

L A W S
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE
SESSION OF 1876,
IN THE ONE HUNDREDTH YEAR OF INDEPENDENCE,

TOGETHER WITH

A proclamation by the Governor, declaring that he has filed certain Bills in the office of the Secretary of the Commonwealth, with his objections thereto, and a List of Charters of Corporations organized under general Corporation act of April 29, 1874, and the Supplements thereto.

BY AUTHORITY.

HARRISBURG:
B. F. MEYERS, STATE PRINTER,
1876.

No. 77.

AN ACT

To amend and consolidate the several acts relating to game and game fish.

SECTION 1. *Be it enacted, &c.,* That no person shall kill or pursue, in any part of the state, any elk or wild deer, save only from the first day of October, in any year, to the first day of January next following; no person shall have in his or her possession, or offer for sale or transport, any elk or wild deer or fresh venison, save only from the first day of October, in any year, to the first day of January next following; no person shall at any time kill any fawn, when in its spotted coat, or have the fresh skin of any such fawn in his or her possession; no person shall pursue any elk or wild deer with dogs, in any part of this state, or shall kill in the water any elk or wild deer or fawn which has been driven thereto by dogs; any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each elk, wild deer or fawn so killed or pursued or trapped, or fresh elk, wild deer or fawn skin had in his or her possession, and may be proceeded against in any county of the state wherein he may be arrested having the same in his or her possession: *Provided however,* That any person may sell, or have in his or her possession, the elk or wild deer aforesaid between the first day of January and the first day of October, in any year next following, without liability to the penalty herein imposed: *Provided,* He shall prove that such game, if killed in this state, was killed within the time allowed by this act, or was killed outside the limits of this state and at some place where the law did not prohibit such killing; dogs pursuing elk or wild deer or fawns may be killed by any person, and any constable or other town official may kill any dog that habitually pursues elk, wild deer or fawns, and the owner of such dog shall be liable to a penalty of ten dollars for each elk, wild deer or fawn killed by such dog: *Provided further,* That this act shall be so construed as not to change or alter any exception of any counties of this state, heretofore made in any act of assembly prohibiting running of deer with dogs.

SECTION 2. No person shall kill or expose to sale, or have unlawfully in his or her possession, after the same has been killed, any gray, black or fox squirrel between the first day of January and the first day of July in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession.

SECTION 3. No person shall kill or expose for sale, or have unlawfully in his possession, after the same has been killed, any hare, commonly called rabbit, between fifteenth day of December and the fifteenth day of October, in any year, under a penalty of five dollars for each and every hare or rabbit so killed or had in his possession; no person shall hunt or cause or permit the hunting of hares or rabbits with a ferret or ferrets under a penalty of ten dollars for each and

If hunting of deer out of season, prohibited

Also sale and transport of.

Killing of fawns prohibited.

And hunting with dogs.

Penalty.

Sale of venison killed in season.

Dogs pursuing deer may be killed.

Act not to apply to certain counties.

Squirrels.

Rabbits.

every hare or rabbit caught or killed by means of a ferret or ferrets.

SECTION 4. No person shall, at any time, kill any wild duck or goose with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as habitually are raised at arm's length and fired from the shoulder, or shall use any net, device, instrument, or gun, other than such gun as aforesaid, with intent to capture or kill any such wild duck or goose, under a penalty of ten dollars.

Wild duck and
goose.

SECTION 5. No person shall kill, or expose for sale, or have unlawfully in his or her possession after the same has been killed, any wild turkey or any wood or summer duck, between the first day of January and the first day of October, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Wild turkey, and
wood or summer
duck.

SECTION 6. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any upland or grass plover, between the first day of January and the fifteenth day of August, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Plover.

SECTION 7. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any woodcock, between the first day of January and the fourth day of July, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Woodcock.

SECTION 8. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any quail or Virginia partridge, between the fifteenth day of December and the fifteenth day of October, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Quail or partridge.

SECTION 9. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any ruffed grouse, commonly called pheasant, or pin-nated grouse, commonly called prairie chicken, between the first day of January and the first day of October, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Pheasant and prairie
chicken.

SECTION 10. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any rail bird or reed bird, except in the months of September, October and November, under a penalty of five dollars for each and every rail or reed bird so killed or had in possession.

Rail and reed bird.

SECTION 11. No person shall at any time, within this state, kill, trap, or expose for sale, or have unlawfully in his or her possession after the same has been killed, any night-hawk, whip-poor-will, sparrow, thrush, lark, finch, martin, chimney swallows, barn swallows, woodpecker, flicker, robin, oriole, red or cardinal bird, cedar bird, tanager, cat bird, blue bird, or any other insectivorous bird, under a penalty of five dollars for each bird killed, trapped, exposed for sale or had in possession.

Insectivorous birds

Exceptions.

SECTION 12. The last section, to wit: section eleven, shall not apply to any person who shall kill any bird for the purpose of scientific investigation or having the same stuffed or set up as a specimen.

Penalty for destroying eggs and nests.

SECTION 13. No person shall rob or destroy the eggs or nests of any wild bird whatsoever, only those of such predatory birds as are destructive of game and insectivorous birds, under a penalty of ten dollars for each offence: *Provided*, That this section shall not apply to any person who shall collect such eggs for scientific purposes.

Wild pigeons.

SECTION 14. No person shall kill, catch or discharge any fire-arms at any wild pigeon while on its nesting ground, or break up or in any manner disturb such nesting ground, or the birds therein, or discharge any fire-arms within one-fourth of a mile of such nesting place of any wild pigeon or pigeons, or shoot at, maim or kill any wild pigeon or pigeons within their roostings, under a penalty of twenty dollars.

Penalty for trapping,

SECTION 15. No person shall, at any time or place within this state, kill or take any wild turkey or ruffed grouse, commonly called pheasants, or quail or Virginia partridge, or woodcock, or rail or reed bird, or rabbits, by means of any blind, trap, snare, net or device whatever, under a penalty of ten dollars for each and every such bird or rabbit so trapped, snared or taken: *Provided*, That nothing in this section shall be so construed as to prevent individuals or associations for protection, preservation and propagation of game from gathering alive by nets or traps with the written consent of the owner of the land, quails or Virginia partridges, from the twentieth day of December in any year to the first day of February next following, for the sole purpose of preserving them alive over the winter.

Penalty for hunting or fishing on Sunday.

SECTION 16. There shall be no hunting or shooting or fishing on the first day of the week called Sunday, and any person offending against the provisions of this section shall be liable to a penalty of twenty-five dollars.

Speckled trout.

SECTION 17. No person shall at any time catch or kill any speckled trout with any device save only with rod hook and line, except for the purpose of propagation or scientific investigation, or place any set lines in waters inhabited by them, under a penalty of twenty-five dollars for each offence.

Penalty for catching salmon and speckled trout out of season.

SECTION 18. No person shall kill or expose to sale, or have unlawfully in his or her possession after the same has been killed, any salmon or speckled trout, save only during the month of April, May, June and July, and the first fifteen days of August, under a penalty of ten dollars for each salmon or trout so killed or had in possession; but this section shall not prevent any person from catching trout with nets in waters owned by himself to stock other waters.

Lake trout.

SECTION 19. No person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any lake trout, in the months of December, January and February, under a penalty of ten dollars for each fish.

Penalty for trespassing in private ponds.

SECTION 20. Any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant.

thereof, such notice being posted adjacent to such pond, stream or spring, shall be deemed guilty of trespass, and in addition to damages recoverable by law, shall be liable to the owner, lessee or occupant in a penalty of one hundred dollars for every such offence: *Provided however*, This section shall apply only to such ponds, streams or springs as shall be used or improved by the owners or lessees for the propagation of fish or game fish.

SECTION 21. It shall not be lawful for any person or persons to place any set net, or set nets, fish baskets, pond nets, gill nets, eel weirs, kiddles, brush or facine nets, or any other permanently set means of taking fish, or otherwise in the nature of seines, in any waters of this commonwealth: *Provided*, That nothing in this act shall prevent the fishing with gill nets in any of the tidal waters of this state. Any person violating the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offence.

Fishing with nets and baskets, prohibited.

SECTION 22. That no person shall at any time catch or kill, in any of the waters of this state, save only with a rod hook and line, out-line or scroll, and no person shall catch or expose for sale, or have in his or her possession after the same has been killed, any black bass, pike or pickerel, *lucio percidæ*, commonly known as Susquehanna salmon, between the first day of March and the first day of July, except alive for stocking other waters, under a penalty of ten dollars for each offence: *Provided*, This section shall not apply to the waters of Lake Erie, except in the ponds on the island or peninsula forming the north and east shores of the harbor of Erie.

Black bass, pike, pickerel and Susquehanna salmon.

SECTION 23. In any the inland waters of this state, inhabited by speckled trout or black bass, it shall not be lawful to catch or kill fish by means of any net, or device in the nature thereof, the meshes or open spaces in which shall be less than three inches, under a penalty of twenty-five dollars: *Provided*, That nothing herein shall authorize the catching of speckled trout by means of any device save only by a rod hook and line, except for propagation and to stock other waters.

Meshes of nets regulated.

SECTION 24. No person shall catch any speckled trout, black bass or other fish in any of the waters of this state, by shutting or drawing off any portion of said waters, or by dragging or drawing small nets or seines therein when the waters shall be wholly or in part drawn off, except by order of the state fishery commissioners; and it shall not be lawful for any one to place, or cause to be placed, in any of the streams of this commonwealth, any torpedo, giant powder, nitro-glycerine or other explosive substance, with intent to catch any fish aforesaid; and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty of fifty dollars.

Fishing by drawing off waters, prohibited.

Also by placing explosive substances in streams.

Penalty.

SECTION 25. That the board of fish commissioners shall, upon the application to them in writing of ten or more citizens of any county in this commonwealth, appoint one or more fish wardens or water bailiffs, whose duty it shall be to enforce, by information or prosecution, the laws of this commonwealth now in force, or that may hereafter be passed,

Fish commissioners to appoint wardens.

Their duties.

providing for the propagation and protection of fish in any of the interior waters of this commonwealth: *Provided*, That the commonwealth shall not be liable to pay to any of the persons so appointed any salary or compensation for their services.

Sale of prairie chicken and partridge killed in season.

SECTION 26. Any person may sell, or have in his or her possession, any pinnated grouse, commonly called prairie chicken, ruffed grouse, commonly called pheasant, and quail or Virginia partridge, for a period of fifteen (15) days after the time limited for killing the same has expired, and shall not be liable to any penalty under this act: *Provided*, He or she shall prove that such birds were killed within the period allowed by this act, or were killed outside the limits of this state at some place where the law did not forbid the killing of the same.

Duties of justices on convictions for violation of act.

Appropriation of penalties.

Limitation of conviction.

Defendant may give bail to answer before court.

SECTION 27. Any person or persons violating any of the provisions of this act, and shall be summarily convicted thereof before a justice of the peace or alderman, shall be sentenced to pay the fine or fines, penalty or penalties attached to such violations, together with costs, one-half of which penalties shall go to the informer, and the remaining one-half shall be forthwith paid to the treasurer of the county in which the offence was committed; and it shall be the duty of said treasurer to distribute said fund, so arising, at the close of each year, to the various school districts in said county, in proportion to the number of taxables in said districts: *Provided*, That said conviction shall be had within one year from the time of committing the offence; *And provided further*, That the defendant may, on refusing to pay said penalty, enter into recognizance, with one or more sufficient securities, to answer said complaint, on a charge of a misdemeanor, before the court of quarter sessions of the peace of the county in which the offence is committed, which court, on conviction of the defendant of the offence charged, and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed.

Not to prevent stocking of other waters.

SECTION 28. Nothing in this act shall be so construed as to prevent any person in any part of this state from catching speckled trout or black bass with nets in waters owned by himself, for the purpose of stocking other waters: *Provided*, That nothing in this act shall be construed to prevent any person from taking fish from private ponds or springs, owned by him or them and used for cultivating fish.

Nor catching of bait fish.

SECTION 29. Nothing in this act shall be so construed as to prevent the catching of bait fish, by means of hand nets or cast nets, for angling or scientific purposes.

Not applicable to certain streams.

SECTION 30. Nothing in this act shall be construed to apply to any stream forming the boundary lines between this and any state over which this state has concurrent jurisdiction with such state, so far as such streams form such boundary line, nor to any lake partly within the boundaries of this state.

SECTION 31. All acts or parts of acts which are inconsistent Repeat.
with this act are hereby repealed.

APPROVED—The 5th day of May, A. D. 1876.

J. F. HARTRANFT.

—
No. 78.

AN ACT

Regulating the compensation of newspapers for publishing mercantile appraisers' lists.

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act, all newspapers publishing the mercantile appraisers' lists of dealers in the several counties of this commonwealth, according to the provisions of existing laws, shall be entitled to receive in consideration therefor a sum not to exceed their regular published rates for transient advertising, and that the treasurers of the several counties of the commonwealth, in the settlement of their accounts with the auditor general shall, in addition to the sums allowed them by law as compensation for their services, be allowed the sum so paid for advertising: *Provided*, That the number of papers in which such lists are published in the several counties, shall not exceed the number now specified by law: *And provided also*, That the several treasurers in the settlement of their accounts, shall file with the auditor general a certified bill from each of the newspapers in which said lists have been published, to which shall be attached a copy of the advertising rates of such paper.

Compensation regulated.

Number of papers in which lists to be published.

Certified bills to be filed.

SECTION 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repeat.

APPROVED—The 5th day of May, A. D. 1876

J. F. HARTRANFT.

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No. 79.

AN ACT

To correct errors in transcribing of the act of assembly, entitled "An Act to punish the sale and traffic in mineral water bottles and other bottles, and for the protection of bottlers and venders of mineral water and other beverages in this commonwealth," approved the ninth day of April, eighteen hundred and seventy, and declaratory of what shall be evidence of registration and publication in regard to said bottles.

WHEREAS, In the transcribing of the act of assembly of this commonwealth, entitled "An Act to permit the sale and traffic in mineral water bottles and other bottles, and for the protection of bottlers and venders of mineral water and other beverages in this commonwealth," approved the ninth day of April, Anno Domini eighteen hundred and seventy, certain acts of assembly therein referred to were incorrectly transcribed and the force of the said act of assembly thereby impaired; therefore,

Preamble.