

No. 415.

AN ACT

To amend sections five hundred and one and five hundred and two of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto."

Section 1. Be it enacted, &c., That section five hundred and one of an act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred and fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," is hereby amended to read as follows:

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

Game and other wild birds and wild animals.

Section 501 of act of May 24, 1923 (P. L. 359), amended.

Open season.

<i>Kind of Game.</i>	<i>Open Season.</i>
Blackbirds and upland or grass plover, . . . . .	} From Aug. 1st to Nov. 30th.
Rail, [coot or mud-hen,] reed-bird, sand-piper, [tattler,] curlew, [Wilson or] [jacksnipe,] or any other kind of shore bird except [woodcock] <i>as elsewhere enumerated in this section,</i>	} From Sept. 1st to Nov. 30th.
Woodcock and Wilson or jacksnipe, . . . . .	} From Oct. 1st to Nov. 30th.
All birds known as wild water-fowl, <i>coots or mud-hens, and gallinules,</i> . . .	} From Oct. 1st to Jan. 15th.
Raccoon, . . . . .	} From Oct. 1st to [Feb. 15th] <i>Jan. 15th.</i>
Wild turkey, ruffed grouse, commonly called pheasant, male ring [necked] <i>neck</i> pheasant, Virginia partridge, commonly called quail, gambel quail, valley quail and Hungarian quail, and gray, black and fox squirrel, . . . . .	} From Nov. 1st to Nov. 30th.

Red squirrel, .....	}	From Nov. 1st to Aug. 15th next following.
Wild rabbit and hare,		From Nov. 1st to Dec. 15th.
Bear <i>over one year old</i> ,	}	From Nov. [1st] 10th to Dec. 15th.
Male deer, with two or more points to one antler, [Provided, A male deer with an antler six or more inches long without points, measuring from the top of the skull as the deer is in life shall be considered legal], .....		From Dec. 1st to Dec. 15th.
Male elk with four or more points to one antler,	}	From Dec. 1st to Dec. 15th.

Section 502 amended.

Bag limit.

Section 2. That section five hundred and two of said act is hereby amended to read as follows:

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

<i>Kind of Game.</i>	<i>In one Day.</i>	<i>In one Season.</i>
Wild turkey, .....	1	1
Ruffed grouse, .....	3	15
Male ring-neck pheasants, Quail, also known as partridge, of the combined kinds, .....	2	6
Woodcock, .....	8	25
Squirrels, including the fox, black and gray combined, .....	6	20
Wild rabbits, .....	6	[40] 30
Hares, .....	3	15
<i>Wild ducks of the combined kinds</i> , .....	15	60
<i>Wild geese</i> , .....	5	30
<i>Brant</i> , .....	5	30
Bear, .....	1	1
Bear (by hunting party),	4	4
Deer, .....	1	1
Deer (by hunting party),	6	6
Elk, .....	1	1
Elk (by hunting party),	1	1

Except as hereinafter otherwise provided, every deer taken shall be a male deer having two or more points to one antler. [Provided, A male deer having an antler six or more inches long without points, measuring from the top of the skull as the deer is in life, shall be considered legal.]

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

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

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

APPROVED—The 14th day of May, A. D. 1925.

I am approving this bill, notwithstanding the very objectionable provision that "no game protector shall have the power to enforce, or be called upon to assist in the enforcement of, any law except laws pertaining to the protection of game, or other wild birds, or other wild animals, or to fish, frogs or terrapin, or to forests," for the following reasons:

1. I am advised by the Attorney General that in his opinion this proviso is unconstitutional because the title of the bill gives no notice that it deals in any wise with the powers of game protectors. The title indicates merely that Section 502 of the Game Code of 1923 is being amended; and that section as enacted in 1923 had nothing whatever to do with the powers and duties of game protectors;

2. I am further advised that even if the provision in question be constitutional it would probably not be construed to affect in any wise the common law right of any individual, whether he be a public officer or a private citizen, to arrest on view a person detected in the act of committing a felony; and

3. Because I believe that the other provisions of the bill are very desirable additions to our present game laws.

But for these reasons I should unhesitatingly have vetoed the bill.

GIFFORD PINCHOT.