

P. L. 1835, p. 57. **An act to prevent the vending, burning or exploding of fire crackers, squibs, turpentine balls or fire serpents.**

R. S. 566.

Passed February 18, 1835.

Sale of fire crackers prohibited.

11. SEC. 1. That it shall not be lawful for any person to sell, barter, or exchange, or to offer or exhibit for sale, barter or exchange, any fire cracker or squib in this state.

Exploding of, prohibited.

12. SEC. 2. That it shall not be lawful for any person to burn, explode or throw any burning fire cracker, squib, turpentine balls or fire serpents in this state.

Penalty for selling.

13. SEC. 3. That any person offending against the provisions of the first section of this act, shall forfeit and pay for each and every offence, the sum of ten dollars.

Penalty for exploding.

14. SEC. 4. That any person offending against the provisions of the second section of this act, shall forfeit and pay for each and every offence, any sum not less than one or exceeding five dollars.

How penalties recovered and applied.

15. SEC. 5. That the forfeitures mentioned in this act, may be recovered in the name of any person who will sue for the same, before any justice of the peace of the county where the offence is committed, in an action of debt, with costs, one-half for the use of the prosecutor, and the residue for the use of the poor of the township where the offence is committed.

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I. Commissioners of fisheries.

An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey.

Approved March 17, 1870. P. L. 1870, p. 43.

WHEREAS, both the marine and inland fisheries of this state are known to have deteriorated, and thus a vast amount of food supply for the people has been greatly reduced by causes which seem to be under the control of the legislature, and that the present yield of fish both from the salt and fresh waters might be largely increased by proper measures of protection; therefore,

Preamble.

1. That the governor of this state be authorized, within fifteen days after the passage of this act, to appoint two competent persons whose duty it shall be to inspect the bay and river fisheries of this state and report upon the same, suggesting such legislation as may be most conducive to their protection and improvement.

Governor to appoint commissioners of fisheries.

[Sec. 2 supplied by supplement of 1873, Sec. 1].

Supplement.

Approved March 25, 1873. P. L., 1873, p. 62.

2. SEC. 1. That hereafter there shall be three commissioners for the better protection of the fishing interests of this state, who shall hold their office for the term of five years respectively, and shall be invested with all the powers and duties imposed upon the original commissioners by the act to which this is a supplement.

Number of commissioners increased to three.

3. SEC. 2. That the term of the first commissioners appointed under this act shall commence on the day when this act takes effect, and that the first commissioners shall be composed of the commissioners already appointed under the act to which this is a supplement, together with one to be appointed by the governor of this state, by and with the advice and consent of the senate; and that all subsequent commissioners shall be appointed by the governor, by and with the advice and consent of the senate; and that all vacancies shall be filled in the same manner and for the unexpired term of the commissioner whose office may become vacant.

Term of office. Appointment of subsequent commissioners.

An act to further define the duties of the fish commissioners of New Jersey.

Approved March 27, 1874. P. L. 1874, p. 115.

4. SEC. 1. That whenever there exists in the Raritan river or its tributaries any dam which prevents the free passage of fish in said river or tributaries, it shall be the duty of the duly authorized fish commissioners of the state of New Jersey to examine the same, and if, in their judgment, good and efficient fishways can be constructed therein, or if there now be any inefficient fishways constructed in any dam spanning said river or tributaries, and if, in the judgment of said commissioners or a majority thereof, the same can be made to accomplish the free passage of fish, then the said commissioners shall have power to cause efficient fishways to be so constructed, and may cause any fishways now existing in any dam spanning said river or its tributaries, which may by said commissioners be deemed inefficient, to be repaired, remodeled, rebuilt, or reconstructed, under the supervision of said commissioners, in such way, design or manner as shall accomplish the purpose designed by this act.

Erection and improvement of fishways in dams in Raritan river and tributaries.

5. SEC. 2. That whenever said commissioners deem it necessary to construct, rebuild, remodel or repair any fishway in any dam now spanning said river or its tributaries, so as to accomplish the purposes specified in this act, it shall be the duty of said commissioners to give notice in writing to the person or persons, company or corporations owning, leasing or holding said dam, that a fishway must be constructed, rebuilt, remodeled or repaired in said dam (as the case may be), which notice must be given between the first day of April and the first day of June, in any year.

Notice to parties to construct or rebuild fishways.

6. SEC. 3. That whenever said person or persons, companies or corporations shall receive such notice, as described in the second section of this act, they shall construct, rebuild, remodel or repair said fishway at their

Within what time parties to construct or repair fishways.

On failure commissioners may do the work.

own proper expense, and neglecting or refusing to commence the same within sixty days after receiving said notice, or who may unnecessarily delay the completion of said work, then the said commissioners shall have full power to cause said work to be done as described in this act, at the expense of the person or persons, companies or corporation owning or holding said dam or dams; the said commissioners shall have power and shall collect the said expenses, with cost, in an action of debt, in any court in the state of New Jersey having jurisdiction of the same.

II. Respecting non-residents.

An act concerning fisheries.

Passed December 27, 1826.

Har. 156.

R. S. 479.

None but resident citizens of New Jersey may fish in its waters.

Penalty.

Provisoos.

Penalty, how recovered.

7. SEC. 1. That it shall not be lawful for any person or persons, not resident citizens of this state, to draw or use any net or seine for the purpose of taking or catching fish in any of the bays, flats, rivers or waters within the jurisdiction of this state; and every person so offending shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, in any court of record having cognizance thereof, the one moiety thereof to the use of the prosecutor, and the other moiety to be paid to the county collector, for the use of the county in which the offence was committed; *provided always, nevertheless*, that nothing in this act shall be so construed as to affect the right or privilege of any owner or owners, tenant or tenants, not resident in this state, from fishing upon or opposite to his, her, or their own shore in this state, or to prevent any resident owner or tenant from employing what hands he may think necessary to carry on the business of his or their fisheries; *provided also*, that nothing in this act contained shall relate to, or in any wise affect the fisheries on the waters of the river Delaware.

8. SEC. 2. That in any action for the recovery of the above penalty, the same may be commenced by warrant in the court for the trial of small causes, and proceeded in as in other cases when the same is commenced by warrant, any law, usage or custom to the contrary notwithstanding.

III. Delaware river.

An act to regulate the fisheries in the river Delaware, and for other purposes.(1)

Passed November 26, 1808.

Rev. 541.

R. S. 480.

Pool or fishing place.

Wears, racks, etc., unlawful.

[1, 2. Repealed November 28, 1822].

9. SEC. 3. That from the place or places where seines or nets are usually thrown in, to the place or places where they have been usually taken out, or from the place or places where they may hereafter be thrown into the water, to the place or places where they may be taken out, shall be deemed and held to be a pool or fishing place, within the meaning of this act.(a)

[4. Repealed November 28, 1822].

10. SEC. 5. That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting in erecting, building, setting, repairing or maintaining any weir, rack, basket,

(a) This definition of a fishing place necessarily applies to shore fisheries only, *Bennett v. Boggs, Bald. 60.*

(1) The following local acts have been passed regulating and protecting fisheries in the other rivers, lakes and ponds in the state: P. L. 1807, p. 58, Hackensack river. P. L. 1816, p. 113, Hackensack river; p. 114, creeks in Salem county. P. L. 1819, p. 93, Cohansey creek. P. L. 1823, p. 50, Mullica river. P. L. 1825, p. 65, Newark bay, Passaic and Hackensack rivers. P. L. 1828, p. 42, supplement to same. P. L. 1835, p. 129, Passaic river. P. L. 1836, p. 115, Passaic river; Ib. p. 225, Barnegat bay; Id. p. 255, Oldman's creek. P. L. 1837, p. 349, Shrewsbury river. P. L. 1839, p. 75, Cape May county. P. L. 1842, p. 53, Barnegat bay. P. L. 1843, p. 29, Cohansey creek. P. L. 1844, p. 65, Raritan and South rivers; Id. p. 129, Cape May county. P. L. 1845, p. 95, Oldman's creek. P. L. 1846, p. 163, Rancocas creek. P. L. 1850, p. 290, Swartwout pond, Sussex county. P. L. 1852, p. 143, Colver's or Round pond, Long pond and Lake Hopatcong; Id. p. 156, Oldman's creek. P. L. 1853, p. 252, Black river, Rockaway river and Stanhope reservoir, in Morris and Sussex counties; Id. p. 311, Budd's lake; Id. p. 429, White lake. P. L. 1854, p. 188, Budd's lake; Id. p. 302, Black river, Rockaway river and Stanhope reservoir; Id. p. 365, Walkill river; Id. p. 425, Shark river; Id. p. 445, Colver's or Round pond, Long pond and Lake Hopatcong. P. L. 1857, p. 410, Mullica river. P. L. 1858, p. 321, Manasquan river. P. L. 1859, p. 178, Ryerson's pond; Id. p. 283, Manasquan river and Wreck pond; Id. p. 548, Cape May county. P. L. 1860, p. 491, Hunt's pond; Id. p. 536, Lower township, Cape May county; Id. p. 186, Long pond or Greenwood lake; Id. p. 192, Passaic river between Little Falls and Chatham. P. L. 1861, p. 61, Middle township, Cape May county; Id. p. 450, Raritan and Millstone rivers. P. L. 1862, p. 267, Cheesquake creek; Id. p. 267, Budd's lake; Id. p. 268, Passaic river. P. L. 1863, p. 407, Passaic river. P. L. 1864, p. 263, Passaic river; Id. p. 516, Manasquan river; Id. p. 679, Budd's lake. P. L. 1865, p. 758, Bound, Maple island, Parson's, Woodruff and Wheeler's creeks in Union and Essex counties. P. L. 1867, p. 996, Newark bay, Passaic river, Kill Von Kull and waters of Morris county. P. L. 1868, p. 815, Maurice river; Id. p. 923, Lower township, Cape May county. P. L. 1870, p. 833, Mullica river; Id. p. 993, Dennis township, Cape May county. P. L. 1871, p. 348, Maurice river, Oronoken, Dividing and Patuxet creeks; Id. p. 1001, Cape May county. P. L. 1872, p. 32, Raritan and Sandy Hook bay. P. L. 1873, p. 686, Cumberland county; Id. p. 369, South Shrewsbury river and Pleasure bay. P. L. 1875, p. 170, North and South Shrewsbury rivers, (preservation of crabs); Id. p. 279, Raritan river and tributaries.

fishing dam or pound, or shall make use of any swab or bush-net, or shall fix, fasten, set, or otherwise make use of any gilling-seine or drift-net, anchor any engine or make use of any device whatsoever, except fishing with sweeping seine, hooks and lines, darts, scoop-nets and eel-baskets, for taking fish in the river Delaware, within the limits aforesaid, every person or persons so offending, and being legally convicted thereof by the oath or affirmation of one or more credible witness, or by his or their own confession, before any court having competent jurisdiction where such offender may be apprehended, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, to be recovered and applied as aforesaid.^(a) Penalty.

11. SEC. 6. That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding or assisting in erecting, building, setting up, repairing or maintaining any wing-dam, or placing any other obstruction injurious to the navigation of said river as aforesaid, except such mill-dams as have been or hereafter may be put up in pursuance of any special act of the legislature, and being thereof legally convicted before the court of quarter sessions of the county where the offence has been committed, shall forfeit and pay the sum of one hundred dollars, to be paid to and applied for the use aforesaid; *provided always*, that wherever the land of any person along the said river, is situated so low as to make it difficult to keep a fence, in such case they shall be allowed the privilege of making a wall or rack sufficient to answer the purpose of preventing cattle from going round, with making and providing a sufficient passage near the shore, at least eleven feet wide, sufficiently deep for boats to pass through, until the water is so low as to go conveniently round the said wall. Wing-dams
unlawful.

Penalty.
Proviso.

[7. Repealed by act, 20th January, 1814].

12. SEC. 8. That the collector of each respective county adjoining the river Delaware, within the limits aforesaid, shall every year, before they settle their accounts, inquire of the justices of the peace of the several townships adjoining the river Delaware, within their county, to know whether they have any money in their hands arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt and their respective counties credit for the same; and if either of the collectors, from his or their own knowledge, or the information of any other person, shall have knowledge of any transgressions against this act, which either of the aforesaid constables have either neglected or refused to prosecute agreeably to the directions of this act, he or they are hereby strictly enjoined and required, under the penalty of twenty-five dollars, immediately to give information to one of the justices of the peace of the respective township, borough or district, which said justice is hereby enjoined and required forthwith to proceed against any such delinquent, agreeably to the directions of this act. Rev. 569.
Collector's duty.

Penalty.

13. SEC. 9. Repealed by act, 20th January, 1814. Rev. 569.

Provided always, That any person or persons who shall be convicted under this act, before any justice of the peace, he or they shall have a right to appeal to the court of quarter sessions, within ten days after such conviction.

14. SEC. 10. That if any person or persons whosoever, shall cast or lay out, or cause to be laid out, any seine or net into the river Delaware, within the jurisdiction of this state, beyond the right angle of the shore, and where his line strikes the river at low water mark a going out, or suffer it to swing beyond the right angle of the shore of the river, and where his line strikes it at low water mark a coming in (except by unavoidable accident), every person or persons so offending, and being thereof legally convicted, shall forfeit and pay the sum of twenty-five dollars, for each and every such offence, with costs and damage, to be paid to the person against whose land such trespass shall be committed, if he shall sue for the same within six months after such trespass has been committed. Sweep of the
seines.

Penalty for
extending it.

^(a) The penalties are incurred by any person who uses a gilling, seine or drift net on the Delaware, unless he has the right of fishing on the opposite shore, *Bennett v. Boggs*, *Bald.* 60.

And whereas, it is provided by the agreement of the commissioners appointed by the legislature of this state and of the state of Pennsylvania, to divide the islands and settle the line of jurisdiction in the river Delaware, that the legislature of each of the states should have and exercise the right of regulating and guarding the fisheries on the said river annexed to their respective shores, in such manner that the said fisheries may not be unnecessarily interrupted during the season of catching shad, by vessels riding at anchor on the fishing ground, or by persons fishing under a claim of a common right to the said river; therefore,

No vessels or rafts to anchor on fishing grounds.

15. SEC. 11. That if any ship, vessel or raft, shall, during the season of catching shad in the Delaware, come to anchor at the same, on any fishing ground where shad are usually taken, and shall not immediately be removed from the said fishing ground, if such removal can be done with safety, on application for that purpose by the owner or occupier of such fishery, to the captain, pilot, or person having the command of the said ship, vessel or raft; or if any ship, vessel or raft be wilfully run on shore on any such fishing ground, then such captain, pilot, or person having the command as aforesaid, shall forfeit and pay sixty dollars, to be recovered by action of debt, with costs, by the said owner or occupier.

Penalty.

And whereas, the legislature of the commonwealth of Pennsylvania have enacted a law entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," dated the eighth day of February, in the year of our Lord one thousand eight hundred and four, a copy of which has been presented to the legislature of this state for mutual agreement; therefore,

This act not in force till ratified by Pennsylvania.

16. SEC. 12. That his excellency the governor of this state, is hereby directed to transmit an attested copy of this law to the legislature of the commonwealth of Pennsylvania, and so soon as they shall comply with the amendments and additions herein contained, then this shall be and is hereby ratified and confirmed.

[13. Repealer].

[Adopted by Pennsylvania, February 23, 1809].

Har. 34.

Supplement.

Passed November 28, 1822.

R. S. 483.

Time for fishing prescribed.

17. SEC. 1. That from and after the passing of this act, if any person or persons, whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this state, from sunset on Saturday until sunrise on Monday of each and every week, he, she, or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence; *provided*, that nothing in this section contained, shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night. (See *Sec.* 31).

Penalty.

Proviso.

[2. Repealed March 22, 1845].

[3. Supplied February 15, 1833].

Possessor of fishery to give a description of the same to the county clerk in writing, and also a bond.

18. SEC. 4. That the owner or possessor of every fishery upon the river Delaware, within the jurisdiction of this state, his tenant or agent, shall, before he occupies the same as a fishery, give to the clerk of the court of common pleas of the county wherein such fishery or the greatest part thereof may be, a description in writing, of his, her, or their pool or fishing place, designating the beginning and ending point, and the extent thereof on the river shore, together with the name of the township and county in which it is situated, and the number of men generally employed in fishing the same, and shall also enter into bond, with one or more sufficient sureties, to the clerk of the said county, and his successors in office, in the penal sum of five hundred dollars, conditioned for the payment of all fines and penalties created or given by this act, or the act or acts to which this is a supplement, that shall and may be incurred and recovered for any infraction of, or offence against the said act or acts, committed at such fishery, by his, her, or their command or permission, during his, her, or their occupying the said fishery, personally or by tenant; which said description and bond, it shall be the duty of said clerk to file in his office, and give a certificate thereof to the person producing

the same, on being paid fifty cents; which said bond shall be a security for all such penalties as may be recovered against the said owner or possessor, tenant or agent, during the time he, she, or they may occupy the same; and in case of a recovery against such owner or possessor, tenant or agent, for any penalty given by the said act or acts, and the non-payment thereof, it shall be the duty of the said clerk to cause the said bond to be prosecuted to judgment, and apply the proceeds thereof to the payment or discharge of the said recovery; and if any person or persons shall fish in any fishery so entered as aforesaid, or draw, cast, or otherwise make use of any seine or net within the same, or in the said river, opposite the river shore, included within the bounds thereof, without permission, in writing, from him, her, or them so owning, possessing, and entering the same, first had and obtained, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every offence, to be sued for and recovered by the person or persons so owning, possessing, and entering the said fishery, in any court of competent jurisdiction.

Bond to be filed in the office of the clerk.

Penalty for non-compliance.

19. SEC. 5. That if any person or persons shall cast, draw, fish with, or otherwise make use of any seine or net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of April and the tenth day of July, in each and every year, without having first entered his, her or their fishery as aforesaid, or at any place in the said river Delaware, within the jurisdiction of this state, than at, in or opposite the shore boundaries of a pool or fishing place, described and entered in the manner prescribed in the preceding section, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

Penalty for violating the provisions of the preceding section.

20. SEC. 6. That it shall and may be lawful for any owner or owners, possessor or possessors, of any shore on the river Delaware, within the jurisdiction of this state, below the Trenton bridge, having entered the same as a fishery, and given bond in the manner prescribed by the fourth section of this act, to fish the same in front and opposite the bounds thereof, with a sweeping or shore seine or net, or a gilling seine or drift net; *provided always*, that if he, she or they use a gilling or drift net, the mesh thereof shall not be larger than six inches and a half, and the said net shall not be more than sixty fathoms in length, and the boat or boats used at such gilling seine or drift net fishery shall have the name or names, and place or places of abode, of the person owning or entering the said fishery, painted in large legible capital letters, on the gunwale thereof. (See *Sec. 32*).

Who may use a gilling seine.

Proviso.

21. SEC. 7. That if any person or persons shall be found making use of a gilling seine or drift net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, without having first entered his gilling seine or drift net fishery, and given bond, as aforesaid, or beyond the angles of the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, he, she, or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence. (See *Sec. 32 and 45*).

Gilling seines, when and what kind may be used.

Penalty for non-compliance.

22. SEC. 8. That the township committee of each township adjoining the said river Delaware, within the jurisdiction of this state, may, every year, at their first meeting after their election, appoint one constable of their respective townships, whose duty it shall be, having taken an oath or affirmation before a justice of the peace of the township in which he resides, that he will, without fear, favor, or affection to any, endeavor to execute this act, and the act or acts to which this is a supplement, according to the true intent and meaning thereof, carefully and diligently to view and inspect the shores of the said river, and the fisheries thereon, in his township, once a week, at least, between the first day of April and the tenth day of July, in each and every year, to put this act in force and to cause all offences or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions

Duty of constables.

- thereof, for which service he shall be entitled to receive the sum of seventy-five cents per day, to be paid by the collector of the county in which he acts, on proving, by his own oath or affirmation, before some justice of the peace of the township, the number of days engaged in the said service. (See *Sec. 46*).
- Their compensation. 23. SEC. 9. That if any constable of any township in this state, adjoining the river Delaware, shall neglect or refuse to do and perform the duty enjoined upon him by this act, or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay, for every such neglect, the sum of one hundred dollars, together with the costs of suit.
- Penalty for neglect of duty. 24. SEC. 10. That if any person or persons shall, by threat, menace, or otherwise, attempt to deter or prevent any constable, collector, or any other person from enforcing or carrying into effect this act, or the act or acts to which this is a supplement, or any part thereof, he or they so offending, shall forfeit and pay the sum of one hundred dollars, with costs of suit, for each and every such offence.
- Offenders, how punished. 25. SEC. 11. That it shall be the duty of the collectors of the several townships adjoining the river Delaware, within this state, to prosecute for any fines and penalties incurred within the limits of their respective townships, under this act, or the act to which this is a supplement, which come to their knowledge by their own view or the information of one or more credible witnesses. (See *Sec. 46*).
- Duty of collectors. 26. SEC. 12. That in all and every action or suit for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting shall or may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, and by *capias ad respondendum* or summons, in case the action is commenced in any other court, any law, usage, or custom to the contrary notwithstanding. (a)
- How suit may be brought. 27. SEC. 13. That if any person or persons shall be found making use of any boat, seine, net, or other tackling in the river Delaware, within the jurisdiction of this state, contrary to the true intent and meaning of this act, or the act or acts to which this is a supplement, he or they so offending, shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, or other tackling so made use of; and that it shall be the duty of all the sheriffs and constables, and may be lawful for any person or persons, to seize and secure any such boat, seine, net, or other tackling, as aforesaid, and immediately thereafter give information to two justices of the peace of the county where such seizure shall have been made, who are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same in a summary manner; and, in case the same shall be condemned, it shall be sold by the order, and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.
- Additional penalties. 28. SEC. 14. That if any person or persons on board any such boat, or in possession of such seine, net or tackling, shall resist any officer or another person or persons in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit, for each offence. (b)
- Penalty for resisting. 29. SEC. 15. That all and each of the penalties created, given, or contained in this act, or the act to which this is a supplement, or the other supplementary acts thereto, except such as are given to the party aggrieved, shall be sued for and recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same, one-half to the prosecutor or prosecutors, and the other half to the collector of the county, for the use of the county in which such offence shall be committed. (See *Sec. 48*).
- Penalties, how recovered and disposed of. 30. SEC. 16. Repealer.

(a) The defendant may be held to bail. The affidavit must be filed and a judge's order obtained, as in other cases, *Champion v. Pierce*, 6 Hal. 196.

(b) The penalties prescribed by the 27th and 28th sections are not repealed and supplied by the supplement of Feb. 15, 1833, post § 81. *Shoemaker ads. State*, *Spen.* 153.

And provided also, That no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved, shall immediately go into full force and effect.

[Adopted by Pennsylvania (except proviso to *Sec. 1*), January 29, 1823].

Supplement.

Passed February 15, 1833.

Har. 477.

R. S. 487.

31. SEC. 1. That from and after the passing of this act, if any person or persons whosoever, shall cast or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this state and state of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night, of each and every week, he, she, or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

[SEC. 2 supplied by *Sec. 1* of supplement of 1858].

32. SEC. 3. That if any person or persons shall, at any time hereafter, unlawfully make use of any gilling-seine or drift-net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, below the Trenton bridge, without having first entered his gilling-seine or drift-net fisheries, as required by this act, or the act or acts to which this is a supplement, or beyond the right angles or the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

33. SEC. 4. That if any person or persons shall unlawfully cast, draw, drift, anchor, stake, or otherwise make use of any gilling-seine or drift-net, for the purpose of catching fish, in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of March and the tenth day of July, in each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted; *provided*, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the seventh and eighth sections of the act to which this is a supplement.

34. SEC. 5. That all the acts and parts of acts which come within the purview of this act, and are contrary to the provisions of this act, be and the same are hereby repealed; *provided*, that the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate nor make void any proceedings legally had or done, or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed; *and provided also*, that no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved shall immediately go into full force and effect.

35. SEC. 6. That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it the legislature of that state.

[Adopted by Pennsylvania, April 3, 1837].

Proviso.

Penalty for fishing on Sunday.

Penalty for unlawful fishing with drift nets, between the 1st of March and 10th of July, below Trenton bridge.

Penalty for fishing with drift net, within said times, in the Delaware.

Proviso.

Former acts repealed.

Provisoes.

Act to be sent to governor of Pennsylvania.

P. L. 1845, p. 153.

R. S. 489.

Number of nets
to be used within
certain limits.

Supplement.

Approved March 22, 1845.

36. SEC. 1. If any person or persons, whomsoever, shall cast, draw or otherwise use, for the purpose of catching fish, more than one seine or net in any pool or fishing place in the river Delaware, within the jurisdiction of this state, at any place opposite to or above the lower mouth of Rancocus creek, in the county of Burlington, in the state of New Jersey, and more than two seines or nets in any one pool or fishing place from thence as far down as the concurrent jurisdiction of this state and the state of Pennsylvania extends, within any one term of twenty-four hours, beginning at sunrise, and ending at sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act or the act entitled "An act further supplementary to an act entitled 'An act to regulate fisheries in the river Delaware, and for other purposes,'" passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, he, she, or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence; *provided always*, that it shall and may be lawful for any person or persons who, by accident or otherwise, may be deprived of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same and substitute another seine or net in the place of the one so withdrawn.

[SEC. 2. Repealer].

Act, when to
take effect.

37. SEC. 3. This act shall go into operation on the fourth day of July next, and not before, or at any time thereafter whenever the legislature of the state of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part; and the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit the same to the legislature of that state.

[Adopted by Pennsylvania, March 19, 1846].

P. L. 1852, p. 212.

Fishing with
gilling seines or
drift-nets.

Supplement.

Approved March 12, 1852.

38. SEC. 1. No person, being an inhabitant of this state, or of the state of Pennsylvania, shall be subjected to the pains and penalties prescribed by law for illegal fishing in the river Delaware, with a gilling seine, or drift net, unless he shall so fish in some pool or fishing place entered as such according to law; *provided*, that any person so fishing, except as to the entering of the place fished by him as his fishery, shall, in all other respects, conform to the laws regulating fisheries in said rivers; *and provided further*, that nothing in this act shall be construed to impair the right of the owner of any shore upon said river to the exclusive enjoyment of his fishery annexed thereto, upon entering the same as a fishery, as aforesaid.

Part of former
act repealed.

39. SEC. 2. That so much of any law as limits the length of gilling seines or drift nets used in said river to sixty fathoms, shall be, and the same is hereby repealed.

Act not valid
until concurred
in by Pennsyl-
vania.

40. SEC. 3. That no section, proviso, or part of this act shall be considered as valid or operative, until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passage of such law, such parts hereof as shall be so enacted and approved shall immediately go into full force and effect; and that the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

[Adopted by Pennsylvania April 15, 1852].

P. L. 1858, p. 169.

Size of mesh of
net to be used.

Supplement.

Approved February 26, 1858.

41. SEC. 1. That if any person or persons shall cast, draw, or otherwise make use of any seine or net of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the tenth day of June and the tenth day of July, in any year, or above the head of Trenton

Falls, of any seine or net of a larger mesh than two inches, between the fifteenth day of June and the tenth day of July, in any year, he, she, or they so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence. (See *Sec. 45 and 54*).

42. SEC. 2. It shall not be lawful for any person or persons, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, to anchor, stake down, or otherwise fasten any drift net or gilling seine in or across said river; and that, if any person or persons shall so anchor, stake down, or otherwise fasten any drift net or gilling seine in or across said river, within the jurisdiction of this state, for the purpose of catching fish, he she or they so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted; and every such net or seine so anchored, staked down, or otherwise fastened in or across said river, shall be deemed and considered a public nuisance, and liable to be abated or removed by any person or persons who may deem proper to abate or remove the same.

Drift nets or gilling seines not to be used.

43. SEC. 3. That the second section to the supplement of the aforesaid act, passed on the fifteenth day of February, Anno Domini eighteen hundred and thirty-three, be and the same is hereby repealed; but that this act shall not go into operation until the legislature of the state of Pennsylvania shall approve of the same, by the enactment of a similar act, in whole or in part; and that from and immediately after the said legislature shall so approve of this act, either in whole or in part, then this act, or such parts thereof as may be so approved of, shall go into operation and take effect.

Act, when to take effect.

Supplement.

Approved March 15, 1871.

P. L. 1871, p. 40.

44. SEC. 1. That hereafter no person shall within this state have in his or her possession, or expose to sale, any shad caught in the river Delaware, or any of its tributaries, within the jurisdiction of this state, below the head of Trenton falls, between the eleventh day of June and the tenth day of August, in any year, or above the head of Trenton falls, between the sixteenth day of June and the tenth day of August, in any year, under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt, with costs of suit, by any person or persons, in his or their name or names, before any justice of the peace in the county where the offence was committed, or where the defendant resides or is found; and in all prosecutions or proceedings under this act, it shall not be necessary to file any state of demand or to comply with the formalities required in penal actions; and in all such actions both parties may be sworn; *provided always, nevertheless*, that nothing in this act, or the act or acts to which this is a supplement contained, shall make it unlawful by order of one or both of the commissioners of fisheries of the state of New Jersey, to take fish in the said river Delaware, or any of its said tributaries, at any time, to be used for the purpose of the natural or artificial propagation of the same.

Shad caught in the Delaware not to be offered for sale within certain periods.

Penalty for.

Proviso.

45. SEC. 2. That if any person or persons shall cast, draw, fasten or otherwise make use of any seine net, fyke net, or net of any other description, of a less mesh than ten inches, or any other appliance except the hook and line, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton falls, between the tenth day of June and the tenth day of August, in any year, or above the Trenton falls between the fifteenth day of June and the tenth day of August, in any year, he, she or they so offending shall forfeit or pay the sum of one hundred dollars, together with costs of suit, for each and every offence. (See *Sec. 51*).

Penalty for fishing with nets at certain seasons.

46. SEC. 3. That the governor shall appoint one person in each county adjoining the river Delaware, as special officers, who shall be a resident of said county, to be fish wardens, whose duty it shall be, on view or information, to enforce the fishing laws within their respective counties, by arresting and prosecuting the offender or offenders; and said officers shall

Fish wardens to be appointed by the governor. Duties of.

Powers of.	be entitled to their pay as witnesses in said cases, although they be complainants, and said officers shall have a right at all times, and they are hereby authorized, to visit any dam, weir, fish basket, brush net, or other apparatus for taking fish, for the purpose of removing the same, as herein-after provided; the said officers may, in the discharge of their duties, call in the aid of any constable or sheriff, or other peace officer, when deemed necessary; and any such officer neglecting or refusing to aid when thus required, shall forfeit ten dollars, to be recovered by action of debt; the
Term of office of.	said special officers thus appointed shall hold office for three years, unless sooner removed, and shall be duly sworn before any justice of the peace or judge of the court of common pleas, to the performance of their duties;
Report to make.	they shall make an annual report to the commissioners of fisheries, on or about the first day of November in each year; they shall be furnished with such appliances as in the judgment of the commissioners having charge of that department of the river shall be deemed necessary, at the
Compensation of.	expense of the state, and receive three dollars for each day they are occupied in their special duties; and that said per diem shall be paid by the treasurer of the state, upon an authenticated statement of the commissioners of fisheries; <i>provided</i> , that in no case shall any special officer
Proviso.	receive more than one hundred dollars for his services in any one year.
Dams, weirs, racks, &c., may be removed and shall be forfeited to the state. [P. L. 1872, § 2.] For proviso see supplement of 1872, § 2.	47. SEC. 4. That it shall be the duty of said special officers or fish wardens, so to be appointed, and it shall and may be lawful for any other person or persons who may discover the same, to remove from the river Delaware, wheresoever the same may be found, all [such] weirs, racks, fish baskets, fishing dams or pounds, or any seine, brush dam, or other device, anchored, staked or fastened for the purpose of taking fish in the said river, and all boats, lines, implements and materials used in violation of this act, shall be forfeited to the state, and all [such] weirs, racks, baskets, dams or pounds, may be destroyed and rendered incapable of taking fish. (See <i>Sec.</i> 51).
Fines, how applied.	48. SEC. 5. That one-half of the fines and forfeitures collected shall be for the benefit of the person prosecuting therefor, and the other half shall be paid to the clerk of the county in which the prosecution shall be had; and the said clerks of the several counties of this state shall pay over to the commissioners of fisheries of the state of New Jersey, all moneys collected and recovered by them by virtue of this act, who shall pay the same over to the treasurer of the state; and all expenses incurred by said fishery commissioners shall be paid to them by the treasurer of the state, as the same may be audited by the comptroller of the state; and on failure of the person or persons prosecuted under this act to pay the fine or fines imposed in pursuance of this act, then such person or persons shall be committed to the county jail till such payment is made, or until otherwise discharged by due process of law.
Expenses of commissioners to be paid.	[SEC. 6. Repealed by supplement of 1872, <i>Sec.</i> 1].
Copy to be sent to Governor of Pennsylvania.	49. SEC. 7. That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Supplement.

Approved February 28, 1872.

P. L. 1872, p. 10.

Preamble.

WHEREAS, by the sixth section of a supplement to an act entitled, "An act to regulate fisheries in the river Delaware, and for other purposes," passed March fifteen, one thousand eight hundred and seventy-one, it was enacted that said act should not go into operation until the legislature of Pennsylvania should approve of the same by the enactment of a similar act, in whole or in part; *and whereas*, the said legislature of the state of Pennsylvania has failed to approve said act, or concur in the law so passed as aforesaid; therefore,

Repealer of § 6 of supplement of 1871.

50. SEC. 1. That the sixth section of said supplement, approved March fifteenth, eighteen hundred and seventy-one, be and the same is hereby repealed.

When supplement of 1871 to go into effect.

51. SEC. 2. That the said supplement of March fifteenth, one thousand eight hundred and seventy-one, shall go into immediate operation; *provided*, that so much of the second section of said supplement as requires

concurrent legislation in the state of Pennsylvania to make it operative, shall not go into effect until such concurrent legislation is had; *and provided further*, that the fourth section of said supplement be amended by inserting the word "such" between the words "all" and "weirs" where the same occurs in said section, and adding to said section the following proviso: "*provided*, that the said fish wardens shall first give notice in two newspapers of their respective counties, that said contrivances are known to exist and are declared common nuisances, ordering them to be dismantled by their owners or managers, so as to render them no longer capable of taking or injuring the fishes of the streams, of whatever kind; and if, at the expiration of ten days from the date of said notice the dismantling shall not have taken place, then the said fish wardens or others shall proceed to remove or destroy or dismantle the said obstructions as hereinbefore directed." (See *Sec. 53 and 55*).

[The following portion of the second section of the supplement approved March 15th, 1871, having been concurred in by the state of Pennsylvania, is now law: "And be it enacted, That if any person or persons shall cast, draw, fasten, or otherwise make use of any seine net, fyke net, or net of any other description, of a less mesh than ten inches, or any other appliance except the hook and line, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, *above the Trenton falls*, between the fifteenth day of June and the tenth day of August, in any year, he, she, or they so offending, shall forfeit or pay the sum of one hundred dollars, together with costs of suit, for each and every offence"].

Supplement.

Approved April 4, 1873. P. L. 1873, p. 157.

52. SEC. 1. That the provisions of the act entitled "An act to regulate the fisheries in the river Delaware and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight, and of the several supplements and acts supplementary thereto, be and the same are hereby extended and applied to the Delaware river and bay and their tributaries within the jurisdiction of this state.

Act of 1808, and supplements, extended to Delaware river and bay.

53. SEC. 2. That the ten days' notice required by a further supplement to the act entitled "An act to regulate fisheries in the river Delaware and for other purposes," approved February twenty-eight, one thousand eight hundred and seventy-two, shall not apply to gilling seines and drift nets, anchored, staked or fastened in violation of the supplement to said act, approved February twenty-sixth, one thousand eight hundred fifty-eighth, in the tidal portions of the Delaware river and bay and their tributaries.

To what ten days' notice required by suppl't of 1872 not to apply.

54. SEC. 3. That the first section of the supplement of "An act to regulate fisheries in the river Delaware and for other purposes," approved February twenty-sixth, one thousand eight hundred and fifty-eight, be amended by adding to the same the following proviso: *provided*, that the prohibition shall not extend to the use of gilling seines of a larger mesh than ten inches for taking sturgeons.

Amendment of suppl't of 1858 §1.

Supplement.

Approved March 27, 1874. P. L. 1874, p. 114.

55. SEC. 1. That hereafter it shall not be necessary in any case to give the ten days' notice heretofore required by the second section of a further supplement to an act entitled "An act to regulate fisheries in the river Delaware, and for other purposes," approved February twenty-eighth, one thousand eight hundred and seventy-two, this section to take effect when concurred in by the legislature of Pennsylvania.

When the ten days' notice of suppl't of 1872 not to be given

An act to regulate fisheries on islands and bars in the river Delaware.

Passed February 15, 1819.

Rev. 659.

R. S. 490.

WHEREAS, disputes have arisen and may continue to arise between the owners and occupiers of certain fisheries on islands and bars in the river Delaware, and others occupying fisheries contiguous thereto, along the shores of said river, from the difficulty that exists in many cases of determining the proper limits of their respective fisheries, under the provisions of the act which defines the same; therefore,

Preamble.

Bounds of fishery.

56. SEC. 1. That from and after the passing of this act, the right of fishery on all islands and bars in the river Delaware, within the jurisdiction of this state, shall be bounded by lines drawn from the extreme upper and lower points of said islands and bars, at right angles with their general course or bearing, which shall and may be determined by a base line drawn through the extreme points of said islands and bars at low water mark, and if any person or persons shall cast or lay out, or suffer to drift or swing, any seine or net beyond the right angle range of either extreme point at low water mark of any island or bar in the river Delaware, within the jurisdiction of this state as aforesaid, or beyond the right angle range of his or their front on said island or bar, without the permission or consent of him or them owning beyond said limits, except by unavoidable accident; any person or persons so offending, and being thereof legally convicted, shall forfeit and pay for each and every such offence, the sum of fifty dollars, to be sued for and recovered in any court having competent jurisdiction thereof, with costs of suit, to be recovered by the person against whose fishery or right of fishery such trespass shall have been committed; *provided always*, that nothing in this act contained shall be so construed as to prevent any owner or occupier of any fishery, on any island or bar in the river Delaware, casting or laying out any seine or net, or suffering the same to drift or swing, in landing or drawing in, beyond said limits, in all cases where no other fishery is or may be immediately adjoining thereto; *provided also*, that this act shall not be considered as valid or operative until the legislature of the commonwealth of Pennsylvania shall enact a law containing similar regulations.

Penalty for trespass.

When to be in force.

IV. Hudson river.

An act relative to the fisheries in the waters of the Hudson river, within the limits and jurisdiction of the state of New Jersey.

Har. 188.

R. S. 491.

Fishing, etc., regulated.

Proviso.

Penalty for violating this act.

Liable to indictment.

P. L. 1876, p. 233.

Pilot commissioners authorized to make rules, &c., relative to fisheries, &c., in the Hudson river.

Commissioners authorized to confer with like board on the part of the state of New York.

Passed March 5, 1828.

57. SEC. 1. That it shall and may be lawful for the citizens of this state, to place and set fishing poles in any of the waters of the Hudson river, between the northern boundary of this state and the mouth of the Kill Van Kull, to the westward of the middle or midway of the said waters, at any time between the first day of March and the tenth day of June; *provided*, that the said fishing poles shall not interrupt or interfere with the ferries across the waters of the said river, and shall not materially impede the navigation of the same.

58. SEC. 2. That it shall not be lawful for any person or persons to set or place any such fishing poles at an earlier period, or for any person or persons placing or setting such poles, pursuant to the first section of this act, to permit the said poles to remain placed or set in the waters of the said river at a later period of the year than is for that purpose specified in this act; and every person or persons offending against the provisions hereof, shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same; *and furthermore*, every person so offending shall be liable to indictment for a nuisance.

Supplement.

Approved April 20, 1876.

59. SEC. 1. That the pilot commissioners of this state are hereby authorized and directed to establish and prescribe such rules and regulations relative to the fisheries and the placing of fishing poles authorized by the act to which this is a supplement, as will secure to citizens of this state a proper use and enjoyment of their rights under said act, and the agreement between New York and this state, of September sixteenth, eighteen hundred and thirty-three.

60. SEC. 2. That inasmuch disputes have frequently arisen between citizens of this state and the authorities of the state of New York relative to the free use and enjoyment of such fisheries by citizens of this state, the said pilot commissioners are hereby empowered to confer with any similar authority or board on the part of the state of New York, and, in connection with said board or authority, to make temporary regulations

on the subject of the use of said fisheries, subject to revocation at any time.

61. SEC. 3. That the said the pilot commissioners of the state of New Jersey shall have full power to determine when and to what extent the said fisheries would become an impediment to navigation. Impediment to navigation how determined.

62. SEC. 4. That all necessary expenses of said board in the performance of the duties of this supplement, shall be paid out of the treasury of the state on the warrant of the comptroller and when approved by the governor. Expenses how paid.

(See Title, GAME AND GAME FISH).

Flour and Meal.

- | | |
|------------------------------------|--------------------------------------|
| 1. Governor to appoint inspectors. | 6. Where to be inspected. |
| 2. Oath to be taken. | 7. Penalty for exporting without. |
| 3. Flour inspected and branded. | 8. Powers of inspector. |
| 4. Flour, etc., how packed. | 9. Inspectors not to make purchases. |
| 5. Duty of inspectors. | 10. Of fines, penalties, etc. |

An act for the inspection of flour and meal.

Rev. 565.

Passed February 18, 1813.

R. S. 1036.

1. That the person administering the government of this state shall from time to time appoint one or more inspectors of flour and meal in each of the cities of Perth Amboy, Burlington, New Brunswick and Trenton, and as many inspectors of flour and meal in each county in this state, as shall appear necessary, who shall hold their respective offices during the pleasure of the person administering the government aforesaid. Governor to appoint inspectors.

2. That the inspectors to be appointed in pursuance of this act, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, before one of the judges of the court of common pleas, viz.: I, A. B., do swear (or affirm, as the case may be) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law. Oath to be taken.

3. That no wheat flour, rye flour, indian meal or buckwheat meal, shall be shipped for exportation out of this state to a foreign market, before the same shall have been submitted to the view and examination, and approved of and branded by one of the inspectors aforesaid; and it shall not be lawful for such inspector to brand any cask containing indian meal, unless the same shall have been made of corn properly kiln-dried, and shall be ground fine and bolted. Articles to be inspected and branded.

4. That all wheat flour, rye flour, indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak or other suitable timber, each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chime, and properly nailed, which said casks shall be but of two sizes, one size whereof shall contain one hundred and ninety-six pounds of flour or meal, with staves of twenty inches long, and each head sixteen inches and one-half diameter, the other size whereof shall contain ninety-eight pounds of flour or meal, the staves whereof may be twenty two inches long, and each head fourteen inches diameter, or the staves may be twenty-seven inches long, and each head not to exceed twelve inches diameter, both which sizes of casks shall be made nearly straight, for the convenience of stowage, and the tare of said casks, respectively, shall be marked on one head with a marking iron; *provided, nevertheless,* that nothing in this act shall be construed to prevent the packing of indian meal in hogsheads, for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal, packed as aforesaid, shall be branded with the initials of the Christian name and surname of the manufacturer thereof, at full length, together with the net weight of the flour or meal which shall be Flour, etc., how packed.

Size of casks.

Indian meal may be packed in hogsheads.

To be branded.