

Animals.

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I. An act concerning stray cattle, horses and sheep.

Rev. 238.

P. L. 1837-8, 229.

Revision—Approved April 10, 1846.

R. S. 6.

1. That any person or persons who, at any time hereafter, between the first day of November and the first day of April, in any year, shall discover any stray neat cattle, horses or sheep upon his, her or their improved lands, shall forthwith deliver to the clerk of the city, township or precinct where such stray or estrays shall happen to be found, a note in writing contain-

Estrays to be noted and entered.

Fees.	ing their several ages, colors and marks, natural and artificial, as near as may be, together with his, her or their name or names and place or places of abode; which said clerk shall, on the receipt of every such note, forthwith make a full entry thereof at large in a book provided for that purpose, for which entry, so made, the said clerk shall have twenty-five cents, by the head, for all neat cattle and horses, and six cents for each sheep, to be paid by the person or persons delivering such note; and the person or persons delivering such note shall have for so doing twenty-five cents, by the head, for all neat cattle and horses, and six cents for each sheep, described in such note; and such person or persons may detain such estray or estrays until the owner or owners thereof shall appear and pay the fees, as well for delivering the said note as making the said entry, together with all reasonable charges for keeping the said estray or estrays, to be adjudged by any one indifferent freeholder, chosen by the parties; upon which the said estray or estrays shall be delivered to the said owner or owners. ^(a)
In what case to be sold.	2. That if no owner or owners of such estray or estrays shall appear to claim the same, on or before the first day of May next after the making such entry as aforesaid, or if the said owner or owners shall refuse or neglect to pay the fees aforesaid and reasonable charges for the keeping, to be adjudged of as aforesaid, then the possessor of such estray or estrays shall within the space of five days' give notice to one of the overseers of the poor of the said city, township or precinct where the said estray or estrays was or were found, who is hereby required within five days after such notice given to set up advertisements in at least three of the most public places of the said city, township or precinct, appointing the time and place of the sale of such estray or estrays at public vendue, not less than five nor more than ten days after setting up such advertisements, and shall, at the same time and place, proceed to sell the said estray or estrays at public vendue, to the highest bidder; and out of the moneys arising from such sale, the said overseer shall pay the possessor of such estray or estrays the fees of giving notice of and entering the said estray or estrays as aforesaid, and such charges for keeping the same as shall be adjudged by any indifferent freeholder, chosen by the overseer and the possessor, to be just and reasonable, whose determination shall be final; and the said overseer shall and may retain and keep to his own use ten per cent. for his trouble in advertising and attending the said sale, and for defraying the charges and expenses thereof, and the remainder of the moneys arising from such sale shall be paid to the owner or owners of such estray or estrays, provided he, she or they shall appear, demand the same, and make good his, her or their title thereto within one year after the said sale; but if no owner or owners shall appear and make demand of the said overplus moneys, and show his, her or their right to the same within the said year, then the said owner or owners shall for ever after be barred from recovering or having the said moneys, or any part thereof, and the said moneys shall thereupon be applied by the said overseer to the use of the poor of the city, township or precinct where such estray or estrays shall have been sold as aforesaid; and the said overseer shall be accountable for the said overplus moneys to his successor in office, in the manner prescribed by law; and the said overseer is hereby authorized and required to give a receipt to the purchaser or purchasers of such estray or estrays, for any sum or sums which the same shall have been sold for, which receipt shall be a sufficient voucher for the payment of the same, and shall vest in the said purchaser or purchasers a lawful right and title to such estray or estrays, without his, her or their being any further accountable to the owner or owners, or any other person whatsoever.
Sale to be advertised.	
Proceeds, how applied.	
When owner barred.	
Title vested in purchaser.	3. That any person or persons who shall at any time hereafter, between the first day of November and the first day of April, in any year, have any such stray neat cattle, horses or sheep as aforesaid, upon his, her or their improved lands, or in his, her or their possession, and do not acquaint the owner or owners therewith, or give the notice prescribed by this act within the space of twenty days after discovery or knowledge thereof,
Notice of estrays to be given.	

^(a) A stolen horse, left by the thief tied to a post in the public road, is not an estray. Nor will such horse be brought under the statute, if the person finding him remove

him and tie him in a private stable. *Hall v. Gildersleeve*, 7 Vt. 235.

such person or persons so offending shall not only lose any demand he, she, or they might otherwise have had for keeping and feeding such stray or estrays, but shall also forfeit to the owner or owners thereof, for every such offence, the sum of six dollars for each and every such stray cattle or horse, and fifty cents for every sheep, to be recovered by action of debt before any one justice of the peace, with costs of suit; and if the said owner or owners shall not appear and prosecute the same within twenty days after the first day of April aforesaid, then the overseers of the poor of the city, township, or precinct where the said stray or estrays shall have been so concealed, upon notice thereof, are hereby required to prosecute the same to effect, and to apply the said penalty or penalties, when recovered, to the use of the poor.

Penalty for neglect.

When overseer to prosecute.

4. That the books so to be kept by the respective clerks of each city, township, and precinct, shall always by them be kept open and free for any person or persons who at any time may have occasion to search therein for any such estrays, and for which search such clerk shall not ask or receive any fee or reward, under the penalty of three dollars, to be recovered by the party aggrieved, in manner aforesaid, with costs of suit.

Books kept open.

5. That it shall be the duty of the clerks of the different townships of this state to advertise all the stray cattle and horses recorded in the township book, their several ages, colors, and marks, natural and artificial, the person's name in whose possession the same are, the expenses to be paid by the owners of the estrays, and where no owner appears, by the moneys arising from the sale of the said stray or estrays, to be advertised in one of the newspapers in the county where the said stray is, and if no paper be published in said county, then in a newspaper published nearest to the same, once a week for the space of three weeks from the first, immediately after said stray shall be recorded in his town book; *provided*, that the provisions of this section shall not apply to the county of Atlantic.

Clerks to advertise estrays.

II. An act for the preservation of sheep.

Rev. 746, 754, 796.
Har. 4. 106.

Revision—Approved April 14, 1846.

R. S. 9.

6. SEC. 1. That every person who shall keep or harbor a dog or bitch [above the age of six months] shall be taxed, yearly and every year, for one dog or bitch so kept or harbored, the sum of fifty cents, and for every additional dog or bitch [above the age of six months] the sum of one dollar; which tax shall be assessed and collected by the assessor and collectors appointed for the assessing and collecting the state, county or township tax in the several townships of this state, in the same manner and at the same time as other annual taxes raised for the use of the state, county or township shall be hereafter assessed and collected; *provided always*, that the inhabitants of the respective townships shall have power, at their annual town meetings, to lay any additional tax on dogs, not exceeding five dollars on each; and the same fees shall be allowed for assessing and collecting the same, as are allowed for assessing and collecting the said state, county or township tax; and the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are or shall be authorized by law for neglect of duty in assessing and collecting taxes for the use of the state, county or township.

Tax on dogs.

[Repealed Feb 12, 1850, P. L. 51].

Proviso.

7. SEC. 2. That every inhabitant who shall refuse or wilfully neglect to deliver in to the said assessor, when by him required, a true account of the number or age of the dog or dogs, bitch or bitches, made taxable by this act, and owned or harbored by him or her as aforesaid, he or she shall for every such refusal or neglect forfeit and pay the sum of two dollars and fifty cents, to be recovered, with costs, by the collector of the township wherein the offence shall be committed, to and for the benefit of the township.

A true account required.

Penalty.

8. SEC. 3. That any person who shall keep or harbor any dog or bitch shall be considered liable to the yearly tax aforesaid; *provided also*, that it shall and may be lawful for the assessors of their respective townships to strike off his duplicate or rate-book the tax assessed against any person for a dog or dogs, on its being proved to the satisfaction of the assessor, by

Persons harboring, liable.

Proviso.

Who may kill.	the owner thereof, that he, she or they have killed, or caused to be killed, such dog or dogs before the delivery of the duplicate to the collector.
Appropriation of tax.	9. SEC. 4. That it shall be lawful for any person to kill any dog or bitch which may be found chasing, worrying or wounding any sheep or lamb.
Damages to be paid.	10. SEC. 5. That the taxes collected by virtue of this act shall be appropriated to make good any loss or losses which may be sustained by any person or persons, (a) by the destruction or wounding of his, her or their sheep, within the township wherein said tax shall be collected, and shall be kept as a fund by the township committee for that purpose, who shall pay all such damage so sustained within the year, in case the money so raised by said tax shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, as the said fund arising from such tax will enable them to do, to be adjusted at the annual settlement of the accounts of said township by the township committee, and reported to the town meeting; and in case there shall remain in the hands of the township committee a surplus of money, after paying all the damages sustained as aforesaid, it shall be in the power of the inhabitants of such township, by public vote at their annual town meeting, to appropriate such surplus to any other township purposes, or to let the same remain in the hands of the township committee, to answer any damages as aforesaid which may be sustained in the next ensuing year, and so on from year to year, at the discretion of said inhabitants.
When owner shall kill.	11. SEC. 6. That if any dog or bitch shall be found killing, worrying or wounding any sheep or lamb, and the owner or person harboring any such dog or bitch, being informed thereof, shall refuse or neglect to kill such dog or bitch for the space of twenty-four hours from the time of receiving such information, such owner or person harboring such dog or bitch shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars to be recovered with costs, by action of debt, before any justice of the peace of the county; and moreover shall pay triple damages for any injury done by said dog or bitch to sheep or lambs, after receiving such information, to the owner or owners thereof. (b)
Or penalty.	12. SEC. 7. That when any person shall sustain damage or injury, by reason of his or her sheep or lambs being killed or wounded by a dog or dogs, wolf or wolves, it shall be lawful for such person to take two respectable freeholders of the township wherein such damage was done, who are in no wise of kin to the party so calling them, to view the sheep or lambs so killed or wounded; and if it shall appear to their satisfaction that the said sheep or lambs were killed or wounded by a dog or dogs, wolf or wolves, then the said freeholders shall make a return or certificate thereof in writing, stating the amount of damages such person may have sustained, which shall in no case exceed five dollars for one sheep or lamb so killed or wounded, which said certificate shall entitle the person so injured to the sum stated therein, as the damage sustained, to be paid by the township committee, in conformity to the provisions made therefor in the fifth section of this act; and in case the damage so certified shall appear to the town committee to be excessive, it shall and may be lawful for said committee to require the facts stated and claim exhibited to be investigated before them upon oath or affirmation, and shall award payment accordingly; <i>provided always</i> , that nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs as shall have committed the injury.
Damages ascertained and paid.	13. SEC. 8. That it shall be the duty of the assessors of the respective townships of this state to set up in at least five of the most public places in their respective townships, within ten days after having taken the annual list of the ratables, lists of the names of each person who shall have delivered to him an account of the dog or dogs, bitch or bitches, and the number given in by each person; and each assessor shall be entitled to receive, on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the moneys collected from the tax on dogs.
Claim may be investigated.	
Proviso.	
Lists to be set up.	
Fee.	

(a) If sheep are destroyed or wounded by dogs within any township in this state, the owner of the sheep, although he resides out of that township, is entitled to remuneration out of the dog tax of that township, the fund provided for relief in such cases. If the town committee improperly refuse relief out of such fund, to any person entitled to it, he has

no remedy by an action against the township. *The Inhabitants of Washington v. Applegate*, 2 Zab. 42.

(b) In an action for this penalty the facts on which the action is grounded must be set out, not merely the title of the act which gives the right of action. *Van Dyke v. Speer*, Pen. *993.

14. SEC. 9. That the fourth and sixth sections of this act only, shall extend to the county of Sussex, and that the other sections of said act shall not extend to or be in force in that county. Sussex, how far affected.

15. SEC. 10. That the inhabitants of the several townships in the county of Bergen may, at their annual town meetings, by a majority of votes to be taken, lower the tax on dogs or bitches to any sum below the present tax; *provided*, the tax so to be lowered or brought down shall not be less than twenty-five cents on the first dog or bitch, and not less than fifty cents on a second one kept by the same person; and the said tax to be levied, collected and applied as is directed in this act. Bergen may vary tax.

16. SEC. 11. That from and after the passing of this act, no person or persons within this state shall put, or cause to be put, any artificial mark, by cutting off, or what is more usually termed cropping, both the ears of any sheep or cattle, nor shall they cut or crop either ear more than one inch from the tip end thereof, nor shall cut or half-crop both the ears of any sheep or cattle, nor on either ear more than one inch from the tip end as aforesaid, nor shall he or they have or keep in his or their possession any sheep or cattle, which they shall claim as their own, marked contrary to this act, unless they were so marked before the passing of this act, except they shall make it appear they were bought in market or of a stranger. Marking regulated.

17. SEC. 12. That any person or persons offending against the eleventh section of this act, on conviction thereof shall forfeit and pay two dollars, by the head, for all such sheep and cattle so by them marked or kept in their possession, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, one moiety to the overseers of the poor, for the use of the poor of the township where the offence shall have been committed, and the other moiety to the use of the person who shall prosecute the same to effect.(1)(2) Penalty for illegal marking.

Supplement.

Approved March 24, 1852.

P. L. 1852, p. 384.

18. SEC. 1. Every person who shall keep or harbor a dog or bitch, shall be taxed yearly and every year, for each and every dog or bitch so harbored or kept, the sum hereinafter provided for, which tax shall be assessed and collected by the assessors and collectors appointed for the assessing and collecting of the state, county or township taxes, in the several townships in the counties of Somerset, Morris, Monmouth and Essex, except the city of Newark, and the townships of Belleville, Elizabeth and Union, in the said county of Essex, in the same manner and at the same time as other annual taxes raised for state, county or township purposes are assessed and collected; and the same fees shall be allowed the said assessor and collector as are allowed for assessing and collecting the state, county or township tax; and the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are prescribed in the act to which this is a supplement. Tax on dogs in certain counties.

19. SEC. 2. Every inhabitant who shall refuse wilfully, or neglect to deliver to the said assessor, when by him required, a true account of the number of dogs or bitches made taxable by the act to which this is a supplement, and owned or harbored by him, her or them as aforesaid, he, she or they shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered in an action of debt, with costs of suit, by the collector of the township wherein such offence shall have been committed, and for the benefit of the township. Penalty for refusing to give account of number of dogs.

20. SEC. 3. It shall and may be lawful, and it shall be the duty of the assessors of the several townships in this state, except in such townships or county as are exempted in the act to which this is a supplement, to set down, on a separate column on their several duplicates, opposite the name Assessors to make return to township committee.

(1). By supplement of March 6, 1850, (P. L. 234), the first, second, third, fifth, seventh and eighth sections of the act of April 14, 1846, shall not extend to township of Pahaquarry, county of Warren. By supplement of February 8, 1870, (P. L. 119), the same sections shall not extend to the township of Montague, county of Sussex.
 (2). By supplement of March 9, 1853, act of April 14, 1846, (P. L. 362), repealed as to township of Trelinghuysen, Warren county. By supplement of March 10, 1854, (P. L. 348), as to township of Hardwick, Warren county.

of each person or persons, the number of dogs or bitches which he, she or they may own or harbor on his, her or their premises at the time of making their several annual assessments, and make a return of the same to the township committee of the several townships in this state, at their meeting on the first Monday of October, in each and every year, before said duplicate is delivered to the collectors of said townships.

Damage sus-
tained to be ap-
praised.

[P. L. 1872, p. 32].

21. SEC. 4. Any person or persons having sustained any damage by dog or dogs, bitch or bitches, to them unknown, in said townships, shall proceed to have the damage appraised according to the act, to which this is a supplement; he, she or they shall present said certificate to the aforesaid township committee, under the same regulation and requirements as are provided in the act to which this is a supplement, on the first Monday of [September] in each and every year; and the said committee, after having received said bills up to that day, shall consider their amount as to the amount of damage done for that year, and shall be the amount to be assessed on the number of dogs in said township, as returned by the said assessor.

Tax, how appor-
tioned.

22. SEC. 5. The said township committee, after having ascertained the amount of damage done, and the number of dogs and bitches in said township, shall have power to levy such amount of tax on each and every owner or harborer of said dogs or bitches as shall be sufficient to pay the whole amount of damage done to sheep in said township, together with the expenses of assessing and collecting the same; and whatever the amount of damage is found to be, shall be apportioned on the number of dogs and bitches so returned as aforesaid, and that amount shall be the dog tax for that year; and the said township committee or assessor shall enter in his duplicate, opposite the name of such person or persons as he shall have assessed, the amount as directed by the township committee as dog tax for that year, and no more.

Tax, how col-
lected.

23. SEC. 6. The said township collectors shall be empowered to collect the said tax in the same manner as is directed by the act to which this is a supplement; *provided always*, that nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs, bitch or bitches, as shall have committed the injury.

Repeal of part of
act of 1846 as to
certain counties.

24. SEC. 7. The first, second and fifth sections of the act to which this is a supplement, so far as relates to the counties of Somerset, Morris, Monmouth and that part of Essex included in the first section of this act, shall be, and the same are hereby repealed.(1)(2)

P. L. 1857, p. 307.

A further supplement.

Approved March 19, 1857.

Certificate of ap-
praisement of
damage to be
verified by oath,
in county of Mor-
ris.

25. SEC. 1. No certificate of appraisement of damage, under the provisions of the fourth section of the supplement to the above entitled act, approved March twenty-four, eighteen hundred and fifty-two, shall be received by the township committee of any township in the county of Morris, as provided in said section, unless the same shall have been first verified by the oaths or affirmations of the said appraisers, and of the person or persons claiming to have sustained damage, respectively, taken in writing before some person authorized by law to administer an oath in this state, and which oaths or affirmations shall state that such damages, so appraised and certified by said appraisers, were to the amount mentioned in such certificate, which oaths or affirmations shall be duly filed

(1) By act of March 9, 1853, (P. L. p. 368) supplement of 1852, extended to townships of Hohokus, Franklin and Washington, county of Bergen, and Tewksbury, county of Hunterdon. By act of March 1, 1860, (P. L. p. 193) extended to township of Franklin, county of Warren. By act of March 6, 1862, (P. L. p. 122), extended to township of Piscataway, Middlesex county, and to counties of Ocean and Sussex. By act of February 16, 1863, (P. L. p. 47), extended to township of Readington, county of Hunterdon. By act of March 14, 1863, (P. L. p. 274), extended to townships of Washington, in the county of Mercer and Lebanon, in the county of Hunterdon. By act of March 29, 1865, (P. L. p. 636), extended to the township of East Windsor, county of Mercer. By act of March 26, 1866, (P. L. p. 683), extended to townships of Union, county of Hunterdon, and Hamilton, county of Mercer. By act of March 3, 1868, (P. L. p. 210), extended to township of Franklin, county of Hunterdon. By act of February 24, 1869, (P. L. p. 97), extended to township of Ewing, county of Mercer. By act of March 9, 1869, (P. L. p. 284), extended to township of Washington, county of Warren. By act of March 1, 1870, (P. L. p. 345), extended to township of Greenwich, county of Warren. By act of March 8, 1870, (P. L. p. 404), extended to township of Hopewell, county of Mercer. By act of March 26, 1872, (P. L. p. 84), extended to the several townships and wards in the county of Warren. By act of March 12, 1873, (P. L. p. 346), extended to the townships of Cranbury in the county of Middlesex, and Pompton, in the county of Passaic.

(2) By act of April 9, 1867, (P. L. p. 912), it was repealed as to township of Millstone, county of Monmouth.

and preserved by said township committee among the papers of the said township.

26. SEC. 2. The amount of damages so certified and appraised shall in no case exceed the sum of four dollars for each sheep or lamb killed or wounded. Limit of damage.

27. SEC. 3. If any person making such oath or affirmation, as is provided in the first section of this act, shall falsely, wilfully and corruptly affirm or declare therein any matter or thing which, if the same had been sworn or deposed in the usual form, would have amounted to wilful and corrupt perjury, then such person so offending shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and on being convicted thereof shall be punished accordingly. Punishment for false swearing.

A further supplement.

P. I. 1863, p. 466.

Approved March 24, 1863.

28. SEC. 1. The appraisement of damages for sheep or lambs killed by a dog or dogs, made by two freeholders, as authorized and directed by the act to which this is a supplement, and the supplements to said act, shall be verified to be just and true by the oath or affirmation of the freeholder making the appraisement, and also by the oath or affirmation of the claimant, and the damages which shall be allowed for the killing and wounding any sheep or lamb shall be the real, true and actual value of the sheep or lamb so killed or wounded; but if any sheep or lamb be only wounded, and not fatally injured, then the damage to be allowed for such wounded sheep or lamb shall not be more than a compensation for the injury actually done to such sheep or lamb. Appraisement of damages to be verified by oath.

What damages to be allowed.

Supplement.

P. L. 1866 p. 839.

Approved March 29, 1866.

29. SEC. 1. That the provisions of the act and supplements to which this is a further supplement, be and the same are hereby extended to include the destruction of all domestic animals, by any dog or dogs, bitch or bitches, and that the same shall be operative in all the counties of this state; and it shall be lawful for any township to pay any damages which have or may be assessed in accordance with this act. Provisions of act extended to destruction of all domestic animals by dogs.

30. SEC. 2. That it shall be lawful for the collector, or the person or persons having the authority and power to collect the taxes authorized to be assessed by virtue of the aforesaid act and the supplements thereto, and he or they are hereby required to kill, or cause to be killed, any dog or dogs, bitch or bitches, of any person or persons, who may neglect or refuse to pay the said taxes, and the expense of killing the same shall be paid by the township committee of the township wherein said collector or person is authorized to collect said taxes, the same not to exceed fifty cents for each dog or bitch. Taxes how to be collected.

31. SEC. 3. That if said collector, or person or persons having the authority and power to collect said taxes, shall neglect or omit to fulfill the requirements of this act, he or they shall forfeit and pay to the township committee of the township wherein such neglect occurs, the whole amount of tax assessed against the owner or harbinger of such dog or bitch, to be appropriated by the township committee toward payment of the damage done to such denomination of animals. Penalty for neglect of collector.

32. SEC. 4. That neither this supplement or the act to which this is a supplement shall exempt the owner or possessor or harbinger of any such dog, dogs, bitch or bitches, but he or she is hereby declared to be responsible for such injury, and an action of trespass may be brought or maintained in any court of competent jurisdiction by any person or persons sustaining such injury, for the full amount of the same against such owner or possessor, and in which action it shall not be necessary to prove that the said dog or bitch were accustomed to commit the injury complained of, or any similar injury. Action may be brought against owner of dog.

P. L. 1873, p. 126.

Supplement.

Approved April 3, 1873.

Compensation of assessors and collectors.

33. The assessors and collectors of the several townships, cities, wards and boroughs of this state, shall each be entitled to receive five cents and no more, for every dog or bitch assessed according to the provisions of the said act and the several supplements thereto; *provided* nothing herein contained shall be construed to affect any special law of any township, city, ward or borough of this state.

Har. 198.

III. Preservation of muskrats.

R. S. 15.

When muskrats may not be killed.

34. SEC. 1. That it shall not be lawful, after the passing of this act, for any person to catch, shoot, trap or in any way kill any muskrat or muskrats in this state, between the twentieth day of April and the first day of December in every year, except such muskrat or muskrats be so caught, shot, trapped or killed on the banks cast up to prevent the flooding of low lands, or mill or forge dams, and the land thus embanked.

Penalty.

35. SEC. 2. That any person or persons violating this law, shall be liable to a penalty of four dollars for every muskrat so caught, shot, trapped or killed, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person being an inhabitant of the state, in the name of the state of New Jersey; the one-half to go to the person prosecuting, and the remaining half to and for the support of the poor of the township where the offence was committed.

Appropriation of

Rev. 378.

IV. Protection of breed of horses.

R. S. 16.

Penalty for suffering stone-horses to run at large.

36. SEC. 1. That no person shall suffer a stone-horse of the age of eighteen months, whereof he is owner or hath the keeping, to run at large out of the enclosed ground of the owner or keeper; and whosoever shall wilfully or negligently do so, after having notice thereof, and been admonished to confine such horse, shall forfeit and pay the sum of ten dollars, to be recovered by any person who shall sue for the same, in an action of debt, with costs of suit, in any court having cognizance thereof.

Passed March 15, 1798.

Rev. 452.

V. Regulations concerning rams.

R. S. 17.

Rams not to run at large, when.

37. SEC. 1. That from and after the twentieth day of August until the first day of November in every year, no ram shall be permitted to go at large out of the enclosure of his owner; but every ram shall, during the said period, be confined and kept within some enclosed pasture field or ground, secured by a fence so close and high as not to admit sheep to pass the same.

Passed May 31, 1799.

Rams going at large or trespassing, remedy.

38. SEC. 2. That if, during the said period, any ram shall go over or break through the fence or enclosure of his owner, or shall trespass upon the enclosure of any other person, or shall run at large out of such enclosed pasture field or ground of the owner, it shall and may be lawful for any person to take the said ram and castrate him; or such person may impound the said ram, for which the owner shall pay fifty cents.

Rev. 377.

VI. Trespasses by swine.

R. S. 17.

Swine trespassing on enclosed lands may be killed.

39. SEC. 1. That it shall and may be lawful for any freeholder within this state, his servant or tenant, finding swine trespassing on his or her enclosed land, to kill such swine, and inform the owner thereof, if easily to be found, (a) and if no owner can be so found, or if found shall not appear and take such swine away, then the person injured shall, within fifteen hours after such killing, give notice to the overseers or overseer of the poor of the township, who shall dispose of such swine for the use of the poor of the township where the same was killed.

Passed March 15, 1798.

(a) A verdict must be made showing a case within the act. An omission to perform the duties enjoined on him will subject the person killing the swine to an action. *Sinnickson v. Dungan*, 3 *Hal.* 226.

40. SEC. 2. That if any such person as aforesaid shall find swine trespassing on his or her land, for which he or she shall pay taxes, whether the same be enclosed or not, and do not choose to kill such swine, as in the preceding section is allowed and directed, then such person may take and put such swine into his or her yard or other enclosure, and give notice to the owner, if easily to be found, who shall pay double damages to the person injured, to be appraised and certified in writing by two reputable freeholders, to be chosen by the parties; and if the owner of such swine shall refuse or neglect, for twenty-four hours after notice, to choose one of the said appraisers, or if such owner cannot easily be found, then the person injured may choose them both himself; and in case the appraisers so chosen cannot agree in the appraisal to be made, then the said appraisers may choose a third person to join them therein, any two of whom agreeing, their appraisal, made and certified as aforesaid, shall be binding and conclusive, and double the sum so appraised shall and may be recovered by action of debt with costs of suit, in any court where the same may be cognizable.^(a)

Or damages for trespass done by swine to be ascertained and recovered.

41. SEC. 3. That if inquiry be made, and no owner appears and pays the damages so as aforesaid appraised, within three days after such appraisal, it shall and may be lawful for the person injured to set up advertisements, at three of the most public places next adjacent to where the trespass was committed, describing the number of the said swine, and the natural or artificial marks thereon; and if no owner shall appear within two weeks from the date of such advertisement, and pay the damage, and also the expense of keeping, to be appraised as aforesaid, then it shall and may be lawful for the overseers or overseer of the poor of the township where the said trespass was committed to sell the said swine, so advertised as aforesaid, at public vendue, and after paying the damage and expense of keeping, and retaining fifty cents for his or their attendance on the sale and collecting the money, to apply the overplus, if any there be, to the use of the poor of the said township.

In what cases swine shall be sold to pay the damages.

VII. To prevent swine running at large.

P. L. 1852, p. 230.

Approved March 18, 1852.

42. SEC. 1. It shall and may be lawful for the inhabitants of any township or ward in this state, at their annual town meeting, to vote, viva voce or by ballot, whether swine shall be permitted to run at large in said township; and if a majority of the voters voting thereupon shall vote to prevent the same, such determination shall continue in force, and shall not be altered for the term of three years.

Inhabitants of township to decide by vote whether swine shall run at large.

43. SEC. 2. It shall be lawful for the inhabitants of a part of any township or townships in this state, of an area not less than one square mile in extent, wishing to come under the provisions of this act (if there be no special law on this subject in force relative to such township or townships), to meet at some convenient place within the said district, upon ten days' previous notice, given by advertisements set up in three of the most public places in said district; and if a majority of the legal voters actually resident at the time of such meeting within the said district, then and there assembled, shall vote in favor of preventing swine from running at large within said district, the provisions of this act shall have full force and effect within the said district.

Part of any township may vote to prevent swine running at large.

44. SEC. 3. It shall and may be lawful for any person, who is a resident of the said township or district, respectively, to drive or convey to the public pound of the township any swine found running at large in the public streets, highways, or otherwise, and impound the same; and the keeper or keepers of the public pounds in said township is, or are hereby required and authorized to receive all such swine; and the keeper shall have [fifteen cents] per head, for letting in and out of the pound, and for

Impounding of swine running at large.

Fees of keepers of pound.

[P. L. 1872, p. 39].

^(a)The plaintiff must show that the *locus in quo* is in his possession, that he pays taxes for it, that the trespass was committed by the swine of the defendant, that he has proceeded in the manner prescribed to appoint appraisers and given the defendant notice of the appraisal.

The appraisal is only evidence of the damage, not the foundation of the suit. *Boyle v. Lindsay*, Pen. *250; *Jessup v. Sharp*, Pen. *344; *Voorhels v. Perrine*, 1 Har. 359. See *Broadwell v. Nixon*, 1 South. *362.

[P. L. 1872, p. 39]. feeding and keeping, [twenty-five] cents per head, for every twenty-four hours they shall continue in said pound; and if the owner or owners of the said swine, so impounded, shall not pay the charges of impounding and keeping the said swine, within six days after said swine shall be impounded, and take the same away, it shall be the duty of the said poundkeeper to set up advertisements in three of the most public places in said township or district, describing such swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the same before the time so notified, then the said poundkeeper shall sell the same accordingly, and, out of the money arising from such sale, shall pay the charges of conveying to the pound, and retain in his hand his fees for impounding, keeping, and feeding said swine, and [one dollar] for advertising sale and collecting the money for each swine, and pay the surplus to the owner or owners of the said swine, if they shall appear and claim such surplus within six months after such sale; and if the owner shall not appear within the time specified, the same shall be paid to the overseer of the poor of the said township, for the use of the poor of the said township.

When pound-keeper to sell.

[P. L. 1872, p. 39].

Poundkeepers to be elected.

Pounds to be erected.

P. L. 1872, p. 39.

Fees for impounding animals.

An act relating to fees for impounding animals in the several townships in this state.

Approved March 20, 1872.

46. SEC. 1. That from and after the passage of this act, the poundkeepers in the several townships of this state shall be entitled to have and receive the sum of twenty-five cents for each horse, mule or head of cattle, and fifteen cents for each goat, sheep or swine, to be paid for the use of the poundkeeper for letting in and out of the pound kept by him; and the person bringing such animals to be impounded shall also be entitled to

(1) Special acts have been passed to prohibit swine from running at large in Mount Holly, Burlington county, (1849, p. 20); Medford township, Burlington county, and Lower and Upper Rahway, and Leesville, in counties of Essex and Middlesex, (1849, p. 170); township of Bridgeton, Cumberland county, and Haddonfield, Camden county. (1849, p. 246); Lumberton, Burlington county, (1850, p. 159); Carpenter's Landing, Bridgeport, Swedesboro' and Woodbury, Gloucester county; Columbus and Moorestown, Burlington county; Hoboken, in the county of Hudson; Freehold, Turkey and New Egypt, in the county of Monmouth; Gloucester City, in the county of Camden, Woodstown, Salem county, and Morristown, Morris county, (1850, p. 300); Glassboro', Gloucester county, (1851, p. 94); Rancocas, Burlington county, (1851, p. 95); Boonton, Morris county, Vincentown, Burlington county, and Allentown, Monmouth county, (1851, p. 459); Paulsboro', Gloucester county, (1857, p. 196).

Special acts have been passed to prevent horses, cattle, sheep and swine from running at large in Hackensack and Harrington townships, Bergen county, (1852, p. 24); New Barbadoes township, Bergen co., (1853, p. 137); Union township, Bergen co., (1854, p. 363); Belleville township, Essex co., Piscataway and North Brunswick, Middlesex co. and Franklin, Bergen, co., (1855, p. 413); Hamilton township, Mercer co. and village of Blackwoodtown, Camden co., (1857, p. 470); village of Plainfield, Union co., part of Warren township, Somerset co. and Hohokus, Bergen co., (1858, p. 160); Springfield township, Union co., (1859, p. 458); Mannington township, Salem co., Plainfield township, Union co., Morris township, Morris co., Piscataway township, Middlesex co. and part of Warren township, Somerset co., (1860, p. 191); part of Pequannock township and township of Chatham, Morris co., (1860, p. 675); townships of Harrison, Woolwich and Deptford, Gloucester co. and Pilesgrove, Salem co., (1861, p. 197); part of Pequannock township, Morris co., New Providence township, Union co., Montgomery township, Somerset co., (1861, p. 433); townships of Bridgewater, Hillsborough and Branchburg, Somerset co., Chester, Morris co., South Orange, Essex co., Stockton, Camden co., Northampton and Mansfield, Burlington co. and Greenwich, Cumberland co., (1862, p. 122); township of Hopewell, Cumberland co., and township of Mendham, Morris co., (1862, p. 160); Pequannock township, Morris co., (1862, p. 197); South Brunswick township, Middlesex co., and Franklin, Somerset co., (1862, p. 316); part of Clayton township, Gloucester co., (1862, p. 343); townships of Bernard's and Bedminster, Somerset co., (1863, p. 83); Haddon School District, No. 1, Camden co., (1863, p. 425); Upper Alloways Creek, Salem co., (1863, p. 485); part of Newton township, and city of Camden, Camden co., (1864, p. 615); Hohokus township, Bergen co., (1865, p. 135); Middle township, Cape May co., (1865, p. 419); Gloucester and Delaware townships, Camden co., (1865, p. 438); Lumberton township, Burlington co., (1865, p. 48); Chester township, Burlington co., (1865, p. 645); part of Plumstead township, Ocean co., (1865, p. 661); Lower township, Cape May co., (1865, p. 757); East Brunswick township, Middlesex co., (1868, p. 1160); part of township of Winslow, Camden co., (1869, p. 335); Linden township, Union co., (1869, p. 816); Boonton, Montville and Pequannock townships, Morris co., (1869, p. 861); Middletown township, Monmouth co., (1869, p. 859); Downe township, Cumberland co., (1869, p. 1072); Dennis township, Cape May co., Monroe township, Camden co., and Greenville township, Hudson co., (1869, p. 1103); Mantua, Franklin and Clayton townships, Gloucester co., (1870, p. 644); Maurice River township, Cumberland co., (1870, p. 258); Upper Alloways Creek township, Salem co., (1870, p. 447); Upper township, Cape May co., (1870, p. 114); part of Hardyston township, Sussex co., (1872, p. 914); Washington township, Morris co., (1872, p. 1130); Randolph, Bass and Chesterfield townships, Burlington co., (1872, p. 1373); village of Pointville, Burlington co., (1874, p. 306); Wantage township, Sussex co., (1874, p. 387); Haddon township, Camden co., (1874, p. 404); Raritan township, Monmouth co., (1875, p. 417); Centre township, Camden co., (1875, p. 536).

To prevent animals from running at large in village of Branchville, Lafayette township, Sussex co., (1868, p. 989); Upper Pittsgrove township, Salem co., (1869, p. 1147); Marlboro' township, Monmouth co., (1870, p. 538); part of Cinnamon township, Burlington co., and Monroe township, Middlesex co., (1870, p. 639); part of Union township, Ocean co., (1873, p. 562); Willingborough and Westhampton townships, Burlington co., (1874, p. 328).

To prevent cattle and sheep from running at large in Fairfield township, Cape May co., (1868, p. 455); to prevent cattle, sheep and swine in Upper Freehold township, Monmouth co., (1869, p. 1156).

To prevent horses, mules, cattle, sheep and swine from running at large in the county of Hunterdon, approved March 18, 1874, (1874, p. 306).

To prevent horses, mules and cattle from running at large in Tuckerton township, Burlington co., (1857, p. 192).

receive the same fees for each animal so brought by him; and for feeding and attending, the poundkeeper shall be entitled to receive and have the further sum of forty cents per head for each horse, mule or head of cattle, and twenty-five cents for each goat, sheep or swine, for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notice of sale, and for selling every such animal in the manner prescribed by law.

VIII. Markets for the sale of live stock.

Passed February 29, 1804.

R. S. 1048.

47. SEC. 1. It shall and may be lawful for the board of chosen freeholders of each and every county of this state, to institute a market, once or oftener in every year, at any place or places within the said county, which in the opinion of the said board may be most convenient for the sale of live stock, namely, horses, cattle, sheep, and hogs, from the hour of eight in the morning until four in the afternoon, of any number of successive days, not exceeding four, which the said board may appoint; which time and place shall be advertised in three of the most public places in the county, at least thirty days previous to the time appointed for holding the said market.

The boards of chosen freeholders may institute markets for the sale of live stock.

48. SEC. 2. It shall and may be lawful for the said board of chosen freeholders to pass ordinances and by-laws for the regulation of said markets: *provided*, that the same be not repugnant to the constitution and laws of the United States or of this state.

May pass by-laws, etc., for the regulation of.

IX. To prevent the spread of contagious diseases amongst cattle.

Approved March 14, 1861.

P. L. 1861, p. 387.

49. SEC. 1. The town committees of each township in this state, upon notice of the existence of any disease amongst cattle or stock in their townships, supposed to be contagious, be authorized and required to personally examine the cases, and if the symptoms which characterize contagious diseases are exhibited, they shall cause all such sick animals to be immediately removed, and kept separate and apart from all other cattle or stock, and the remaining cattle or stock of said owner or owners shall be kept isolated from the sick ones, and from all other cattle or stock; and both they and the sick animals shall be kept distant, at least five hundred feet from every public highway or other road, and the same distance from the premises of any and all neighbors; and if any shall die of any contagious disease, or shall be killed while so diseased, the same shall be buried as soon as possible at the nearest convenient place, at least five hundred feet distant from any public highway or other road, and the same distance from the premises of any and all neighbors, and not less than four feet below the surface of the ground; *provided*, that in case the owner or owners of such cattle or stock are not in the possession of such premises as will enable them to provide such suitable and safe place of isolation or burial, the town committee are hereby authorized and empowered to assign a place on any premises adjoining or near thereto, with power to compensate the owner of such premises for the use of the same.

Powers and duties of town committee to prevent the spread of disease.

50. SEC. 2. No cattle or stock that have been sick and are supposed to have recovered, or which have been isolated and separated by order of the said town committee, shall be removed or permitted to mingle with other cattle or stock until the said town committee has given their permit.

Cattle that have been sick not to mingle with other cattle without permit.

51. SEC. 3. Any person who shall knowingly store the hide or any portion of an animal that has died or has been killed by reason of any contagious disease, in any building or premises within five hundred feet distant from the premises of any neighbor, nor shall any person erect, use, or occupy any premises or building for bone-boiling, swill-distillery, or slaughtering within the same distance of five hundred feet from the premises of any neighbor. [Some words appear to have been omitted].

Persons not to store any portion of cattle killed by reason of disease.

52. SEC. 4. The said town committee be authorized to prohibit the importation or passage of cattle from other places into or through their respective townships, and any person who shall import or drive any cattle

Town committee may prevent importation of cattle.

into or through any township after the same shall have been publicly prohibited by the said town committee, shall pay a fine of one hundred dollars for every bull, ox, steer, cow, heifer, or calf, so driven into a township, and any person who shall interfere with, or prevent the action of any town committee, in conformity with the provisions of this act, shall pay a fine of one hundred dollars for each and every offence, and any person who shall disregard the provisions of section three, shall pay a fine of five hundred dollars for each offence.

Penalty for selling diseased cattle.

53. SEC. 5. Any person who shall dispose of any cattle or stock, knowing or having good reason to suppose it to be the subject of any contagious disease, shall pay a fine of one hundred dollars for any such animal sold within the township, or one hundred dollars if sold and taken out of the township where the seller resides; and during the prevalence of any contagious disease amongst cattle or other stock, said township committee shall publish notice of the existence of such disease, and of the penalties prescribed in this act, by at least four notices in one or more of the newspapers published in the county, and by posting printed notices thereof at the principal post offices and public places in their townships; and the fines and penalties named and provided for in this act shall be sued for by said town committees in an action of debt in any court of competent jurisdiction, for the benefit of the township; *provided*, that nothing in this act shall conflict in any wise with the corporate rights of any incorporated village, town, or city.

P. L. 1866, p. 981.

An act to prevent disease among cattle.

Approved April 5, 1866.

Whereas, there is good cause to fear that a disease of cattle known as "rinderpest" may be introduced into this state unless proper precautions be taken; therefore,

State Agricultural Society may take measures for the prevention of cattle disease.

54. SEC. 1. That the New Jersey Agricultural Society are hereby authorized to take such measures for the prevention of the introduction or increase of the said or other disease, as to the said society shall seem expedient, and that the expenses incurred, with the approval of the governor of this state, shall be paid out of the treasury of this state; *provided*, such expenses shall not exceed the sum of fifteen hundred dollars.

No cattle to be brought into the State from any place when prohibited by the Society.

55. SEC. 2. That until the permission to that end of the said society shall be given by public advertisements in three newspapers of this state, no cattle from foreign countries or from any parts of this country from which the introduction of cattle shall, by the order of the said society advertised as aforesaid, be prohibited, shall be brought into this state; and any cattle brought into this state contrary to this provision shall be seized by the authorized agent or agents of the said society, and, without compensation to the owner, killed or disposed of as the said society or its agents shall deem proper; and the person or persons bringing or causing to be brought any cattle into this state contrary to the provisions of this law, shall be subject to a fine of not less than fifty nor more than three hundred dollars, to be sued for and recovered in the name of the said society before any justice of the peace of this state, and all moneys received by the said society under the provisions of this act are to be paid into the treasury of this state.

Penalty for bringing cattle into the state contrary to the provisions of this act.

An act to prevent the spread of glanders in horses.

P. L. 1864, p. 615.

Approved March 31, 1864.

When horses having glanders may be destroyed.

56. SEC. 1. Hereafter, if complaint be made to any justice of the peace of this state, verified by the oath or affirmation of the complainant, that any person or persons, body politic or corporate, have in his, her, or their possession any horses, mares, geldings, asses or mules, having in or upon them the disease known by the name of "glanders," to order an inquiry and examination to be made of the condition of such horses, mares, geldings, mules or asses, under the supervision of some competent and skillful veterinary surgeon; and if by the report of the said surgeon it shall be made to appear to the satisfaction of the said justice, that such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, as is, or

are mentioned in the said complaint, is or are diseased with glanders, by his warrant, directed to the owner or owners, or person or persons having the same in possession, forthwith to destroy such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses.

57. SEC. 2. Any person or persons who shall sell, expose to sale, or keep in his or their possession, or keep or suffer to be kept on his or their premises, or lead, drive or bring into any street, road or public place, any horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, afflicted with glanders, knowing such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, to be so afflicted, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than one hundred dollars and not exceeding five hundred dollars, or by imprisonment in the state prison not less than one month and not exceeding one year, or both, at the discretion of the court.

Penalty for keeping horses afflicted with glanders.

X. Protection against mad dogs.

Approved March 28, 1862.

P. L. 1862, p. 315.

58. SEC. 1. The mayor of any incorporated town in this state, by the advice and consent of the common council of the town, and the township clerk of any township in the state, by the advice of the township committee, be and are hereby authorized, whenever in his and their opinion the public safety may require, to issue his proclamation authorizing the destruction of all dogs, male and female, found running at large within the limits of the town, except such as shall be properly muzzled with a wire muzzle about the nose, securely fastened, after one day's public notice by written or printed handbills; *provided*, that nothing in said proclamation shall apply to a dog or dogs of a non-resident passing through the town accompanied by the owner or owners of such dog or dogs.

When dogs running at large may be destroyed.

Proviso.

XI. Destruction of insectiverous, small and harmless birds.

Approved March 30, 1869.

P. L. 1869, p. 831.

59. SEC. 1. That it shall not be lawful for any person or persons in this state to wantonly shoot, entrap for the purpose of killing, or in any other manner to destroy any upland birds whose principal food is insects, comprising all the species and varieties of birds represented by the several families of whippoorwills, swallows, fly-catchers, thrushes, creepers, warblers, finches, larks, orioles, nuthatches, woodpeckers, humming-birds, cuckoos, and all other species and varieties of land birds, whether great or small, of every description, regarded as harmless in their habits, and whose flesh is unfit for food, including the fish-hawk and turkey-buzzard, but excepting from the protection and provisions of this act the following birds, to wit: the eagle, raven, crow, all hawks and owls which prey upon other birds, all the species and varieties of water birds comprised in the families of the waders and swimmers, and all birds usually known and described as game birds, comprising the ruffed grouse, quail and woodcock.

Insectiverous and harmless birds not to be killed or destroyed.

Exception from the protection and provisions of the act.

60. SEC. 2. That it shall not be lawful for any person or persons to take or destroy the eggs or young of any of the species or varieties of birds which are intended to be protected by this act; *provided*, that nothing herein contained shall be construed to prevent the killing of birds or taking their eggs for the purpose of preserving them as specimens in cabinets of natural history, nor shall any person be prevented from protecting any crops of fruit or grain on his lands from the destructive depredations of any birds herein intended to be protected.

Eggs and young of the birds intended to be protected, not to be destroyed.

Proviso.

61. SEC. 3. That it shall be lawful for any person to make complaint, under oath or affirmation, before any justice of the peace in this state of any violations of the provisions of this act, and upon every such affidavit it shall be the duty of such justice to forthwith issue, under his hand and seal, a warrant against the person or persons so offending, and all subsequent proceedings before the justice shall be regulated according to the provision of the act entitled "an act constituting courts for the trial of small causes;" *provided however*, that it shall not be necessary to file any statement of demand.

Proceedings for violation of provisions of this act.

Proviso.

Penalties on conviction.

62. SEC. 4. That every person offending against any of the provisions of this act, shall on conviction, be fined in any sum not less than ten nor more than twenty dollars, with costs of suit, in the discretion of the court before whom such conviction shall be had, one half of which sum so fined shall be paid to the complainant.

Repealer.

63. SEC. 5. That "an act to prevent the destruction of small and harmless birds," approved March sixth, eighteen hundred and fifty, and "a supplement thereto," approved March ninth, eighteen hundred and fifty-nine, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

XII. An act for the prevention of cruelty to animals.

P. L. 1873, p. 80.

Approved April 1, 1873.

Penalty for cruelty to animals.

64. SEC. 1. That any person who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or otherwise abuse or needlessly mutilate or kill, or who shall cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or otherwise abused, or needlessly mutilated or killed any living animal or creature; and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather shall be deemed guilty of a misdemeanor, and for every such offence shall on conviction thereof be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Penalty for keeping or being interested in any place kept for the purpose of fighting any bull, bear, dog, &c.

65. SEC. 2. That any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money, or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird, or other living animal or creature, and every person who shall be present and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, shall be deemed guilty of a misdemeanor, and for every such offence, shall on conviction thereof be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, at the discretion of the court.

Agent of the N. J. Society for the Prevention of Cruelty to Animals when deputized by sheriff may enter building and make arrest without warrant, when.

66. SEC. 3. That any agent of the New Jersey Society for the Prevention of Cruelty to Animals who has been especially deputized by the sheriff of any county in this state may enter any place, building or tenement where there is an exhibition of the fighting or baiting of any bull, bear, dog, cock, bird, or other living animal or creature, or where preparations are being made for such an exhibition, and without warrant arrest all persons there present; and take possession of all bulls, bears, dogs, cocks, birds, or other living animals or creatures engaged in fighting or there found, and also all implements or appliances used or to be used in such exhibition; such persons so arrested shall be taken before the nearest police magistrate, or justice of the peace, and proceeded against according to law.

Proceedings in case of seizure of any animals or articles which may be forfeited and sold.

67. SEC. 4. That the person so seizing such living animals, creatures, implements or appliances, shall within twenty-four hours after such seizure make application to a justice of the peace, to have the same forfeited and sold; which application shall be in writing and shall specify the articles seized, the place where they were seized, and state for what reason the same were seized; and the said justice shall thereupon cause a notice to be published in a newspaper circulating in the neighborhood of the place where such seizure was made for at least three times, if in a daily paper, or one time if in a weekly paper, stating that a seizure has been made, the names of the articles seized, the place where the same were seized and the reason for such seizure; and in such notice shall appoint a time and place, not less than five nor more than ten days from the date of such seizure, when and where all parties may be heard, and show cause why the application should not be granted, and if upon the hearing of such

application it shall be found and adjudged that at the time of said seizure the same were engaged in said exhibition, or were owned, possessed or kept by any person with the intent that the same should be so engaged, they shall be adjudged forfeited, and the said justice shall order the same sold in such manner as he shall deem proper, and after deducting the costs and expenses, shall pay one-half the proceeds of such sale to the District Society for the Prevention of Cruelty to Animals, if one is in existence in his county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, and the other half to the person making the seizure aforesaid; should it be found and adjudged that any such birds or animals are of no use or value, the same shall be set at liberty or disposed of as the justice may direct, but should the same be adjudged not forfeited they shall be returned to the owner, and the party making the seizure shall pay all the costs and expenses of the same.

68. SEC. 5. That the justice of the peace for his services in the foregoing section named, shall be allowed the following and no other fees, to wit:

For drawing the application, per folio,	fifteen cents;
For drawing the notice, per folio,	fifteen cents;
For printing (the fees now allowed by law to printers, to be paid to the printer by the said justice);	

For the hearing,	one dollar;
For swearing each person,	twenty-five cents;
For making order in regard to forfeiture and sale, or other disposition of said articles,	fifty cents;

and such other fees as are now allowed by law; and in addition the justice shall pay all expenses of the custody of said articles, and retain the same out of the proceeds of sale; or in case of no sale, cause the same to be paid by the party making the seizure.

69. SEC. 6. That any person who shall carry or cause to be carried, in or upon any vehicle, or otherwise, any living animal or creature, in a cruel or inhuman manner, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section one of this act; and the person arresting such person shall take charge of such vehicle and its contents; and all necessary expenses which may be incurred for taking charge of, and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully redeemed; and if the same shall not be redeemed within ten days from the time the same is seized, then the person so seizing the same shall cause the same to be advertised to be sold, by advertisements published in a newspaper circulating in the neighborhood in which the said seizure was made, for at least three times in a daily paper, or one time if in a weekly paper, stating the time and place of such sale, the articles to be sold, and the reason for selling the same; and at the time and place so appointed, he shall sell the same to the highest bidder, and out of the proceeds of said sale he shall pay all necessary expenses incurred, and the balance he shall pay to the owner or owners of said articles; and if the proceeds of said sale shall not be sufficient to pay such expenses, the balance may be recovered by the person seizing said articles, from the owner or owners thereof, in an action of debt, before any court of competent jurisdiction.

Proceedings in case of arrest of person and seizure of vehicle and contents.

70. SEC. 7. That any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw, any cart, carriage, truck, barrow, or other vehicle, for business or other purposes, shall forfeit and pay a fine of one dollar for the first offence, and ten dollars for each subsequent offence; such offender together with the dog or dogs, cart, carriage, truck, barrow, or other vehicle, shall be taken before a justice of the peace or police magistrate, who upon being satisfied, shall impose said fine, which said fine as soon as imposed shall have the force and effect of a judgment, and execution may be immediately issued thereon, and the articles so seized, levied upon, and sold to pay and satisfy the said fine together with the costs.

Penalty for using dogs for purpose of drawing cart, carriage, or other vehicle.

71. SEC. 8. That any person who shall impound or confine, or cause to be impounded or confined in any pound or other place, any living animal or creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and in default thereof

Impounded animals to have food and water.

shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as is provided in section one of this act.

Cost of food and water may be collected of owner or owners.

72. SEC. 9. That in case any living animal or creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person from time to time, as often as shall be necessary, to enter into and upon any pound in which such living animal or creature shall be so impounded or confined, and to supply it with necessary food and water so long as it shall remain so impounded or confined; such person shall not be liable to any action for such entry, and the actual cost of such food, water and bedding, together with twenty per centum additional, may be collected by such person of the owner or owners of such animal or creature, in an action of debt before any court of competent jurisdiction, and the said animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.

Penalty if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die in any public place

73. SEC. 10. That if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section one of this act; and it shall be lawful for any justice of the peace, or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in this state, to appoint a suitable person to destroy such animal or creature if unfit for further use, or to advertise and sell the same in such manner as such justice of the peace, sheriff or agent shall direct, and to pay the proceeds, after deducting expenses, to the District Society for the Prevention of Cruelty to Animals, if one is in existence in the county, if not then to the New Jersey Society for the Prevention of Cruelty to Animals.

Justice of the peace may issue search warrant when complaint is made on oath or affirmation.

74. SEC. 11. That when complaint is made on oath or affirmation before any justice of the peace that the complainant believes and has reasonable cause to believe that the law in relation to cruelty to animals has been or is being violated in any particular building or place, such justice of the peace, if satisfied that there is reasonable cause for such belief, shall issue a search warrant, authorizing any sheriff, under sheriff, constable, police officer, or agent of the New Jersey Society for the Prevention of Cruelty to Animals to enter and search such building or place, but no such search shall be made between the hours of six o'clock in the afternoon and six o'clock in the morning, unless specially authorized by such justice of the peace upon satisfactory cause shown.

How this act to be construed.

75. SEC. 12. That nothing in this act contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of some regularly incorporated medical society of this state; nor shall the same be construed to prohibit or interfere with the killing or disposing of any animal or creature by virtue of the order of any of the constituted authorities of this state.

Penalty for overdriving, overloading, overworking, &c.

76. SEC. 13. That any person or persons who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse, or needlessly mutilate or kill, or who shall by their agents, servants, employes, or otherwise cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten or otherwise abused or needlessly mutilated and killed, any living animal or creature, and any person having the charge or custody of any living animal or creature either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, and any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird or other living animal or creature, and every person who shall be present and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, and any person who shall carry or cause to be carried, in or upon

For tormenting, mutilating, beating or killing.

any vehicle or otherwise, any living animal or creature in a cruel or inhuman manner, and any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle, for business or other purposes, and any person who shall impound or confine, or cause to be impounded or confined in any pound or other place, any living animal or creature, and shall fail or neglect to supply to the same during such confinement a sufficient quantity of good and wholesome food and water; and any person who shall abandon to die in any public place any maimed, sick, infirm or disabled animal or creature, shall forfeit and pay such sum, not to exceed one hundred dollars, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of "The New Jersey Society for the Prevention of Cruelty to Animals," before any court of competent jurisdiction in the county where the defendant resides, or where the offence or offences were committed; and that any justice of the peace in the county where any offence shall have been committed under this act, is hereby authorized and directed, upon receiving sufficient proof by affidavit of the violation of the provisions of this section, by any person or persons being temporarily within the jurisdiction of said justice, but not residing therein, or who is likely to evade judgment by removal therefrom, or any person whose name and residence are unknown, to issue his warrant and have such offender arrested and tried for such offence, or committed or held to bail to answer, and abide the judgment of said justice; and it shall also be the duty of said justice, on being satisfied by affidavit that the owner or owners of any animal which has been, or is being cruelly treated within the provisions and meaning of this act, is the party properly chargeable with such offence under this section, and that said owner or owners reside out of the county or local jurisdiction of said justice, to order and enforce a summary attachment against such animal so cruelly treated, and the vehicle, truck, cart, barrow or wagon to which said animal is or may be fastened, yoked, hitched or harnessed, at the time of said offence, together with the appurtenances; and said justice shall have such proceedings on said attachment as are or may be provided for by law in other cases of attachment before a justice of the peace, so far as the same may be applicable; but in all prosecutions and proceedings under this section, an affidavit of the violation thereof shall be a sufficient demand or pleading; and in case of an attachment against such animal or property as hereinbefore provided for, all necessary expenses which may be incurred for taking charge of and keeping and sustaining said animal or property, shall be a lien upon the same, and shall be added to the amount of the forfeiture or penalty imposed by said justice under this section and recovered therewith. See § 81.

For using dog or dogs for purpose of drawing, &c.

For abandoning to die.

How arrested and held to answer.

77. SEC. 14. That any agent of The New Jersey Society for the Prevention of Cruelty to Animals who has been specially deputized by the sheriff of any county in this state, may within such county, make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of this act; and of all fines, penalties and moneys imposed and collected for any offence being in violation of this act, or under the provisions of this act, and not herein specially provided for, one-half shall be paid by the justice, or by the clerk, or other officer of the court receiving the same to the informer, complainant or prosecutor, and shall pay within thirty days and without demand the other half to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to The New Jersey Society for the Prevention of Cruelty to Animals, to be used by said society in aid of the benevolent objects for which it was incorporated.

Any agent of the New Jersey Society for the Prevention of Cruelty to Animals who has been specially deputized by the sheriff of any county in this state, may make arrests.

78. SEC. 15. That where by the laws of this state, or any ordinance of any city, town or borough, any police justice, recorder or other magistrate shall collect any fine or fines for cruelty to animals, that henceforth all moneys collected from such fines shall be paid to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals; and

Fines, how disposed of.

that the term cruelty in this section mentioned shall be held to include all the acts mentioned in the preceding sections of this act.

In this act certain words shall be held to include.

79. SEC. 16. That in this act the words "animal" or "animals," "creature" or "creatures," shall be held to include the whole brute creation, and the words "owner" and "person," or "owners" and "persons," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of, and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the knowledge and acts of such corporations.

Repealer.

80. SEC. 17. That the acts entitled "A supplement to the act entitled 'An act for the punishment of crimes,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven; A further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals, approved April third, one thousand eight hundred and sixty-eight, which supplement was approved April second, one thousand eight hundred and sixty-nine; "An act for the Prevention of Cruelty to Animals," approved March twenty-second, one thousand eight hundred and seventy-one; A further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved March fifth, one thousand eight hundred and seventy-two, and all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and shall take effect immediately.

P. L. 1875, p. 40.

Supplement.

Approved March 25, 1875.

Proceedings may be instituted before any justice of the peace in the county where the offence is cognizable.

81. SEC. 1. That the proceedings mentioned in the thirteenth section of the act to which this is a supplement, may be instituted before any justice of the peace in and for the county where the offence or offences is or are cognizable, and such justice shall have competent jurisdiction for such purpose; and the amount of the forfeiture or penalty so to be recovered, as in said section provided for, shall be determined, and judgment rendered for the same in like manner as in actions for the recovery of money, or damages in the court for the trial of small causes, and execution may thereupon issue against the body or goods of the defendant, and all proceedings in said section mentioned shall, except as otherwise specially provided, conform to the course and practice of the court for the trial of small causes.

Powers and duties of members, officers and agents.

82. SEC. 2. That any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may exercise and perform the like powers and duties as of an agent of said society who has been especially deputized by the sheriff of any county in this state.

Apprentices.

1. Minors, how bound.
2. Age to be specified.
3. Indentures contrary to act—void.
4. Deed need not be indented.
5. Remedy of master and apprentice.
6. Penalty for enticing away.
7. Penalty for harboring.
8. Servant absconding—penalty.
9. Apprentice absconding—penalty.

10. Certiorari not allowed.
11. To whom apprentice may be bound.
12. Surviving partners may hold.
13. Binding may be made to a firm or co-partnership.
14. Indentures not affected by death of one of a firm.
15. Consent of mother necessary to legality of indenture.
16. Citizens of this state authorized to take apprentices bound to them out of this state.

Rev. 366, 669.
P. L. 1843-4, 233.

An act respecting apprentices and servants.

Revision—Approved April 10, 1846.

R. S. 370.

Minors, how bound by indenture.

1. SEC. 1. That if any male person within the age of twenty-one years, or any female person within the age of eighteen years, shall be bound by indenture, of his or her own free will and accord, and by and with the consent of his or her father, or in case of the death of his or her father,