfeiture of nets, boats and other appliances used.

Section 138. *Use of Nets on Saturday Afternoon and Sunday Prohibited.* It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind or description from the Delaware River below Trenton Falls by means of net or to use a net of any character in the waters aforesaid between Saturday at two o'clock post meridian and twelve o'clock midnight Sunday night in each week. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in section fourteen of this act, be subject to a fine of one hundred dollars, together with a forfeiture to the Board of all nets, boats, and other appliances used.

Section 139. *No Closed Season for Food-fish Taken with Lines. Closed Season for Game-fish.* It shall be lawful to catch food-fish with rods and lines and hand-lines and trolling lines, as described in section four of this act, at any time in the year in the Delaware River below Trenton Falls, but it shall be unlawful to fish for and take game-fish excepting from the fifteenth day of June to the first day of December inclusive in each year. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of ten dollars for each and every fish so taken.

Section 140. *Seasons for Use of Eelpots and Fyke Nets.* It shall be unlawful to use eelpots and fyke nets, each without wings, in the Delaware River below Tren-

ton Falls from June first to July thirty-first in each year, both dates inclusive, but it shall be lawful to use eelpots and fyke nets, each without wings, from July first to May thirty-first, both dates inclusive, in each year, for the purpose of catching carp, catfish, eels, and suckers only. All other species of fish which may be caught in said nets must be returned unharmed immediately to the waters from which taken: Provided, That the entrance of said eelpot and fyke net shall not be more than six inches in diameter and the outside diameter not more than thirty inches. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of twenty dollars, together with a forfeiture of all nets, boats, and other appliances used.

Section 141. *Seasons for Nets and Seines. Size of Mesh.* It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore in the Delaware River and Bay lying between the States of New Jersey and Pennsylvania below Trenton Falls and at low-water mark, between the first day of June and the thirty-first day of August in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May inclusive next ensuing in each year for the purpose of taking carp only: Provided, That the meshes of said net be not less than three and one-half inches stretched measure when being fished: Provided, That seines not smaller than two and one-half inch mesh may be used from September first to May thirty-first of each year for the purpose of taking carp and suckers only: And provided further, That no such net shall be set in such manner as to impede navigation. All other fish than carp and suckers must be returned unharmed to the water beyond the low-water mark. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of one hundred dollars, together with a forfeiture of all nets and other appliances used.

Section 142. *Legal Sizes of Fish.* It shall be unlawful for any person to catch and take, or attempt to catch and take, from the Delaware River below Trenton Falls in any manner whatsoever any striped-bass, otherwise known as rockfish, weighing more than twenty pounds or measuring less than ten inches in length, or any sturgeon less than five feet in length, or any black bass or any small-mouth bass, large-mouth bass, otherwise known as Oswego or yellow bass, less than nine inches in length, or any pike or pickerel or any pike-perch, otherwise known as wall-eyed pike or Susquehanna salmon, less than twelve inches in length,

or any calico or strawberry bass, crappie, white-bass, rock-bass, otherwise known as red-eye or goggle-eye, or trout or charr, less than six inches in length. Any fish of a less length than those described or any striped bass, commonly called rockfish, weighing more than twenty pounds, which may be caught, must be returned immediately to the water: Provided, That nothing in this section shall be so construed as to prevent the fishery authorities of the Commonwealth of Pennsylvania or of the State of New Jersey from capturing fish of any size from said waters or at any time of the year or in any manner, for propagation purposes and for stocking other waters in their respective States through their representatives. Any person who shall violate any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of ten dollars for each and every fish so caught and had in possession.

Section 143. *Penalty for Damage to Nets and Seines.* It shall be unlawful for any person by boat, anchor, dredge, or otherwise, in the Delaware River below Trenton Falls to wilfully and without reasonable cause interfere with, break, damage, or destroy any drifting gill-net, hauling seine, or nets of any description being lawfully used, and it shall be unlawful for any person to drift a gill-net over the waters of a shore fishery while the hauling seine is being used. Any person violating any of the provisions of this section shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of twenty dollars.

Section 144. *Sale of Fish Regulated.* It shall be unlawful to purchase, sell or offer for sale, or have in possession any fresh dead game-fish or food-fish except during the lawful period for catching the same and the space of six days after such period has expired. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten dollars for each fish.

Section 145. *Concurrent Jurisdiction of States.* The Commonwealth of Pennsylvania and the State of New Jersey shall have concurrent jurisdiction over all offenses and violations of this act committed, or attempted to be committed, by any person or persons fishing in the Delaware River below Trenton Falls within the jurisdiction respectively of the said Commonwealth of Pennsylvania and the State of New Jersey. Any fish warden, or any person in either State authorized to make arrests for violations of the fish laws, shall have power and authority to make arrests in any part of the river or shores thereof and take such person or persons for trial to the State in which the offense was committed and proceed against the offender according to

the legal procedure for violation of the fish laws of said State. If the arrest be made within this Commonwealth the procedure shall be as prescribed in chapter fourteen of this act.

Section 146. *Penalty for Threatening and Resisting Officers.* Any person or persons who shall by threat, menace, or force, or in any manner, attempt to deter or prevent any fish warden, or other person authorized to make arrests for violation of the fish laws in either State, from enforcing or carrying into effect any provisions of this act, or who shall resist arrest or the seizure of boats or nets illegally used shall on conviction thereof, in the manner provided in chapter fourteen of this act, be subject to a fine of one hundred dollars.

CHAPTER IV

FISHING REGULATIONS APPLYING TO BOUNDARY RIVERS

ARTICLE III

PROVISIONS APPLYING TO THAT PORTION OF THE DELAWARE RIVER BETWEEN PENNSYLVANIA AND NEW YORK

Section 150. *Scope of Article.* The provisions of this article shall affect and apply only to the propagation, catching, taking, and protection and destruction of fish in that portion of the Delaware River lying between the Commonwealth of Pennsylvania and the State of New York.

Section 151. *Legal Devices for Taking Fish. Closed Season for Shad.* Hereafter no person or persons shall cast, draw, or fasten, or otherwise make use of any seines, drift-net, fyke net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook, and line, in that portion of the Delaware river lying between the Commonwealth of Pennsylvania and the State of New York: Provided, That this section shall not extend to shad fishing: Provided also, That the meshes of nets used for catching shad shall not be less than three inches in width or one and one-half inches from knot to knot: Provided also, That it shall not be lawful to fish for shad with nets either shore, drift, gilling, or dip-nets, or with any appliances whatever, from June fifteenth to December thirty-first of any year. Any person or persons violating any of the provisions of this section shall on conviction, as provided in chapter fourteen of this act, forfeit or pay a penalty of one hundred dollars, together with the forfeiture to the Board of all boats, nets, and all appliances.

Section 152. *Certain Nets and Devices Prohibited.* Hereafter no person or persons shall cast, set, draw,

fasten, or otherwise make use of any fyke net or nets of any kind or device made from cotton or flax, twine or wire netting, similar to a fyke net, for the purpose of catching fish in the Delaware River at any time in any year. Every person so offending shall on conviction in the manner provided in chapter fourteen of this act be punished by a fine not exceeding one hundred dollars, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

Section 153. *Use of Nets, Seines, and Eelpots Prohibited on Saturday Night and on Sunday.* It shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stage, or otherwise make use of any gilling net, seines, short-net, drift-net, eel pots, or any kind of net, for the purpose of catching fish in the Delaware River from sunset on Saturday until twelve o'clock on Sunday night of each and every week, and the person or persons so offending shall on conviction, as provided in chapter fourteen of this act, forfeit and pay a penalty of one hundred dollars, together with the cost of suit for each and every offense.

Section 154. *Use of Certain Devices Prohibited.* It shall be unlawful for any person or persons to place, build, erect, fasten, or use any fish-baskets, gill-nets, or any permanently set means for taking fish in the river Delaware, nor shall any person at any time affix any nets, fish-baskets, fyke nets, eel racks, or any kind of appliances or set means of taking fish to any wing walls in the river Delaware. Nor shall any person or persons erect, build, or place, or cause to be erected, built, or placed any wing, wall or walls of stone or of any other substance or material in the river Delaware, for the purpose of affixing, adjusting, placing, or setting thereto, or adjacent thereto, any of the above mentioned illegal devices, contrivances, or appliances for taking fish. Any person violating the provisions of this law shall on conviction, in the manner provided in chapter fourteen of this act, be fined fifty dollars for the first offense. Any person or persons so offending a second time shall on conviction, in the manner provided in chapter fourteen of this act, be liable to a fine of one hundred dollars and imprisonment for three months in the county jail.

Section 155. *Closed Seasons for Certain Fish.* No person shall by any means or device whatsoever catch or kill in the Delaware River any black bass, rock-bass, or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year save with rod, hook, and line. Any violation of this section shall on conviction, as

provided in chapter fourteen of this act, subject the offender to a penalty of ten dollars for each fish so caught.

Section 156. *Legal Sizes of Fish.* No person shall catch or kill in the Delaware River any black bass less than ten inches in size, or wall-eyed pike less than twelve inches in length, or any rock-bass under six inches in length; but should any such fish be taken of a less size than the above, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken. Any violation of this law shall on conviction, as provided in chapter fourteen of this act, subject the offender to a penalty of ten dollars and costs for each and every fish so caught and not returned to the water.

Section 157. *Taking Fish for Bait, Scientific, and Stocking Purposes.* Nothing in this article shall be so construed as to prevent the catching of bait-fish, other than game-fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game-fish by order of any member of the Board or authorities of the State of New York in the Delaware River for the purpose of stocking other waters.

Section 158. *Seizure of Illegal Devices. Interference with Officers.* Any fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this Commonwealth, is hereby authorized to destroy any fish-basket, eel-weir, fyke net, shore-net, drift-net, dip-net, wing wall or wing walls, or any illegal device named in any section of this article, and they are hereby authorized to arrest forthwith any person placing, erecting, using, or fastening them. Any person or persons interfering with any of the above officers in the discharge of their duties or resisting arrest shall on conviction, as provided in chapter fourteen of this act, pay a fine of one hundred dollars.

CHAPTER V

SEINE LICENSES

Section 160. *Seine Licenses. Fees.* The Board is authorized to issue a "seine license" upon a written application therefor signed by the applicant and upon the payment to said Board of a fee of two dollars.

Section 161. *Kinds of Seines. Size of Mesh.* No seine or net shall be licensed for use except a haul seine, sometimes called a shore seine, a dip-net, or a hold-in net, sometimes called a moon rake. The meshes of any of the above-enumerated seines or nets shall be not less than two and one-half inches, stretched fishing measure, or one and one-quarter inches from knot to knot, while being fished.

Section 162. *Contents, Expiration, and Production of License.* The license certificate shall be prepared by the Board, and shall show the date of issue, the name and place of residence of the licensee, and the name and number of the seine or net licensed. The certificate may contain such other matters as the Board may determine. All seine licenses shall expire on the twenty-first day of June next following the date of issue. Such certificate shall be shown by the licensee to any fish warden, constable, or other person authorized to make arrests for violation of any provisions of the laws of this Commonwealth relating to fish.

Section 163. *Waters for Use of Seines. Seasons. Kinds of Fish.* No person shall fish with a seine or net in any inland waters of this Commonwealth, except the Susquehanna River from McCall's Ferry dam to the Maryland State line, or within the limits of the tidal waters of a tidal stream. No person shall fish with a seine or net in the Susquehanna River from McCall's Ferry dam to the Maryland State line, or within the limits of the tidal waters of a tidal stream of this Commonwealth, except from the first day of March to the twentieth day of June.

No person shall, from the first day of March to the twentieth day of June, fish with a seine or net in the waters of the Susquehanna River from McCall's Ferry dam to the Maryland State line, or within the limits of the tidal waters of any tidal stream of this Commonwealth, for any fish other than shad, herring, or ale-wife, and carp. A person who catches in a licensed seine, during the license period, fish other than those enumerated in the preceding paragraph, shall not be guilty of violating the provisions of said paragraph if he immediately returns such fish so taken to the waters from which taken and in the condition in which captured. No person shall, from the first day of March to the twentieth day of June, fish in the waters of the Susquehanna River from McCall's Ferry dam to the Maryland State line, or within the limits of the tidal waters of any tidal stream of this Commonwealth with a seine or net other than a licensed net or seine.

Section 164. *Owner's Consent for Removal of Fish Required. Exception.* No person shall remove fish from any licensed seine or net without the consent of the owner thereof, except that any person may return to the water any fish not authorized to be taken by such device.

Section 165. *Penalty.* Any person violating any provisions of this article shall on conviction, in the manner provided in chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars and

shall forfeit to the Board all nets, seines, boats, or appliances unlawfully used.

Section 166. *Exceptions.* The provisions of this article do not apply to fish artificially propagated under the authority of this act.

CHAPTER VI ARTIFICIAL PROPAGATION LICENSES

Section 170. *Board may Issue Propagation Licenses.* The Board is authorized to issue an artificial propagation license for the propagation of all species of trout and all species of basses, upon a written application therefor signed by the applicant and upon the payment to such Board of the sum of twenty-five dollars; for all other species of fish, the sum of fifty cents.

Section 171. *Applications for License. Expiration.* Applications shall be made on blanks prepared by the Board and shall show the size, character, and purpose of the propagation plant and such other matters as the Board may require. All licenses issued under this article shall expire on the first day of January next following the date of issue.

Section 172. *Waters Usable.* No dams, ponds, or other devices which will prevent the free migration of fish shall be erected or placed by a person licensed under this article, in any stream flowing over his property. No person shall use the ponds so licensed for any purpose other than for commercial fish purposes.

Section 173. *Authority under License.* The license issued by this article authorizes the licensee to carry on the business of propagation and sale of the species of fish authorized by the license, or the eggs thereof, during the year for which the license is issued. The license authorizes the licensee to catch and kill the fish authorized by the license from the licensed ponds in any manner whatsoever, except with explosives or poisonous substances. The license further authorizes the licensee to sell or dispose of in any manner whatsoever the fish authorized by the license, or the eggs thereof, at any time of the year, and it authorizes express and railroad companies to receive and transport the same.

Section 174. *Authority Denied under License.* The license issued under this article does not authorize the catching of fish out of any stream flowing over the property of the licensee, except the Susquehanna River from McCall's Ferry dam to the Maryland State line and the tidal waters of any tidal stream in this Commonwealth.

Section 175. *Sales of Fish Regulated.* A person selling fish under the license provided by this article

shall furnish the purchaser with a certificate or invoice of the sale, bearing the date of sale, the number of the license under which sold, the number of fish, and number of pounds sold. The certificate or invoice must be shown by the holder on demand of any fish warden, clerk of the market, constable, or any person authorized to make arrests for violation of the laws of this Commonwealth relating to fish. The certificate or invoice shall authorize the sale of the fish so purchased for a period of six days after its date of issue.

Section 176. *Reports by Licensee. Inspection of Premises.* A person holding an artificial propagation license under this article shall annually, on the first day of January, file with the Board a written statement duly sworn to, showing the number, value, and number of pounds of fish or the eggs thereof sold or disposed of during the year. The books and property of the persons licensed under this article shall be open to the Board or its agents for inspection at all reasonable times.

Section 177. *Stocking Regulations.* No person licensed under this article shall in any manner stock or maintain his establishments with any species of fish or eggs thereof taken from any waters within this Commonwealth not owned, occupied, or controlled by them. This section does not prohibit the exchange of fish eggs or the fry of any species of fish with the Board.

Section 178. *Authority of Licensee to Kill Fowl and Wild Birds.* A license issued under this article authorizes the licensee or his agent to kill, after five days' notice to their owner, if known, any domestic bird or fowl trespassing on the waters or lands controlled, used, or occupied entirely for the artificial propagation of fish. Such license also authorizes the licensee or his agent to kill any wild birds or wild animals destructive to fish life whenever found on such waters or lands.

Section 179. *Unlawful Acts.* No person shall artificially propagate any species of fish without first procuring the license provided by this article. No person receiving a license, as provided by this article, shall operate a propagating plant different from that designated in the license. No person operating a propagating plant for which a license has been issued for the operation of such plant shall catch fish out of any stream flowing over the property of the licensee.

No person shall fish or trespass with intent to fish in or upon any waters, or bed or banks of any waters, or any banks owned, controlled, or occupied by persons licensed by this article. No person shall wilfully or maliciously destroy or damage any ponds,

property, or appliances whatever of a propagating plant licensed under this article. No person shall interfere or obstruct, pollute, or diminish the natural flow of water into or through a propagating plant licensed under this article.

Section 180. *Penalty.* Any person violating any provision of this article shall on conviction, in the manner provided by chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars.

CHAPTER VII

DAMS, FISHWAYS, BAR-RACKS, OBSTRUCTIONS, ETC.

Section 185. *Devices to Enable Fish to Migrate to be Erected at Dams.* Any person now or hereafter erecting or maintaining a dam in the waters of this Commonwealth shall immediately, on a written order from the Board, erect therein such chutes, slopes, fishways, gates, or other devices as the Board may deem necessary to enable the fish to ascend and descend the waters at all seasons of the year.

Section 186. *Devices to be Maintained.* Every such chute, slope, fishway, gate, or other device shall be maintained, open and in good order and repair, by the person owning or maintaining such dam until said dam is removed, raised or rebuilt.

Section 187. *Closing of Devices.* Any chute, fishway, or other device aforesaid may be closed for repairs at the time of low water, but such closing shall only be for a period of thirty days at any one time.

Section 188. *Penalty.* Any person neglecting or refusing to comply with sections one hundred eighty-five and one hundred eighty-six of this article, within three months from the date of notice provided in section one hundred eighty-five of this act, shall forfeit and pay the sum of one hundred dollars for every month such person so refuses or neglects. Such sum shall be recovered by civil suit or process in the name of the Commonwealth.

Section 189. *Erecting of Devices by Board. Collection of Cost.* If after the lapse of three calendar months from the date of notice provided by section one hundred eighty-five of this act the person owning or maintaining said dam neglects or refuses to erect or place or maintain unchanged, open, and in good order and repair the appliance, as directed by the Board, said Board is authorized to enter upon such dam and erect such slope, chute, fishway, or gate, or make such repairs as may have been directed as aforesaid. The cost thereof shall be charged against the person owning or maintaining such dam by the Board and may be recovered by civil suit and process in the name of the Commonwealth.

Section 190. *When Commonwealth to Pay Cost of Erection.* Where by reason of any dam having been constructed prior to any requirements by law for the placing of chutes, slopes, or fishways therein, or for any other reasons, the owner or person maintaining such dam cannot be compelled by law to pay the cost of erecting such chute, slope, or fishway, as directed by the Board, such cost shall be paid by the Commonwealth of Pennsylvania out of such funds as may be appropriated therefor.

Section 191. *Drawing Off Dams.* No person owning, leasing, or maintaining a dam holding back waters inhabited by fish shall draw off such waters without first applying for written permission from the Board, nor shall any such person obstruct the flow of water through any such dam without allowing sufficient water at all times to flow in the natural stream on which such dam is located to enable the fish to live. Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars for each offense.

Section 192. *Fishing near Devices Prohibited.* No person shall fish, except with a rod, hook, and line, within one hundred feet of the lower end of any fishway or dam or within such other distance, as the Commissioner may determine. Such distance shall be plainly posted on the fishway or adjacent shore. Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars.

Section 193. *Placing Bar-racks.* Any person owning or maintaining a raceway, flume, or inlet-pipe leading to a water-wheel, turbine pump, or canal, shall immediately upon receipt of a written order from the Board place and maintain a bar-rack of not less than one-half inch nor more than an inch and a half space between the bars in or near such raceway, flume, or inlet-pipe, sufficient to prevent fish from entering therein. Any person refusing or neglecting to comply with such order for a period of one month shall forfeit and pay the sum of one hundred dollars, which shall be recovered by civil suit and process in the name of the Commonwealth.

Section 194. *Erection of Bar-racks by Board. Collection of Cost.* If one month after the notice provided in section one hundred and ninety-three of this act the person owning or operating such raceway, flume, or inlet-pipe has not placed such bar-rack, as may have been directed, the Board is authorized to enter upon such raceway, flume, or inlet-pipe, and place a bar-rack of not less than one-half inch nor more than an inch and a half space between the bars. The cost

thereof shall be charged against such owner or operator, and if not promptly paid may be recovered by civil suit and process in the name of the Commonwealth.

Section 195. *Penalty for Preventing Migration of Fish.* No person shall place any device or object in the waters within this Commonwealth in such a manner as to obstruct the migration or passage of fish therein or to obstruct any fishway. Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen, be sentenced to pay a fine of one hundred dollars.

Section 196. *Removal of Obstructions by Fish Wardens, etc.* Any obstruction in the streams of this Commonwealth not permitted by law shall when found be immediately removed by any fish commissioner, fish warden, sheriff, or other peace officer.

CHAPTER VIII

POLLUTION TRESPASS ON STATE HATCHERIES

Section 200. *Pollution of Waters Prohibited. Explosives.* No person shall put or place in any waters within or on the boundaries of this Commonwealth any electricity, explosives, or any poisonous substances whatsoever for the purpose of catching, injuring, or killing fish. No person shall allow any substance of any kind or character deleterious, destructive, or poisonous to fish to be turned into or allowed to run, flow, wash, or be emptied into any waters within this Commonwealth unless it be shown to the satisfaction of the Board of Fish Commissioners or to the proper court that every reasonable and practicable means has been used to abate and prevent the pollution of waters in question by the escape of deleterious substances.

Section 201. *Permits for Use of Explosives.* The preceding section of this article does not prohibit the use of explosives for engineering purposes when a written permit has been given therefor by the National, proper State, or proper municipal government authorities.

Section 202. *Penalty.* Any person violating the preceding provisions of this article shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars.

Section 203. *Evidence in Prosecution for Pollution.* In prosecutions under this article for the pollution of waters by substances known to be injurious to fish or to fish food it shall be necessary to prove that such substances have actually caused the death of any particular fish.

Section 204. *Trespass on State Hatcheries and Premises.* No person shall fish, or trespass with intent

to fish, either upon any waters or bed or banks of any water or any lands controlled or owned or occupied by the Board. No person shall wilfully or maliciously destroy or damage any ponds, property, or appliances whatsoever of the Board, nor interfere, obstruct, pollute, or diminish the natural flow of water into or through any State hatchery. Any person violating the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of one hundred dollars.

CHAPTER IX

SALE OF FISH-MARKETS, HOTELS, ETC. REPORTS

Section 210. *Sale of Certain Fish Prohibited.* No person and no proprietor, manager, clerk, or agent of any market, hotel, boarding-house, eating-house, restaurant, or saloon shall purchase, sell, or expose for sale any brook trout or any species of trout except lake trout, any small mouth bass or large mouth bass caught in waters wholly within this Commonwealth. No person and no proprietor, manager, clerk, or agent of any market, hotel, boarding-house, eating-house, restaurant, or saloon shall contract with or employ any person to catch and keep such fish for him, by the day or otherwise.

Section 211. *Reports of Sales of Fish.* A person engaged in catching fish for market or who may be engaged in the sale of fish shall, on demand of the Commissioner, furnish at the close of each calendar year a duplicate statement of their sales of fish and the gross amount of money realized. The contents of such reports shall be used by the Board entirely for statistical purposes. The contents of such reports so received by the Board shall not be made public without the written consent of the owner.

Section 212. *Penalty.* Any person violating the provisions of this article shall on conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of ten dollars for each and every fish had in possession.

Section 213. *Exceptions to Penalty.* This article does not prohibit any person from employing a guide to accompany him when fishing, nor does it apply to fish artificially propagated and sold under the authority of this act.

CHAPTER X

FISHING LICENSES

Section 220. *Resident Fishing License Fees.* For the purposes of this article every person sixteen years of age and upward, upon application to any county treasurer within the Commonwealth or to the Board

and the presentation of proof that he has been a bona fide resident of this Commonwealth for a period of thirty days next preceding his application and was born in the United States or was fully naturalized under the laws of the United States, shall, upon the payment to the county treasurer or the Board of a license fee of one dollar for the use of the Commonwealth and a fee of ten cents for the use of the county treasurer, be entitled to the license herein referred to as "a resident fishing license."

Section 221. *Non-Resident Fishing License Fees.* For the purposes of this article every person, without regard to age, upon application to any county treasurer within the Commonwealth or to the Board of Fish Commissioners and the presentation of proof that he is a non-resident of this Commonwealth but a citizen of the United States, shall, upon the payment to the county treasurer or the Board of the same amount as is charged and received from non-residents by the State of which the applicant is a resident for a similar license (not, however, less in any case than two dollars and fifty cents) and the payment of ten cents for the use of the county treasurer, be entitled to the license herein referred to as a "non-resident fishing license."

Section 222. *Applications for Licenses. License Year.* All licenses shall be issued on forms prepared and supplied by the Board of Fish Commissioners; the cost thereof to be paid from the fish license fund hereafter provided for. The license shall show the name, age, occupation, and residence of the licensee and the date of its issue. It shall also contain the signature of the licensee written in ink, and shall authorize the person named therein to fish or angle in the waters of this Commonwealth or in the waters bounding or adjacent thereto under the restrictions and requirements of existing laws during the year the date of which is inscribed thereon. The license shall become void upon the thirty-first day of December next following the date of issue. The license may contain such other information as the Board may require. There shall also be issued with each license a license button bearing the license number.

Section 223. *County Treasurer's Record.* Every county treasurer of this Commonwealth shall keep in a book, to be supplied by the Board at the cost of the Commonwealth, a correct and complete record of all resident and non-resident fishing licenses issued by him. Every county treasurer shall cause to be entered in such book at the close of each week the name and place of residence of each individual to whom a license shall have been issued that week. Such book shall be open at reasonable hours to the inspection of any officer of the Commonwealth whose duty it is by

law to protect the fish in the waters of this Commonwealth or in the waters bounding or adjacent thereto.

Section 224. *Weekly Returns of Licenses Issued by County Treasurer.* Every county treasurer of this Commonwealth shall each week forward to the Board a complete list of the resident and non-resident licenses granted, with the names and addresses of the licensees, on blanks to be furnished by the Board at the cost of the Commonwealth.

Section 225. *Monthly Payments to State Treasurer. Duplicate Report.* All license fees, except said treasurer's fees, paid to a county treasurer under this act shall be by such treasurer paid into the State Treasury at least once a month, to be applied to the purposes hereinafter provided. Such county treasurer shall make a return to the State Treasurer upon a form to be supplied by the Board at the cost of the Commonwealth and shall in all such cases forward a duplicate of such report to the Board at Harrisburg.

Section 226. *Unlawful to Fish Without License.* No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license hereinbefore provided be at such time continually kept about the person of the licensee and exhibited upon the request of any fish warden, sheriff, constable, or other officer of the Commonwealth. No person shall angle or fish in any of the waters within or bounding on or adjacent to this Commonwealth unless the license button be at such time continually displayed on the outer garment in such manner that the license figures are plainly visible.

Section 227. *Loan and Transfer of License Prohibited. False Information.* No person shall alter, loan, or transfer any license authorized by this act nor give any false or misleading information to the county treasurer or to the Commissioner, his officers, or agents in the application therefor.

Section 228. *Penalty.* Any person violating any provision of this article shall on conviction, in the manner provided in chapter fourteen of this act, be sentenced for each offense to pay a fine of twenty-five dollars. In addition to such penalty, the license of any person convicted or signing an acknowledgment, as hereinafter provided, shall be void, and the license and license button shall be surrendered by such person and immediately sent by the court making the conviction or the officer taking the acknowledgment to the Commissioner at Harrisburg.

Section 229. *Certain Persons Excepted from Licenses.* No person, now required by law to procure a license to propagate fish for sale, shall be required, in addition, to secure a license provided by this act in order to enable such person to exercise those rights conferred by the license.

The provisions of this article shall not apply to nor prevent the owner of any farm or other land situated in this Commonwealth who actually resides thereon throughout the year or the members of his family so residing upon said farm or land, from angling or fishing in waters wholly within the limits of said farm or land or within the limits of land abutting thereon, without such license. The exemption provided by the foregoing provisions of this section shall not apply to any person temporarily residing upon said farm or land or any tenant thereon who is not a member of the family of said owner, nor shall said exemption apply to any servant or employe of said owner.

CHAPTER XI

UNNATURALIZED FOREIGN-BORN RESIDENTS

Section 240. *Unnaturalized Foreign-born Not to Fish.* It shall be unlawful for any unnaturalized foreign-born resident to go fishing for or capture or kill in this Commonwealth any fish of any description. Each and every person violating any provision of this section shall upon conviction thereof, in the manner provided in chapter fourteen of this act, be sentenced to pay a penalty of twenty dollars for each offense.

Section 241. *Unnaturalized Foreign-born Resident Defined.* For the purpose of this act any unnaturalized foreign-born person who shall reside or live within the boundaries of the Commonwealth of Pennsylvania for ten consecutive days shall be considered a resident and shall be liable to the penalties imposed for violation of the provisions of this act.

CHAPTER XII

GENERAL POWERS AND DUTIES OF THE COMMISSIONER AND FISH WARDENS

Section 250. *Permission to Fish for Scientific and Stocking Purposes.* The Commissioner may, with the approval of the Board, grant permission to catch fish in any of the waters of this Commonwealth at any season of the year and with any kind of nets or devices, for a period not exceeding one year, to a person engaged in scientific research, or for the propagation of fish and the stocking of waters therewith. Persons permitted to fish pursuant to the foregoing provision of this section shall make a return in writing to the Commissioner of all fish caught by them and also the use made by them of the fish so caught.

Section 251. *Power of Commissioner and His Agent to Fish. Rules and Regulations.* The Commissioner or his agent may catch fish in any of the waters of this Commonwealth at any season of the year and

with any kind of nets or devices. The Commissioner, with the approval of the Board, may promulgate such rules and regulations for the angling, catching, or removal of fish in or from any waters, artificial or otherwise, wholly within this Commonwealth, as he may deem necessary. Any person violating any of said rules and regulations shall upon conviction, as provided in chapter fourteen of this act, be sentenced to pay a fine of twenty dollars.

Section 252. *Free Distribution of Fish.* The Board of Fish Commissioners shall make free distribution or planting of the fish produced at the State fish hatcheries or otherwise acquired, in the following order of preference: First, to the public waters of the Commonwealth and to the waters within the forestry reserve belonging to the Commonwealth. Second, to the public school authorities and persons connected with institutions of learning who may apply for the same for educational purposes or for scientific research, and to persons applying for fish culture for aquarium purposes and show ponds. Third, to fish associations and individuals to stock any stream, lake, or pond in which the public are permitted to fish. The Board of Fish Commissioners may distribute and plant fish without an application in any of the waters within the State in which the public are permitted to fish.

Section 253. *Penalty for False Representation in Procuring Fish.* Any person who shall by false representation receive fish from the Board and plant the same in waters where the public are not allowed to fish shall on conviction, in the manner provided by chapter fourteen of this act, be sentenced to pay a fine of twenty-five dollars for each offense.

Section 254. *Streams and Lakes to be Free for Fishing.* Any natural stream or lake in this Commonwealth, which has been or may be stocked with fish furnished by the Commonwealth or the Board, shall be open to the public for the purpose of lawful fishing, but nothing in this section shall be so construed as to free any person trespassing on the lands of any person in this Commonwealth from liability for any damage he may do to said lands or the improvement thereon or to any crops or livestock or poultry thereon.

Section 255. *Nursery Waters.* The Board is authorized to set aside at its discretion, or upon petition of one hundred and fifty residents who shall be holders of fishing licenses, such small streams not exceeding one in any one county at the same time, and such lakes, as it may judge best, as nursery streams or lakes, in which fishing shall be prohibited at all times of the year. Before setting aside such streams or lakes the Board, through the Commissioner, shall give

public notice of closing such streams or water by publishing the prohibition and the duration thereof in two newspapers of general circulation published in the county or counties where such stream or water is located once a week for three consecutive weeks. Notice of such closing shall also be posted at the outlet of the stream or lake so closed and at intervals of three hundred yards along the banks thereof. Any person fishing, catching, or killing any fish from any stream or water so closed shall on conviction, in the manner provided by chapter fourteen, be sentenced to pay a fine of one hundred dollars.

Section 256. *Powers of Fish Wardens.* A fish warden shall have power:

(a) To enforce all the laws of the Commonwealth relating to fish; (b) to execute all warrants and search-warrants for the violation of the fish laws; (c) to serve subpoenas issued for the examination, investigation, and trial of all offenses against the laws relating to fish; (d) to carry firearms or other weapons in the performance of his duties; (e) to search without warrant any boat, conveyance, vehicle, fish-box, bag, coat, basket, or other receptacle for fish, when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated; (f) to seize and take possession of any and all fish which may have been caught, taken, or killed at any time, in any manner, or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of this Commonwealth—fish so seized shall be disposed of in any manner as the Commissioner may direct; (g) to enter upon any land or water in the performance of his duty; (h) to demand and secure proper assistance in case of emergency; (i) to purchase fish for the purpose of securing evidence.

Section 257. *Duties of Fish Wardens.* Each fish warden shall keep a record of his official acts, receipts, and expenditures, and shall at the close of each month make a summary of such record with such detailed information as may be necessary for the information of or be required by the Board. Such summary shall be immediately sent to the chief warden. The chief warden shall report to the Commissioner any negligence or incompetency on the part of any of the fish wardens, with the facts relating thereto. The chief warden shall report monthly to the Commissioner his operations during the preceding month and shall make such other reports as may be required by the Commissioner. The chief warden shall annually report in writing the operations of himself and subordinates during the year to the Board.

Section 258. *Special Fish Wardens.* The Board of Fish Commissioners, on written application of a properly organized fish protective association or on the written application of any association or individual owning or leasing waters, may appoint one or more special fish wardens for the county in which the application is made. The Board of Fish Commissioners may appoint special fish wardens to act anywhere within the Commonwealth. All special fish wardens appointed under the authority of this section may exercise the powers of their appointments until the thirty-first day of May next succeeding the date of their appointment and no longer. Special fish wardens shall have the same powers and shall make the same reports as is conferred on and required from other fish wardens.

CHAPTER XIII

SUNDAY FISHING

Section 265. *Sunday Fishing Prohibited.* It is unlawful to fish in any of the waters wholly within this Commonwealth for any species of fish or with any device on the first day of the week, commonly called Sunday. Any person violating any of the provisions of this section shall on conviction, as provided in chapter fourteen of this act, be subject to a penalty of twenty-five dollars.

CHAPTER XIV

ENFORCEMENT OF THE ACT. PROCEDURE

Section 270. *Powers of Officers to Destroy Unlawful Devices and Make Arrests.* Any fish warden, special warden, sheriff, constable, or any special officer, or any peace officer in this Commonwealth, is hereby authorized and required to proceed, with such force of the county as may be necessary, to destroy any device for catching fish used contrary to or prohibited by law in any of the waters within or on the boundary of or adjoining to this Commonwealth. Such officers are hereby required to arrest with or without warrant any person owning, placing, or using such device or violating any provisions of this act.

Section 271. *Apprehension and Production before Magistrate.* Such officers are authorized and required to apprehend and arrest and immediately take any person guilty of any violation of this act before any alderman, magistrate, or justice of the peace, who shall forthwith hear and determine such charge in the manner herein provided.

Section 272. *Payment of Costs in Certain Cases.* In case any fish warden, or any other officer hereinbefore named, fails to prove his case and the defendant is discharged, or in case the defendant is convicted and

sent to jail in lieu of the payment of fine, the county in which the case is heard shall pay the costs.

Section 273. *Arrests on Sunday and Holidays.* Such arrests may be made on Sunday or any legal holiday, in which case the person so arrested shall be taken before the proper officer and proceeded against on the first lawful day following the arrest.

Section 274. *Penalty Upon Officers for Failure to Perform Duties.* Any sheriff, deputy sheriff, constable, special officer, or other peace officer of this Commonwealth, refusing or neglecting to proceed with such force of the county to forthwith remove and destroy any existing device illegally used for the catching of fish within its jurisdiction, after being notified in writing of the existence of such illegally used device, or any such officer neglecting or refusing to remove or destroy any such illegal device for catching fish within the Commonwealth of which he shall be cognizant, shall on conviction, as provided in this chapter, be sentenced to pay a fine of fifty dollars.

Section 275. *Interference with Officers.* Any person who shall by threat, menace, or force, or in any manner attempt to deter or prevent any fish warden, or other person authorized to make arrests for violation of the fish laws, from enforcing or carrying into effect any provision of this act, or who shall resist the seizure of boats, devices, or nets illegally used, shall on conviction thereof, as provided in this chapter, be sentenced to pay a fine of one hundred dollars.

Section 276. *Prima Facie Evidence.* In all cases of arrest for the violation of any of the provisions of this act the possession of the fishes or of the nets or appliances, or the possession of or operation of any other device herein prohibited, shall be prima facie evidence of the violation of this act.

Section 277. *Complaint. Warrant. Hearing.* Any alderman, magistrate, or justice of the peace, upon information or complaint made to him by affidavit of one or more persons charging any person with having violated any of the provisions of this act or any of the rules and regulations adopted and promulgated by the Commissioner or the Board, pursuant to this act, is hereby authorized and required to issue his warrant under his hand and seal directed to any constable, peace officer, or warden, and shall cause such person to be arrested and brought before such alderman, magistrate, or justice of the peace, who shall hear and determine the guilt or innocence of the person or persons so charged.

Section 278. *Sentence. Bail. Appeal.* If convicted such person shall be sentenced to pay the fine provided in this act for such violation, together with the costs of suit. The person so convicted shall on failure to pay such fine be sentenced by such alderman, magis-

trate, or justice of the peace, to undergo imprisonment in the county jail of the county in which such conviction takes place for a period of one day for each dollar of fine so imposed, unless specifically otherwise provided by this act, or unless the person so convicted shall give notice of an intention to procure a writ of certiorari or appeal, in which case such person shall be permitted to enter into good and sufficient recognizance to appear before such justice, alderman, or magistrate on or before the expiration of five days, if such appeal or certiorari is not taken by them, or on the final determination of the same if it be not sustained, for execution of sentence.

Section 279. *Acknowledgment of Guilt. Receipts.* A person charged with violating any provisions of this act other than a misdemeanor may sign an acknowledgment of the offense committed either before or after the beginning of prosecution and pay to any salaried officer of the Board the penalty in full as fixed by this act, together with costs accrued to that date. The printed receipt therefor, which shall in every instance bear the signature of the Commissioner, shall be full evidence of full satisfaction of the offense committed.

Section 280. *Sale and Destruction of Confiscated Devices.* All boats and legal devices used unlawfully and forfeited to the Board under any of the provisions of this act shall be sold by the Commissioner or destroyed by his order. All unlawful nets or devices not preserved for exhibition purposes by the Board shall be destroyed by the Commissioner or by his order. Records shall be made of all such sales or destruction on the books of the Board.

Section 281. *Limitation for Prosecutions.* All actions for violation of any provisions of this act shall be taken within one year from the time the offense is committed.

CHAPTER XV

THE FISH FUND

Section 285. *Fish License Fund Established.* All fees, fines, penalties, and other moneys paid, received, recovered, 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, recovered, received, and collected under the provisions of any act repealed and replaced by this act, or (c) that may be paid, received, recovered, and collected under the provisions of this act, shall be placed in a separate fund by the State Treasurer, to be known as "The Fish Fund," and an amount not in excess of four

hundred thousand (\$400,000) dollars in any one fiscal year shall be used solely under the direction of the Board for the following purposes:

(a) The payment of the salaries, wages, or other compensation of the Commissioner of Fisheries, and such deputies, directors, superintendents, bureau or division chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, clerks, stenographers, bookkeepers, messengers, fish wardens, laborers, and other assistants and employes as may be required for the work of the Board;

(b) The payment of the traveling and other expenses of the members, officers, and employes of the Board of Fish Commissioners;

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles, and printing and binding as may be necessary in the conduct of the work of the Board;

(d) The payment of postage, telegrams, telephone rentals, telephone toll charges, and rentals for patented leased office devices or machines;

(e) Rentals for any offices outside of the Capitol buildings or any other grounds, buildings, or quarters necessary for the work of the Board;

(f) The propagation, protection, and distribution of fish and the stocking of waters within this Commonwealth, as provided by law;

(g) Necessary repairs and improvements to fish hatcheries or other buildings, offices, or quarters used in the work of the Board;

(h) Field work, gathering spawn, and transferring fish.

(i) The purchase of necessary land and water supplied to State fish hatcheries;

(j) The purchase and erection of buildings, ponds, and other extensions incidental to State fish hatcheries;

(k) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River; and

(l) Any contingent, incidental, or other expenses of any kind or description reasonably necessary in carrying on the work of the Board.

Any moneys in said fund at any time in excess of the amount hereinbefore limited shall be used solely under the direction of the Board, with the consent of the Governor, for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing, hunting, and forest purposes, and

said lands and waters so purchased shall be under the supervision, direction, and control of the Board.

All moneys in such separate fund from time to time are hereby specifically appropriated to the Board and may be expended for the purposes hereinbefore enumerated. The Auditor General shall from time to time upon requisition of the Commissioner draw his warrant on the State Treasurer for the amount specified in such requisition; not exceeding, however, the amount in such fund at the time of making such requisition.

CHAPTER XVI

CONSTRUCTION. EFFECTIVE DATE. REPEAL

Section 290. *Construction.* It is the intent of this act to prescribe an exclusive system for the angling, catching, and taking of fish, and for their propagation and protection in waters within, bounding on, or adjacent to, this Commonwealth; but this act shall not repeal any law relating to the taking and catching or for the protection of frogs, tadpoles, and terrapin.

Section 291. *Effective Date.* This act shall be in force and take effect the first day of January, one thousand nine hundred and twenty-six.

Repeal.

Section 292. *Repeals.* The following acts of Assembly are hereby repealed absolutely:

Act of May 22,
1889 (P. L. 261).

The act approved the twenty-second day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, two hundred and sixty-one), entitled "An act for the protection of shad and game fish in the river Delaware," and the amendments thereto.

Act of May 1,
1909 (P. L. 309).

The act, approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and nine), entitled "An act to encourage the propagation of fish, and to regulate the catching, taking, and destruction of fish, in the Delaware River below Trenton Falls, within the jurisdiction respectively of the Commonwealth of Pennsylvania and of the State of New Jersey; and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," and the amendments thereto.

Act of May 8,
1909 (P. L. 480).

The act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and eighty), entitled "An act to encourage the propagation of fish, and to regulate the catching, taking, and destruction of fish, in the Delaware River above Trenton Falls, within the jurisdiction respectively of the Commonwealth of Pennsylvania and of the State of New Jersey; and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," and the amendments thereto.

The act, approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and sixty), entitled "An act to give additional protection to the fish in the waters within the Commonwealth of Pennsylvania; prohibiting the fishing for, or capture or killing of, such fish by unnaturalized foreign-born residents; and prescribing penalties for violation of its provisions."

Act of April 21,
1915 (P. L. 160).

The act, approved the twenty-eighth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand two hundred and fifteen), entitled "An act to revise, amend, and consolidate the law relating to fish, and providing penalties," and the amendments thereto.

Act of July 28,
1917 (P. L. 1215).

The act, approved the sixteenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred and eighty-four), entitled "An act to revise, amend, and consolidate the law relating to fish in certain boundary lakes, bays, and peninsular waters."

Act of May 16,
1919 (P. L. 1300).

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and seventy-eight), entitled "An act for the better protection of fish; requiring citizens of the United States residing without this Commonwealth to procure a license to fish or angle in the waters of this Commonwealth or in the waters bounding or adjacent thereto; and regulating the issuance of such license; providing penalties for the violation of this act."

Act of July 8,
1919 (P. L. 778).

The act approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and fifty-nine), entitled "An act for the better protection of fish; requiring citizens of the United States residing within this Commonwealth to procure a license from the county treasurer to fish or angle in the waters of this Commonwealth, or in the waters bounding or adjacent thereto, and regulating the issuance of such license; providing penalties for the violation of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties recovered and license fees received," and the amendments thereto.

Act of May 16,
1921 (P. L. 559).

All other acts and parts of acts inconsistent with this act are hereby repealed.

Other acts inconsistent.

APPROVED—The 2d day of May, A. D. 1925.

GIFFORD PINCHOT.