

price that can be obtained for the same, but at not less than par and accrued interest, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

Abandoned buildings and lands to be sold.

**480. SEC. 4.** That upon the completion of said two buildings it shall be the duty of said board having charge and control of the finances of the city to sell in the manner aforesaid the said abandoned buildings and lands.

Repealer.

**481. SEC. 5.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

## Fish and Game.

### I. FISHERIES.

#### 1. COMMISSIONERS OF FISHERIES.

1. Superseded by section 3.
2. Superseded by section 3.
3. Amendatory act.
4. Title of the commissioners of fisheries.
5. Powers and duties of "the board of fish and game commissioners."
6. Board to appoint wardens.
7. Powers and duties of wardens.
8. Constables and sheriffs to assist when required.
9. Repealer.
10. Erection, &c., of fishways in Raritan river.
11. Notice to parties to construct or rebuild fishways.
12. Within what time parties to construct or repair.
13. Expense of constructing, &c., fishways in Raritan river to be paid in the first instance by the state treasurer.
14. Expense, when collected by commissioners, to be paid into the state treasury.

#### 2. RESPECTING NON-RESIDENTS.

15. None but citizens of New Jersey may fish in its waters. Penalty.
16. Penalty, how recovered.

#### 3. DELAWARE RIVER.

17. Pool or fishing-places.
18. Weirs, racks, &c., unlawful.
19. Wing dams unlawful.
20. Collector's duty.
21. Right of appeal.
22. Sweep of the seines.
23. No vessels or rafts to anchor on fishing-grounds.
24. Act not in force till ratified by Pennsylvania.
25. Time for fishing prescribed.
26. Possessor of fishery to give description to county clerk and bond.
27. Penalty for violation of preceding section.
28. Who may use a gilling seine.
29. Gilling seines, when and what kind may be used.
30. Duty of constables.
31. Penalty for neglect of duty.
32. Offenders, how punished.
33. Duty of collectors.
34. How suit may be brought.
35. Additional penalties.
36. Penalty for resisting.
37. Penalties, how recovered and disposed of.
38. Proviso.
39. Penalty for fishing on Sunday.
40. Supplied by section 51.
41. Penalty for unlawful fishing with drift nets.
42. Penalty for fishing with drift nets in certain times.
43. Repealer. Provisos.
44. Act to be sent to governor of Pennsylvania.
45. Number of nets to be used within certain limits.
46. Repealer.
47. Supplement of 1845, when to take effect.
48. Fishing with gilling seines or drift nets.
49. Part of former act repealed.

50. Supplement of 1852 not valid until concurred in by Pennsylvania.

51. Amended by section 67.
52. Drift nets or gilling seines not to be used.
53. Supplement of 1858, when to take effect.
54. Amended by section 63.
55. Penalty for fishing with nets at certain seasons.
56. Fish wardens to be appointed by governor. Duties, powers, term of office.
57. To remove dams, weirs, rocks, &c.
58. Fines, how applied.
59. Repealed by section 61.
60. Copy of act to be sent to governor of Pennsylvania.
61. Repealer of section 8 of supplement of 1871.
62. When supplement of 1871 to go into effect. Proviso.
63. Act of 1808 and supplements extended to Delaware river and bay.
64. To what ten days' notice required by act of 1872 not to apply.
65. Amendment of section 1 of supplement of 1858.
66. When the ten days' notice of supplement of 1872 not to be given.
67. Penalty for catching with net during certain periods.
68. Penalty for selling shad caught during certain periods.
69. Penalty for destroying or damaging shad nets.
70. Bounds of fisheries on islands and bars.

#### 4. HUDSON RIVER.

71. Fishing, &c., regulated.
72. Penalty for violating act.
73. Pilot commissioners to make rules relative to fisheries.
74. To confer with like board of New York.
75. Impediment to navigation, how determined.
76. Expenses, how paid.

#### 5. BARNEGAT BAY.

77. Description of seines not to be used.
78. Penalty for refusing to have seines measured.
79. Proceedings in case of seizure of boats, seines, &c.
80. Penalty in case of resistance of officers.
81. Amended by section 87.
82. Use of gill nets, when prohibited.
83. Hauling seines, when prohibited.
84. Penalty.
85. Additional penalty.
86. Repealer.
87. Closed season for fishing with nets, fykes, &c.
88. Closed season for fishing with seines. Size of meshes, &c.
89. Repealer.

#### 6. MISCELLANEOUS.

90. Certain fishery charters extended for twenty years.
91. Fishing with steam vessels on the coast prohibited.
92. Vessels not to carry purse or shirred nets.
93. Action may be commenced by warrant.
94. Vessel to be seized and sold.
95. Penalty for resisting officers.
96. How sale conducted.
97. Proceedings to retain possession of vessel and property.
98. Fees and costs to be charged.

99. Real property devoted to stations for the prosecution of scientific and biological inquiries to be exempt from taxation.  
100. Repealer.

## II. GAME AND FISH.

101. Unlawful to attempt to hunt certain game except with gun or dog and gun.  
102. Unlawful to actually kill certain game except with gun or dog and gun.  
103. Open season for deer, &c.  
104. Two game districts established. Northern and southern.  
105. Open season for snipe, reed and rail birds.  
106. Open season for plover and dove.  
107. Taking, killing or injuring certain birds prohibited.  
108. Unlawful to rob or destroy eggs or nests of wild birds.  
109. Manner of hunting geese, duck, &c.  
110. Kind of boat, &c., to be used.  
111. Open season for geese, duck, &c.  
112. Unlawful to hunt game birds and animals except during the open season.  
113. Unlawful to have in possession or to sell, &c., certain birds and animals caught by traps, snares, &c.  
114. Unlawful to have in possession or to sell, &c., certain birds and animals except in the season specified.  
115. Unlawful to hunt on Sunday.  
116. Act not to prevent domestication of birds and animals, &c.  
117. Fishing except with rod and line prohibited. Proviso.  
118. Open season for bass-fishing.  
119. Open season for brook trout.  
120. Unlawful to kill, sell, &c., or have in possession black bass or trout under a certain size.  
121. Unlawful to use drugs or explosives to take or kill fish.  
122. Penalty for turning deleterious substances into the waters of the state.  
123. Unlawful to draw off waters for the purpose of taking fish.  
124. Set lines prohibited.  
125. Closed season for pickerel.  
126. Pickerel, pike, &c., not to be taken through the ice except by single line, &c.  
127. Angling in stocked waters prohibited within a certain time.  
128. Trespassing on private ponds or streams forbidden.  
129. Construction of term "waters of the state."  
130. Owners of lands and tenants not to allow certain contrivances in certain waters.  
131. Unlawful to remove from the state game or fish whose capture is prohibited, &c.  
132. Justices of the peace, &c., may try and punish violators.  
133. May issue warrant of arrest.  
134. Officers may arrest on view without warrant.  
135. Prevailing party to recover costs.  
136. Case may be adjourned.  
137. Either party may appeal.  
138. On appeal, papers sent to common pleas.  
139. Pleadings shall not be required.  
140. Wardens may serve process and receive fees therefor.  
141. No person excused from giving evidence on the ground that the evidence tends to convict such witness.  
142. Wardens may make searches on warrant.  
143. Persons using boats, vessels, &c., for taking fish unlawfully, to forfeit the same.  
144. Judgments against corporations may be docketed in the circuit court.  
145. Proceedings on Sunday to be no bar to prosecution.  
146. Mode of instituting proceedings.  
147. Upon second conviction, penalty to be doubled.  
148. Repealer.  
149. Owners of farms, &c., may permit the trapping of hare or rabbit by person under age of fifteen years.  
150. Repealer.  
151. Amended by section 154.  
152. Who authorized to arrest violators of act making it unlawful to catch mamnose or young sturgeon in Delaware river.  
153. Fines imposed, to whom paid.  
154. Unlawful to catch mamnose or young sturgeon in the Delaware river.  
155. Unlawful to use nets for catching fish above Trenton falls. Not to extend to shad and herring. Open season for shad and herring.  
156. Unlawful to use fyke nets, &c., above Trenton falls.  
157. When unlawful to catch fish, &c., in Delaware river.  
158. Unlawful to use fish baskets, &c., above Trenton falls.  
159. Unlawful to catch rock bass within two years.  
160. Unlawful to catch black bass, &c., in Delaware river between certain dates.  
161. Unlawful to catch black bass, &c., in Delaware river under a certain size.  
162. Construction of act.  
163. Fish commissioners, &c., authorized to destroy fish baskets, &c.  
164. To arrest persons violating act.  
165. Fines imposed, to whom paid.  
166. Repealer.  
167. Governor to transmit copy to governor of Pennsylvania.  
168. Unlawful to use fyke nets, &c., above Trenton falls.  
169. Fish baskets and other contrivances prohibited above Trenton falls.  
170. Unlawful to catch black bass, &c., in Delaware river under a certain size.  
171. Fish commissioner, &c., authorized to destroy fish baskets, &c.  
172. When act shall become operative.  
173. Time for fishing in private waters prescribed.  
174. Penalty.  
175. Repealer.  
176. When unlawful to anchor in dredging oysters in Delaware bay.  
177. Misdemeanor to throw any dredge into any gill net.  
178. Fish warden or sheriff to arrest persons violating act.  
179. Closed term for sturgeon.  
180. Repealer.  
181. When act shall take effect.  
182. Unlawful to place carp in any of the public or private waters of the state.  
183. How act to be enforced.  
184. Fish and game wardens to enforce it.  
185. Person aggrieved may proceed against offenders.  
186. Conviction shall not bar civil action.  
187. Act not to apply to private ponds.  
188. Repealer.  
189. Associations for protection of game and game fish. Formation, &c.  
190. Objects.  
191. May adopt a constitution, by-laws, &c.  
192. Penalty for catching or killing fish with medicated bait, &c.

## I. Fisheries.

## 1. 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

Preamble.

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,

1. [Superseded by Sec. 3, &c., *post.*]
2. [Superseded by Sec. 3, &c., *post.*]

Supplement.

P. L. 1894, p. 316.

Approved May 15, 1894.

[This act amended by Sec. 3, *post.*]

An act to amend an act entitled "A further supplement to an act entitled 'An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey,'" approved March seventeenth, one thousand eight hundred and seventy, which supplement was approved May fifteenth, one thousand eight hundred and ninety-four.

P. L. 1895, p. 440.

Approved March 22, 1895.

3. SEC. 1. That the act to which this is an amendment be amended so as to read as follows :

Title of the board of commissioners.

How their successors shall be appointed and vacancies filled.

Proviso.

Powers and duties of the board.

Board shall make annual report.

Board shall appoint wardens.

Wardens subject to summary removal.

Protector shall give bond.

4. SEC. 1. That the present commissioners of fisheries of this state and their successors shall hereafter be known and designated as "the board of fish and game commissioners ;" and that after the expiration of the terms of the respective members of the present board, said board shall be appointed by the governor of this state, with the advice and consent of the senate, and shall be constituted of four competent persons, who shall hold office for five years, and until their successors are duly appointed and qualified ; vacancies occurring by death, resignation or otherwise shall be filled in the same manner and for the unexpired term of the commissioner whose office shall become vacant ; *provided*, that no appointment shall be made by reason of which more than two of the said commissioners shall be of the same political party.

5. SEC. 2. That the duties of said board shall be the protection and propagation of fish, birds and game animals and the enforcement of the laws relating thereto, and for the propagation and distribution of food fish, and to keep up the supply thereof in the various waters of the state ; said board shall have the conduct and control of such hatching stations as are now owned and operated by the state and such as may hereafter be established, and shall have power to investigate any and all complaints made to the said board, and shall at all times have the right and power to inspect any dam, weir, fish basket, net or other illegal apparatus for taking fish, and forthwith to remove the same, and shall have power, on view or information, to enforce the laws for the protection and propagation of fish, birds and game animals within this state, by arrest and prosecution of the offender or offenders, without warrant or complaint, and shall make a full report to the legislature annually, at the meeting thereof, for the year ending on the thirtieth day of November preceding, of all their official operations, with such suggestions and recommendations as they shall deem useful.

6. SEC. 3. That the said board of fish and game commissioners shall appoint twenty-five competent men, who shall be known as fish and game wardens, whose powers and duties are hereinafter defined, and who shall hold office for one year, or during the pleasure of the said board, and who shall be subject to summary removal by the said board without notice ; the said board shall from time to time designate one of said wardens as the fish and game protector, who shall hold such office during the pleasure of the said board and who shall, under the supervision of this board, have the direction, supervision and control of the other fish and game wardens ; the fish and game protector shall give a bond to the said board with sureties in the penal sum of one thousand dollars, and each of said wardens shall give to said board a bond with sureties in the penal sum of five hun-

dred dollars, conditioned for the faithful discharge of his duties, such bond to be approved by the commissioners, and upon default an action thereon shall be brought in the name of the state; the compensation of the fish and game protector shall be one hundred dollars per month, payable monthly, and he shall be allowed for the expenses in the performance of his duties the sum of three hundred dollars per annum; the compensation of the said wardens shall be at the rate of fifty dollars per month each, payable monthly, and an allowance to each for expenses not exceeding two hundred dollars per annum; the payment of traveling and incidental expenses of said fish and game wardens shall be made upon the statement of the said fish and game protector, duly sworn to by him, that the charges for which payment is asked have been incurred in the discharge of official duties, and that the bill is true and correct; such bill so certified to by the said fish and game protector shall be approved of by the said board before payment.

Compensation of protector and wardens.

Expenses to be paid.

7. SEC. 4. That the fish and game wardens shall enforce all the laws of this state for the protection of fish, birds and game animals, and shall have full power to execute all processes issued for the violation of such laws, and to serve subpoenas issued for the examination, investigation or trial of all offenses against said laws; each fish and game warden shall keep a daily record of his official acts, and shall at the close of each month make a summary of such record with such statements in detail as shall be necessary for the information of the said board, and report the same to the said board; the fish and game protector shall report to the said board any negligence or dereliction of duty or incompetency on the part of any of the said wardens, with the facts relating thereto, and he shall report monthly to said board the operation of his department during the preceding month, and make such further report as may be required by the said board; it shall be the duty of every fish and game warden to seize, remove and forthwith destroy any net, pound or other device for taking fish found in or upon any of the waters of this state, or upon the shores or islands of such waters where fishing with nets is prohibited or illegal, and all such nets, pounds or other devices are declared to be a public nuisance, and may be abated and summarily destroyed by any fish or game warden, and no action for damages shall lie or be maintained against any fish and game warden for such seizure or destruction.

Powers and duties of protector and wardens.

8. SEC. 5. That the said board of fish and game commissioners and the fish and game wardens and the fish and game protector may, in the discharge of their duties, call in the aid of any constable, sheriff or other peace officer of this state when deemed necessary; and any such officer neglecting or refusing to aid when thus required, shall forfeit twenty-five dollars, to be recovered by action of debt; they shall also have the power of summary arrest in cases of flagrant violation of the fishing or the game laws of this state.

Constables and sheriffs to assist when required.

Penalty. May make summary arrests.

9. SEC. 6. That all acts and parts of acts inconsistent herewith and in conflict with this act, be and the same are hereby repealed.

Repealer.

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

Approved March 27, 1874.

P. L. 1874, p. 115.

10. 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

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

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.

Notice to parties to construct or rebuild fishways.

**11. 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.

Within what time parties to construct or repair fishways.

**12. 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 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.

On failure, commissioners may do the work.

#### Supplement.

Approved March 9, 1891.

P. L. 1891, p. 95.

Expense of constructing and repairing fishways in dams in Raritan river and tributaries to be paid in the first instance by state treasurer.

**13. SEC. 1.** That whenever it shall become proper, under the provisions of said act, for the fish commissioners of this state to construct, rebuild, remodel or repair any fishway in any dam in the river Raritan or its tributaries, the expense of such construction, rebuilding, remodeling or repairing shall be paid in the first instance by the treasurer of the state out of its funds, upon the warrant of the comptroller, on the requisition of the said commissioners.

Commissioners to collect and pay into the state treasury.

**14. SEC. 2.** That the said expense in each case, when collected by the said commissioners pursuant to the provisions of the said act or of this act, shall be paid by said commissioners into the treasury of this state.

#### 2. 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.

**15. 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 offense 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 offense 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.

Penalty.

Provisos.

Penalty, how recovered.

**16. 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.

3. DELAWARE RIVER.

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

Passed November 26, 1808.

Rev. 541.

[Secs. 1 and 2 repealed November 28th, 1822.]

R. S. 480.

17. 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)

Pool or fishing-place.

[Sec. 4 repealed November 28th, 1822.]

18. 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, 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. (b)

Weirs, racks, &c., unlawful.

Penalty.

19. 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 offense 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.

[Sec. 7 repealed by the act of January 20th, 1814.]

Rev. 569.

(a) This definition of a fishing-place necessarily applies to shore fisheries only. *Bennett v. Boggs, Bald. 60.*  
(b) The penalties are incurred by any person who uses a gill-

ing seine or drift net on the Delaware, unless he has the right of fishing on the opposite shore. *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. 56, Hackensack river. P. L. 1816, p. 113, Hackensack river; Id., p. 114, creeks in Salem county. P. L. 1819, p. 93, Cohansy 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; Id., 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, Cohansy 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. 183, 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. 159, 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. 1859, p. 321, Manasquan river. P. L. 1859, p. 178, Ryerson's pond; Id., p. 283, Manasquan river and Wreck pond; Id., p. 518, Cape May county. P. L. 1860, p. 491, Hun's pond; Id., p. 836, Lower township, Cape May county; Id., p. 186, Long pond or Greenwood lake; Id., p. 192, Passaic river, between Little Falls and Chatam. 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. 753, Bound, Maple island, Parson's, Woodruff and Wheeler's creeks in Union and Essex counties. P. L. 1867, p. 535, Mullica river. 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 Fatuxet creeks; Id., p. 1001, Cape May county. P. L. 1872, p. 32, Raritan and Sandy Hook bays. 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. P. L. 1879, p. 365, Atlantic county. P. L. 1882, p. 186, North and South Shrewsbury rivers, Sandy Hook and Raritan bays. P. L. 1884, p. 78, North and South Shrewsbury rivers, Sandy Hook and Raritan bays. P. L. 1894, p. 592, Hackensack river and counties of Bergen and Hudson.

Collector's duty.

**20. 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.

Penalty.

Rev. 569.

**21. SEC. 9.** [Repealed by act of January 20th, 1814.]

*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.

Sweep of the seines.

**22. 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 offense, 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.

Penalty for extending it.

*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.

**23. 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 willfully 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.

**24. 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.

[Sec. 13, repealer.]

[Adopted by Pennsylvania, February 23d, 1809.]

Supplement.

Passed November 28, 1822.

Har. 34.

R. S. 483.

Time for fishing prescribed.

Penalty.

Proviso.

**25. 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 offense; *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. 39, *post*.]

[Sec. 2 repealed March 22d, 1845.]

[Sec. 3 supplied February 15th, 1833.]

**26. 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 offense 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 offense, 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.

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

Bond to be filed in the office of the clerk.

Penalty for non-compliance.

**27. 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, then 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

Penalty for violating the provisions of the preceding section.

- offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offense.
- Who may use a gilling seine.** **28. 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. 41, *post.*]
- Proviso.** **29. 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 offense. [See Secs. 41 and 55, *post.*]
- Gilling seines, when and what kind may be used.** **30. 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 offenses or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions 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. 56, *post.*]
- Penalty for non-compliance.** **31. 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.
- Duty of constables.** **32. 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 offense.
- Their compensation.** **33. 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. 56, *post.*]
- Penalty for neglect of duty.**
- Offenders, how punished.**
- Duty of collectors.**

**34. 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.

**35. 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 offense shall have been committed, and the other half to the person who shall have seized and prosecuted the same. (b)

Additional penalties.

**36. 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 offense. (c)

Penalty for resisting.

**37. 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 offense shall be committed. [See Sec. 58, *post*.]

Penalties, how recovered and disposed of.

**38. SEC. 16.** [Repealer.]

*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.

Proviso.

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

Supplement.

Har. 477.

Passed February 15, 1833.

R. S. 487.

**39. 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 offense.

Penalty for fishing on Sunday.

**40. SEC. 2.** [Supplied by Sec. 1 of supplement of 1858, Sec. 51, *post*.]

(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) Seizure of fishing apparatus in virtue of this section, in the case of a persistent trespasser who disputes such seizure, is not adequate remedy at law which will preclude the interference of

the court of chancery by injunction. *Wilson v. Hill*, 1 Dick. 367.

(c) The penalties prescribed by the thirty-fifth and thirty-sixth sections are not repealed and supplied by the supplement of February 15th, 1833, *post*, Sec. 39. *Shoemaker ad. State*, Spen. 153.

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

**41. 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.

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

**42. 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.

Proviso.

Former acts repealed.

**43. 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.

Provisos.

Act to be sent to governor of Pennsylvania.

**44. 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 to the legislature of that state.

[Adopted by Pennsylvania, April 3d, 1837.]

P. L. 1845, p. 153.

#### Supplement.

Approved March 22, 1845.

R. S. 489.

Number of nets to be used within certain limits.

**45. SEC. 1.** That 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 Rancocas 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 offense; *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.

46. SEC. 2. [Repealer.]

47. SEC. 3. That 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 19th, 1846.]

Act, when to take effect.

#### Supplement.

Approved March 12, 1852.

P. L. 1852, p. 212.

48. SEC. 1. That 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 river; *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.

Fishing with gilling seines or drift nets.

49. 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.

Part of former act repealed.

50. 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.

Act not valid until concurred in by Pennsylvania.

[Adopted by Pennsylvania April 15th, 1852.]

#### Supplement.

Approved February 26, 1858.

P. L. 1858, p. 169.

51. SEC. 1. [Amended by Sec. 67, *post*.]

52. SEC. 2. That 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.

Act, when to take effect.

**53. 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.

P. L. 1871, p. 40.

Supplement.

Approved March 15, 1871.

Penalty for fishing with nets at certain seasons.

**54. SEC. 1.** [Amended by Sec. 68, *post.*]

**55. 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 offense. [See Sec. 62, *post.*]

Fish wardens to be appointed by the governor.

Duties of.

**56. 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 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 hereinafter 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 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; 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 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; *provided*, that in no case shall any special officer receive more than one hundred dollars for his services in any one year.

Powers of.

Term of office of.

Report to make.

Compensation of.

Proviso.

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.

**57. 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 Sec. 62, *post.*] (a)

(a) The state has the right, by legislation, to protect fish in rivers and streams not navigable. *Weller v. Snover*, 18 Vt. 341. A fish warden for a county has the right to enter on lands and

destroy a fish basket, constructed in violation of the statute, and the materials of which it is composed, so that it may not be again used, and such materials are forfeited to the state. *Id.*

58. 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.

Fines, how applied.

Expenses of commissioners to be paid.

59. SEC. 6. [Repealed by Sec. 61, *post.*]

60. 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.

Copy to be sent to governor of Pennsylvania.

Supplement.

Approved February 23, 1872.

P. L. 1872, p. 10.

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 fifteenth, 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,

Preamble.

61. SEC. 1. That the sixth section of said supplement, approved March fifteenth, eighteen hundred and seventy-one [see Sec. 59, *ante*], be and the same is hereby repealed.

Repealer of section 6 of supplement of 1871.

62. 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 Secs. 64 and 66, *post.*]

When supplement of 1871 to go into effect.

Proviso.

[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 offense."]

## Supplement.

Approved April 4, 1873.

P. L. 1873, p. 157.

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

**63. 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.

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

**64. 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-eighth, 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 and fifty-eight, in the tidal portions of the Delaware river and bay and their tributaries.

Amendment of supplement of 1858, § 1.

**65. 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. [See Sec. 67, *post*.]

## Supplement.

Approved March 27, 1874.

P. L. 1874, p. 114.

When the ten days' notice of supplement of 1872 not to be given.

**66. 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.

## Supplement.

Approved March 27, 1884.

P. L. 1884, p. 103.

Penalty for catching fish with net during certain periods.

**67. SEC. 1.** That section one of a supplement to said act, passed February twenty-sixth, one thousand eight hundred and fifty-eight [see Sec. 51, *ante*], be amended to read as follows:

[That if any person or persons shall cast, draw or otherwise make use of any seine or net 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, between the fifteenth day of June and the tenth day of August below the head of Trenton falls, and between the twentieth day of June and the tenth day of August above the head of Trenton falls, 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 offense.]

**68. SEC. 2.** That section one of a supplement to said act, passed March fifteenth, one thousand eight hundred and seventy-one [see Sec. 54, *ante*], be amended to read as follows:

Penalty for selling shad caught during certain periods.

[That hereafter no person shall, within this state, have in his possession, or expose to sale, any shad caught in the river Delaware, or any of its tributaries, within the jurisdiction of this state, between the sixteenth day of June and the tenth day of August below the head of Trenton falls, and the twenty-first day of June and the tenth day of August above the head of Trenton falls, 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 offense 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 any one or more 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 purposes of the natural or artificial propagation of the same ; nothing in this act shall be construed to impair any actions at law or suits pending prior to the passage of this act.]

Supplement.

Approved April 17, 1884. P. L. 1884. p. 198.

69. SEC. 1. That from and after the passage of this act no person shall, by boat, anchor, dredge or otherwise, interfere with, break, damage or destroy any drift net or gilling seine lawfully used for the purpose of taking shad in the Delaware bay within the jurisdiction of this state, above a direct line from Arnold's point to Ship John light, between the fifteenth day of March and the first day of May in any year, under a penalty of fifty dollars for each and every offense, with costs of suit, and shall pay the amount of damage done to such seine or net, all to be recovered by an action of trespass or debt by the party or parties aggrieved ; *provided,* that if any such person shall prove any such interference, breaking, damage or destruction has been done accidentally upon waters or grounds where such person had prior right of occupancy, then no such penalty shall be imposed.

Penalty for destroying or damaging shad nets.

Proviso.

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

Passed February 15, 1819.

Rev. 659.

R. S. 490.

Preamble.

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,

70. 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 offense 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.

Bounds of fishery.

Penalty for trespass.

When to be in force.

## 4. 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.  
E. S. 491.  
Fishing, &c.,  
regulated.

Passed March 5, 1828.

Proviso.

**71. 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.

Penalty for violating this act.

**72. 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 offense, 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.

Liable to indictment.

## Supplement.

Approved April 20, 1876.

P. L. 1876, p. 233.

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

**73. 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.

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

**74. SEC. 2.** That inasmuch [as] 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.

Impediment to navigation, how determined.

**75. SEC. 3.** That the said 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.

Expenses, how paid.

**76. 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.

## 5. BARNEGAT BAY.

An act to regulate fishing with seines in Barnegat bay.

P. L. 1842, p. 53.  
Certain description of seines not to be used.

Passed February 17, 1842.

**77. SEC. 1.** That no person or persons shall hereafter fish within the waters of Barnegat bay, or any of the rivers, coves, or other tributary waters thereof north of Barnegat inlet, with any seine or seines, net or nets, the whole length of which, either singly or attached together, shall exceed one hundred and forty fathoms, and the ropes whereof attached to each wing, shall not exceed in length three hundred fathoms; and that no person or persons shall set any seine or seines, net or nets, fyke or fykes in the aforesaid waters, the whole length of which, either singly or attached

together, shall exceed twenty fathoms ; and if any person or persons shall do so, whether any fish be taken or not, the captain of such seine or seines, net or nets, fyke or fykes so hauled, fished with or set, in any of the waters aforesaid, shall, for every such offense, forfeit and pay one hundred dollars ; and every person or persons aiding or assisting therein, shall, for every such offense, forfeit and pay fifty dollars each, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state, having cognizance of that sum ; one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offense shall have been committed.

Penalty.

**78. SEC. 2.** That any person or persons violating the aforesaid section, or refusing to have his or their seines, ropes, nets and fykes measured by any person or persons wishing to measure the same, shall forfeit his boat, flat, scow or other vessel used or employed in the commission of such offense, with all the fish, seines, ropes, nets, fykes, tackle and furniture belonging to the same.

Penalty in case of refusal to have seines measured.

**79. SEC. 3.** That it shall be the duty of the sheriff and constables of the county in which such offense shall have been committed, and may be lawful for any other person or persons, to seize and secure any boat, flat, scow or other vessel, and all seines, ropes, nets, fykes, tackle and furniture, as aforesaid, and immediately thereupon give information thereof to two justices of the peace, of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place, as they shall appoint for the trial thereof, and hear and determine the same ; 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 such sale to the collector of the county in which such offense shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Proceedings in case of seizure of boats, seines, &amp;c.

**80. SEC. 4.** That if any person or persons on board of, or belonging to any such boat, flat, scow or any other vessel as aforesaid, or belonging to any such seine, net or fyke shall refuse, and not suffer to enter, or resist after entering or before entering the same, any of the aforesaid officers, or any other person or persons seizing the same, or otherwise resist them, or any of them, in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of fifty dollars, to be recovered and applied in manner directed by the first section of this act.

Penalty in case of resistance of officers.

## Supplement.

Approved April 21, 1876.

P. L. 1876, p. 515.

**81. SEC. 1.** [Amended by Sec. 87, *post*.]  
**82. SEC. 2.** That it shall not be lawful for any person or persons to set or use any gill net or gill nets, or other stationary device for the purpose of taking fish from the aforesaid waters, between the first day of November and the first day of June, yearly and every year, nor during the remainder of the year, between the hours of seven o'clock in the morning and six o'clock in the evening of each day. (a)

Use of gill nets prohibited during certain seasons and hours.

**83. SEC. 3.** That it shall not be lawful for any person or persons to haul any seine or other moving net, for the purpose of taking fish from that portion of said Barnegat bay lying between "Sea Weed" point and Cedar creek, between the first day of July and the first day of September yearly and every year. (a)

Hauling any seine, when prohibited.

**84. SEC. 4.** That if any person or persons shall violate any of the provisions of this act he or they shall, for each and every offense, forfeit and pay one hundred dollars, with costs of suit, to be recovered by action of debt, by any person who shall prosecute for the same, in any court having cognizance of that sum, one-half thereof to the use of the prosecutor, and the other half to the county collector for the use of the county.

Penalty.

(a) Sections 2 and 3 were amended by P. L. 1893, p. 39, but the amendatory act was repealed by P. L. 1894, p. 30.

Additional  
penalty.

**85. SEC. 5.** That as an additional penalty all boats or vessels, together with the fykes, pounds, gill nets, seines and other implements employed or used in the violation of this act, shall be forfeited by the owners thereof, and may be seized in such act of violation and sold, the proceeds of such sale, after deducting the costs and expenses, to be applied as above.

Repealer.

**86. SEC. 6.** That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect on the first day of June next.

**A fur her supplement to an act entitled "A supplement to an act entitled 'An act to regulate fishing with seines in Barnegat bay, passed February seventeenth, one thousand eight hundred and forty-two,' which supplement was approved April twenty-first, one thousand eight hundred and seventy-six."**

P. L. 1894, p. 290.

Approved May 14, 1894.

**87. SEC. 1.** That section one of an act entitled "A supplement to an act entitled 'An act to regulate fishing with seines in Barnegat bay, passed February seventeenth, one thousand eight hundred and forty-two,' which supplement was approved April twenty-first, one thousand eight hundred and seventy-six" [Sec. 81, *ante*], be amended so as to read as follows :

Closed season for  
fishing with nets,  
&c.

[That from and after the passage of this act it shall not be lawful for any person or persons to set, haul or use within the tide-waters of Barnegat bay, or any of the rivers, coves or other tributary waters thereof, any net or nets, fyke or fykes, pound or pounds, weir or weirs for the purpose of taking fish therefrom, during the months of May, June, July, August, September and October of each year; *provided*, that nothing herein contained shall prevent the setting or using of fykes during the months of November, December, January, February, March and April of each year hereafter; *provided, further*, that it shall not be lawful for any person or persons to set or use within the tide-waters of Barnegat bay or any of the rivers, coves or other tributary waters as aforesaid, any pound or pounds, weir or weirs for the purpose of taking fish therefrom; *and provided, further*, that it shall be unlawful for any person or persons to use for fishing a net or nets of less than three-inch mesh.]

Proviso.

Proviso.

Proviso.

Closed season for  
fishing with  
seines, &c.

**88. SEC. 2.** That it shall not be lawful for any person or persons to haul or use any seine or other moving net for the purpose of taking fish from the waters of said Barnegat bay during the months of May, June, July, August, September and October of any year; nor shall it be lawful to use any seine or other net for fishing in the waters of said bay, composed in any of its parts of meshes of less size than three inches; *provided*, that it shall and may be lawful to haul seines in the several tributary rivers, creeks, streams and coves of said bay, and in that portion of the bay proper which lies within the present limits of the township of Brick, for the purpose of taking herring therefrom, during the months of March, April, May and June, yearly and every year, the smallest meshes of which shall not be less than two inches in size.

Size of meshes.

Proviso.

Repealer.

**89. SEC. 3.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

#### 6. MISCELLANEOUS.

**An act extending the charters of the owners of certain fisheries.**

P. L. 1879, p. 209.

Approved March 14, 1879.

Certain fishery  
charters extended  
for twenty years.

**90. SEC. 1.** That all acts for the incorporation of the owners of certain fisheries in any township of this state which, according to the terms of their several charters and the amendments thereto, shall expire during this current year, be and the same are hereby continued and extended for and during the term of twenty years from and after the times in their charters limited for their continuance.

**An act to prohibit fishing by steam and other vessels with shirred or purse seines in any of the waters within the jurisdiction of the state of New Jersey.**

Approved April 8, 1884. P. L. 1884. p. 135.

**91. SEC. 1.** That it shall not be lawful for any person with steam vessels to take with purse or shirred nets, any menhaden, porgies, herring, or other fish, in any waters within the jurisdiction of this state, including the waters of the Atlantic ocean within three nautical miles of the coast line of said state, either on his own account and benefit or on account and benefit of his employer; and every person who shall offend herein shall forfeit and pay two hundred dollars, to be recovered and applied in the manner hereinafter directed by section four of this act, and the said steam or other vessel used and employed in the commission of such offense, with all the fish, tackle, furniture and apparel, shall be forfeited, and the same seized, secured and disposed of in the manner hereinafter prescribed.

Fishing with steam vessels on the coast prohibited.

Penalty.

**92. SEC. 2.** That no steam vessel found in any of the waters within the jurisdiction of this state, including the waters of the Atlantic ocean within three nautical miles of the coast line thereof, shall have on board of the same any purse or shirred nets, or seine or seines, with the necessary instruments and appliances for catching any of the fish mentioned in the first section of this act; and the master or owner or owners of every such steamer or other vessel that shall have on board the same any such nets, instruments or appliances named in this section shall forfeit the sum of one hundred dollars, to be recovered in the manner and for the use mentioned in section four of this act; and said vessel, with all of the rigging, furniture and appliances attached to the same, shall be liable to be seized, condemned and disposed of in the manner directed in the said last-named section.

Vessels not to carry purse or shirred nets.

Penalty.

**93. SEC. 3.** That any action under the first and second sections of this act may be commenced by warrant in the court for the trial of small causes and be proceeded in as in other cases when the same are commenced by warrant; any law, usage or custom to the contrary notwithstanding.

Action may be commenced by warrant.

**94. SEC. 4.** That it shall be the duty of all sheriffs and constables and may be lawful for any other person or persons, to seize and secure any such steam vessel as aforesaid, and immediately thereupon give information thereof to two justices of the peace of the county where such vessel shall be held and secured, who are hereby empowered and required to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same, having first given notice of the time and place so appointed by notice in writing, over their hands, set up in at least three public places within the township where the said vessel is held, at least five days prior thereto, and also served at least five days previously upon the owner or master of said vessel, if he can be found within the county; 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, and paying the penalty provided for by the first section of this act, shall pay over the remainder of the proceeds of such sale to the owner or claimant of such steam vessel so seized as aforesaid; one-half of said penalty shall go to the person or persons making the seizure, and the remainder shall be paid to the treasurer of this state for the use of this state.

Vessel to be seized.

Trial.

To be sold if condemned, &c.

**95. SEC. 5.** That if any person or persons on such vessel aforesaid shall refuse and not suffer to enter the same, or resist, before or after entering, any of the said officers, or other person or persons seizing the same, or otherwise resist them, or any of them, in the lawful seizing of the same, then every person so offending shall forfeit and pay the sum of fifty dollars, to be recovered and applied in the manner hereinbefore directed.

Penalty for resisting officers.

**96. SEC. 6.** That the sale and disposition of the property seized and condemned, as provided for in this act, shall be conducted in the same manner and upon the same notice as prescribed for the sale of personal property seized under execution issued under the act of the legislature of

How sale to be conducted.

this state entitled "An act constituting courts for the trial of small causes ;" and all fish and property of a perishable nature found in and upon said vessel shall be sold under the order of said two justices, by giving one day's notice of the time and place of such sale, by setting up advertisements thereof in three public places in the township where such property shall be held, and the proceeds thereof applied in the same manner as hereinbefore provided.

Proceedings to retain possession of vessel and property.

**97. SEC. 7.** That if any owner or claimant of said vessel or vessels and property seized as hereinbefore provided for, shall desire to retain possession of the said property so seized, the owner or claimant of such property shall notify the officer or officers before whom the case is being prosecuted, in writing, and request that the property so seized shall be appraised ; and the said officers shall be and they are hereby required to prepare a true statement of all property coming into [his] hands under the provisions of this act ; and upon such request of said owner or claimant, three disinterested men shall be appointed, one by the officers, one by the claimant and one by the joint action of the two appraisers, who shall appraise said vessel and property, the same to be surrendered to said claimant on his giving bonds for the amount of such appraisal, with good and sufficient security for the same, and the payment of all fines, costs and expenses connected with such seizure and prosecution, otherwise the said vessel or vessels and apparatus to be held as security until all of said expenses incurred are fully paid ; and in case of failure on the part of said claimant to comply with the provisions of this section, said property shall be sold as provided for in section four of this act.

Fees and costs to be charged.

**98. SEC. 8.** That the fees and costs and charges under this act shall be as follows : to the two justices, for all services thereunder, five dollars each ; to the person making the seizure or watchman placed in charge of said vessel, two dollars for each day and two dollars for each night that services shall be actually rendered ; to the person putting up the advertisements or notices or serving the same, fifty cents for each notice posted or served ; for all other services, the same fees that are paid in justices' courts for similar services.

**An act providing for the establishment in the state of New Jersey of fish and shell-fish cultural and biological stations.**

P. L. 1891, p. 325.

Approved April 4, 1891.

Preamble.

WHEREAS, Provided there shall be established within the state of New Jersey, fish and shell-fish cultural and biological stations, with such laboratory facilities of a scientific and biological character as will enable investigators to prosecute the necessary scientific and biological inquiries in connection therewith ; therefore, be it enacted,

All real property devoted to stations for the prosecution of scientific and biological inquiries shall be exempt from taxation.

**99. SEC. 1.** That all the real property devoted to such purposes shall be exempt from taxation, and that, furthermore, the authorities in charge of such stations shall have the right to fish unmolested, in any of the public waters of this state with dredging apparatus, seines, nets, trawls, surface trawls, et cetera, for the sole purpose of obtaining the materials needed in prosecuting the purposes and necessary investigations in the direction of the scientific objects for which such stations are or may be established.

Repealer.

**100. SEC. 2.** That all existing laws in conflict with the provisions of this act be and are hereby repealed.

**II. Game and fish.**

**An act for the protection of certain kinds of birds, game and fish, and to provide a procedure to recover penalties for the violation hereof.**

P. L. 1895, p. 474.

Approved March 22, 1895.

Unlawful to attempt to hunt certain game, except with gun or dog and gun.

**101. SEC. 1.** That it shall be unlawful for any person or persons at any time, either on their own property or that of others, to pursue with intent to kill or injure, or in any manner to attempt to take or injure, any hare

or rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), European pheasant, European partridge, European grouse, wild deer, buck, doe or fawn, gray snipe (frequently called English or Wilson snipe), duck, brant, goose, dove, swan, gray, black or fox squirrel, woodcock, reed bird, rail bird, marsh hen, grass or upland plover, or other game bird or game animal, excepting in the manner usually known as hunting with gun or with dog and gun, the gun being such as may be held at arm's length and fired from the shoulder without other rests, and at such times as may be permitted in this act, under a penalty of fifty dollars.

**102. SEC. 2.** That it shall be unlawful for any person or persons at any time to capture, kill, destroy or injure any of the birds or other animals enumerated in the first section of this act, excepting in the manner usually known as hunting with gun or with dog and gun, said gun being such as may be held at arm's length and fired from the shoulder without other rests, and at such times as may be permitted in this act, under a penalty of twenty dollars for each bird or other animal captured, killed or injured or destroyed.

**103. SEC. 3.** That it shall be unlawful to take, kill, injure or destroy or have unlawfully in possession any wild deer, buck, doe or fawn, excepting only between the twenty-fifth day of October and the fifth day of November, inclusive, in each and every year, under a penalty of one hundred dollars for each and every wild deer, buck, doe or fawn so taken, killed, injured or had unlawfully in possession.

**104. SEC. 4.** That for the purposes of this section there shall be two game districts in this state, to be known as the "northern game district" and the "southern game district;" the northern game district shall comprise the counties of Sussex, Warren, Hunterdon, Somerset, Morris, Passaic, Bergen, Hudson, Essex, Union, Middlesex and Mercer; the southern game district shall comprise all the other counties of this state; it shall be unlawful to capture, kill or injure, or have unlawfully in possession, any hare, rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), gray, black or fox squirrel, European pheasant, European partridge, European grouse, or woodcock, in the northern game district except only between the twenty-fifth day of October and the tenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird or other animal enumerated so captured, killed, injured or had unlawfully in possession; it shall be unlawful to capture, kill or injure or have unlawfully in possession, any hare, rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), gray, black or fox squirrel, European pheasant, European partridge, European grouse, or woodcock, in the southern game district except only between the fifteenth day of November and the first day of January, inclusive, in each and every year, under a penalty of twenty dollars for each bird or other animal enumerated so captured, killed, injured or had unlawfully in possession.

**105. SEC. 5.** That it shall be unlawful to capture, kill, injure or have unlawfully in possession any gray snipe (commonly called English or Wilson snipe), except only during the months of March and April and also between the thirty-first day of August and the fifteenth day of December, inclusive, in each and every year, and reed bird, rail bird or marsh hen, excepting only between the twenty-fifth day of August and the fifteenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird so captured, killed, injured or had unlawfully in possession.

**106. SEC. 6.** That it shall be unlawful to capture, kill, injure or have unlawfully in possession any grass or upland plover or dove, excepting only between the first day of November and the fifteenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird so captured, killed, injured or had unlawfully in possession.

Penalty.

Unlawful to capture, kill, destroy or injure the same, except in the manner specified.

Penalty.

Open season for wild deer, &amp;c.

Penalty.

Boundaries of northern and southern districts defined.

Open season in northern district.

Penalty.

Open season in southern district.

Penalty.

Open season for snipe, reed and rail birds.

Penalty.

Open season for plover and dove.

Penalty.

Taking, killing or injuring certain insectivorous birds prohibited.	<b>107. SEC. 7.</b> That it shall be unlawful to capture, kill or injure or have in possession after the same have been captured, killed or injured, any night hawk, whip-poor-will, thrush, meadow lark, finch, martin, barn swallow, woodpecker, robin, oriole, red or cardinal bird, cedar bird, tanager or other insectivorous bird, under a penalty of twenty dollars for every bird so captured, killed, injured or had in possession; <i>provided</i> , that nothing in this section shall be so construed as to prevent the taking or killing of English sparrows, cranes, hawks, crows, ravens, crow blackbirds, kingfishers or red-winged black birds.
Penalty. Proviso.	
Unlawful to rob or destroy eggs or nests of any wild birds.	<b>108. SEC. 8.</b> That it shall be unlawful to rob or destroy the eggs or nests of any wild bird whatever, under a penalty of twenty dollars for each and every nest so robbed or destroyed.
Penalty.	
Manner of hunting geese, duck, &c.	<b>109. SEC. 9.</b> That it shall be unlawful for any person or persons hunting or gunning after geese, duck or brant or other web-footed wild fowl to place the boat or sink-box or other floating vessel in which he lies in wait to kill said geese, duck, brant or other web-footed wild fowl at a distance of more than one hundred feet from ice or from marsh or meadow, bar or bank or heaped seaweed not covered with water at high tide, the said boat or other floating vessel to be attached to said marsh or meadow by a line; and it shall be unlawful for any person or persons, with intent to capture or kill geese, duck, brant or other web-footed wild fowl, to hunt after or pursue them in any manner excepting between one hour before sunrise and one hour after sunset, and every person or persons offending against the provisions of this section shall for each and every offense forfeit and pay the sum of twenty-five dollars.
Penalty.	
Kind of boat to be used, &c.	<b>110. SEC. 10.</b> That it shall be unlawful for any person or persons to pursue any goose, brant, duck or other web-footed wild fowl with, or to shoot or shoot at the same from any boat or vessel propelled by any means excepting oars or paddles, or from any boat, vessel or similar structure anchored and staked upon the waters of this state at a greater distance than one hundred feet from ice, marsh or meadow, bar or bank or heaped seaweed, not covered with water at high tide, under a penalty of twenty dollars for each and every offense.
Penalty.	
Open season for web-footed wild fowl.	<b>111. SEC. 11.</b> That it shall be unlawful to catch, kill or injure, or to have unlawfully in possession after the same has been caught, killed or injured, any goose, duck, brant or other web-footed wild fowl, excepting only between the thirtieth day of September and the first day of May, inclusive, in each and every year, under a penalty of twenty dollars for every goose, duck, brant, or other web-footed wild fowls caught, killed, injured or had unlawfully in possession.
Penalty.	
Unlawful for any person at any place to kill, injure or destroy birds or animals except at times specified.	<b>112. SEC. 12.</b> That it shall be unlawful for any person or persons to capture, kill, injure or destroy or pursue with such intent any of the game birds or other animals enumerated in this act on his or her own property or on the property of any other person or persons, excepting during the season and at such times and in such manner as provided in this act, and any person or persons so doing shall be liable to the penalties provided for by said act in violation thereof.
Unlawful to have in possession or to sell or offer for sale certain birds or animals caught by traps, snares, &c.	<b>113. SEC. 13.</b> That it shall be unlawful to have in possession, sell or offer for sale any rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), English pheasant, English partridge, English grouse, woodcock, reed bird, rail bird, grass or upland plover, marsh hen, duck, or any other of the game birds or animals herein enumerated, after the same has been caught or trapped by means of any snare, snood, net, trap or device of any description whatsoever, under a penalty of twenty dollars for each and every bird and other animal so had unlawfully in possession, sold or exposed for sale.
Penalty.	
Unlawful to have in possession, sell or offer for sale certain birds or animals except in the season specified.	<b>114. SEC. 14.</b> That it shall be unlawful to have in possession, sell, offer or expose for sale any of the game birds or animals herein enumerated, excepting only in the seasons hereinbefore provided during which said game birds or animals may be lawfully hunted and killed, and within ten days thereafter, under penalty of twenty dollars for each and every bird or other animal enumerated so had unlawfully in possession, sold, offered or exposed for sale.
Penalty.	

- 115. SEC. 15.** That it shall be unlawful to hunt with a gun, or with a dog, or with any firearms or weapons, or to carry a gun in the fields or in the woods on the Sabbath day (commonly called Sunday), under a penalty of twenty dollars for each and every offense. Unlawful to hunt on Sunday.  
Penalty.
- 116. SEC. 16.** That nothing in this act shall be construed to prevent associations or individuals from domesticating or bringing into this state any animals or birds for the purpose of propagating the same, or keeping same until a seasonable opportunity offers for their release. Act not to prevent domestication of birds or animals or their propagation.
- 117. SEC. 17.** That it shall be unlawful for any person or persons at any time to take or attempt to take any fish from the waters, excepting the tide-waters, of this state by any means or any contrivance whatsoever, excepting hook, rod and line used in the manner commonly known as angling, under a penalty of fifty dollars for each offense; *provided, however,* that this provision shall not apply to the catching of eels by means of a wicker eel basket or pot and eel weir between the fifteenth day of September and the first day of November, said weir to be so constructed as not to prevent the migration of fish during the closed season, nor to the spearing of eels, suckers and carp, the taking of minnows for bait with a seine not over twenty-five feet in length during the whole year; *provided,* that the young of trout, pickerel, bass and pike are not injured thereby, and the taking of fish under the direction of the fish commission of this state; *provided,* that this section shall not apply to any salt or brackish waters of this state. Fishing, except with rod and line, prohibited.  
Penalty.  
Proviso.  
  
Proviso.  
  
Proviso.
- 118. SEC. 18.** That it shall be unlawful to catch, kill, take or have in possession any black bass, Oswego bass, except only between and including the thirtieth day of May and the first day of December in any year, under a penalty of twenty dollars for each fish so caught, killed, taken or had unlawfully in possession. Open season for bass-fishing.  
Penalty.
- 119. SEC. 19.** That it shall be unlawful to catch, kill, take or have in possession any brook trout, excepting only between and including the first day of April and the fifteenth day of July in each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had unlawfully in possession. Open season for brook trout.  
Penalty.
- 120. SEC. 20.** That it shall be unlawful for any person or persons at any time to kill, sell, expose for sale or have in possession any black bass measuring less than nine inches in length, or any trout measuring less than six inches in length, except for the use of stocking waters of this state therewith, and on license, in writing, first obtained for that purpose, under the hand and seal of the fish and game commissioners of this state, under a penalty of twenty dollars for each fish so killed, sold, exposed for sale or had unlawfully in possession. Unlawful to kill, sell or offer to sell or to have in possession black bass or trout less than a certain size.  
Exception.  
Penalty.
- 121. SEC. 21.** That it shall be unlawful to place in any pond, lake, river, stream or in any of the waters of this state any dynamite, giant or electric powder or any explosive substance whatever, or any drug or medicated bait, for the purpose of taking or killing fish, under a penalty of not less than one hundred dollars nor more than five hundred dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom said conviction is had. Unlawful to use explosives or drugs to take or kill fish.  
Penalty.
- 122. SEC. 22.** That no person or persons, company, corporation or association shall allow any dye stuff, coal tar, sawdust, shavings, tanbark, lime, refuse from gas-houses or other deleterious or poisonous substance to be turned or allowed to run into any of the waters of this state in quantities destructive of the life of or disturbing the habits of fish inhabiting the same, under a penalty of not less than one hundred dollars or more than five hundred dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom such conviction is had. Penalty for turning deleterious substances into the waters of the state.  
Penalty.
- 123. SEC. 23.** That it shall be unlawful to shut off or draw off the water of any pond, stream or lake in this state for the purpose of taking, capturing or killing the fish therein, under a penalty of not less than twenty-five dollars nor more than two hundred and fifty dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom such conviction is had. Unlawful to take fish by drawing off the water of ponds, &c.  
Penalty.

Set lines prohibited except under personal supervision.

Penalty.

Closed season for pickerel.

Penalty.

How pickerel, pike and perch may be taken through the ice.

Penalty.

Angling in stocked waters prohibited within a certain time specified.

Penalty.

Proviso

Trespassing on private ponds or streams forbidden.

Penalty.

Construction of the term "waters of the state."

Proviso.

What shall be considered as private waters.

Erection or maintenance of unlawful contrivances prohibited.

Setting of fykes or drawing of nets in boundary streams prohibited.

Penalty.

Removal from the state of prohibited game unlawful.

Proviso.

**124. SEC. 24.** That it shall be unlawful to put, place, use or maintain in any of the fresh waters of this state inhabited by pickerel, black bass, perch or trout, any set line or set lines, or to put or use in such waters any line or lines not under the constant and immediate supervision of the person so placing or using such line or lines, under a penalty of twenty-five dollars for each offense.

**125. SEC. 25.** That it shall be unlawful to catch, kill, take or have in possession any pickerel, between the twentieth day of February and the first day of May in any year, under a penalty of ten dollars for each fish so caught, killed, taken or had unlawfully in possession.

**126. SEC. 26.** That it shall be unlawful to take, or attempt to take, pickerel, pike or perch through the ice, excepting below the tide-waters of this state, except by the use of a single line or single lines, with a single hook on said line or on each of said lines, under a penalty of twenty dollars.

**127. SEC. 27.** That it shall be unlawful to take or catch with hook, line and rod or with spoon and scroll in the manner usually known as angling or trolling, or in any other manner, from any lake, pond or stream any fish of the kind with which such lake, pond or stream of this state is or may hereafter be first or originally stocked by the fish and game commissioners of this state, or by private individuals, for three years from the time such stock fish are introduced into such lake, pond or stream, under a penalty of twenty-five dollars for each fish so caught or taken; *provided, however,* the fish and game commissioners shall have posted at least ten notices to such effect at equal distances, as near as may be, on the banks or shores of such waters.

**128. SEC. 28.** That it shall be unlawful for any person or persons to enter or trespass on any land for the purpose of taking fish from any private pond, stream or spring after the owner, lessee or rightful occupant of such lake, pond, stream or spring, shall have posted or caused to be posted in prominent places on such land, adjacent to such pond, stream or spring at least ten legibly-written or printed notices forbidding such trespassing on said land, for the purpose of taking fish from such pond, stream or spring, under a penalty of twenty-five dollars for each and every such offense.

**129. SEC. 29.** That the term "waters of this state," for the purposes of this act, shall be construed to mean all waters within this state where the tide does not ebb and flow; *provided,* that all waters under the exclusive control of individuals or associations, created and stocked exclusively at the expense of such individuals or associations, and not runways for migratory fish shall be considered private waters and be exempt from the provisions of this act, as far as such individual and the members of such association shall be concerned.

**130. SEC. 30.** That it shall be unlawful for any owner, lessee or tenant of any property knowingly to permit the erection or maintenance on his, her or their property of any of the contrivances for the unlawful taking of game and fish prohibited by the provisions of this act, or to permit the setting of a fyke or other net or the drawing of any net whatsoever from the banks of any stream which may form a boundary line for said property, under a penalty of twenty-five dollars for each offense, and it is hereby made the duty of such owner, lessee or tenant to immediately destroy any and all such unlawful contrivances.

**131. SEC. 31.** That it shall be unlawful at all times to remove or attempt to remove from this state any of the birds, game or fish whose capture is prohibited or for which a close season is provided by any provision of this act; *provided, however,* that this section shall not apply to birds, game or fish in possession of the person who may have lawfully captured the same during such periods as the provisions of this act make lawful for such capture, and that such removal shall not take place excepting within such periods; and provided that this act shall not apply to common carriers carrying from beyond the confines of this state in unbroken packages to some other point beyond the confines of this state any such birds, game or fish; any person, persons or corporation found guilty of a violation of

this section shall be punished by a fine of twenty dollars for each bird, game or fish so removed or attempted to be removed.

Penalty.

**132. SEC. 32.** That hereafter justices of the peace, district courts and police magistrates shall have jurisdiction to try and punish any person or persons accused of violating any of the provisions of this act, and all the different penalties in this act prescribed for violation thereof may be enforced and recovered before any justice of the peace, district court or police magistrate, either in the county where the offense is committed or where the offender is first apprehended or where he may reside.

Justices of the peace, district courts and police magistrates empowered to try and punish offenders.

**133. SEC. 33.** That such justice of the peace, district court or police magistrate, upon receiving proof by affidavit or affidavits of one or more persons of the violation of any of the provisions of this act, is hereby authorized and required, unless the accused is then before him, to issue a warrant, under the hand and seal of said justice or police magistrate, or under the seal of such district court, as the case may be, directed to any constable, police officer, fish and game warden of the county, or the fish and game protector of the state, to cause such person or persons to be arrested and brought before such justice, district court or police magistrate, and shall thereupon, in a summary way, hear and determine the guilt or innocence of the person or persons so charged, and upon conviction of any such person or persons upon such hearing, the said justice, district court or police magistrate is hereby authorized and required to impose upon the offender or offenders so convicted, the penalty or penalties prescribed, together with the costs of prosecution for such offense, and if any person or persons shall fail to pay the penalty or penalties so imposed, together with the costs of prosecution, the said justice, district court or police magistrate is hereby authorized and required to commit such offender to the common jail of the county for a period of not more than ninety days, or until said penalty and costs are paid.

May issue warrants for arrest.

May proceed summarily.

Required to impose penalty on conviction.

Delinquents may be committed to jail.

**134. SEC. 34.** That for the violation of any of the sections of this act done in view of any constable, police officer, fish and game warden or game and fish protector or any officer or detective of any incorporated game protective society such officer is hereby authorized, without warrant, to arrest the offender or offenders, and to carry him or them before a justice of the peace, police magistrate or district court of the county wherein such arrest is made; and the justice, district court or police magistrate before whom such offender shall be taken shall have jurisdiction of the case, and is hereby authorized and required summarily to hear and determine the same after receiving from the said officer an affidavit in writing of the commission of the offense for which the person or persons was or were arrested.

Officers authorized to make arrests on view, without warrant.

**135. SEC. 35.** That in all actions commenced for violation of this act, the prevailing party shall recover costs against the other; the same fees and costs shall be allowed therein as in trial before justice of the peace holding court for the trial of small causes.

Prevailing party shall recover costs.

**136. SEC. 36.** That any case begun under this act may be for good cause shown adjourned by the justice, district court or police magistrate not exceeding thirty days from date of arrest of the defendant, but in such case it shall be the duty of the justice, district court or police magistrate to retain the defendant in custody, unless he shall enter into bond unto the person making the complaint with at least one sufficient surety in double the amount of the penalty prescribed for the offense complained of, conditioned for his appearance at the adjourned day of trial, and thence from day to day until the case is disposed of, and then to abide by the judgment of the justice, district court or police magistrate, or otherwise to demand and perfect an appeal to the court of common pleas of the county within ten days after rendering final judgment; and such bond, if forfeited, may be prosecuted in the name of the person making the complaint in any court of competent jurisdiction; all sums of money recovered for the violation of this act or the forfeiture of such bonds shall be paid, one-third to the person making the complaint, one-third to the game and fish commissioners and one-third to the person or persons furnishing the evidence necessary to secure conviction.

Cases may be adjourned.

Defendant shall give bond for appearance.

How forfeitures shall be disposed of.

Either party  
may appeal.

Proviso.

In cases of ap-  
peal, papers shall  
be sent to com-  
mon pleas.

Notice of new  
evidence not re-  
quired.

Pleadings shall  
not be required.

Protector and  
wardens may  
serve process and  
receive fees  
therefor.

No person ex-  
cused from giving  
evidence on  
ground that the  
evidence tends  
to convict him.

Protectors and  
wardens may  
make searches  
on warrant.

Magistrates shall  
issue warrant on  
complaint.

Persons in whose  
possession fish or  
game may be  
unlawfully found  
may be arrested.

**137. SEC. 37.** That any party to any proceeding instituted under this act may appeal from the judgment or sentence of the justice, district court or police magistrate to the court of common pleas of the county in which the said trial shall take place; *provided*, that the party appealing shall, within ten days from the rendering of judgment, serve a written notice of appeal upon the person making the complaint and pay the costs adjudged against him, and deliver to the justice, district court or police magistrate a bond to the opposite party in double the amount of the penalty imposed, with at least one sufficient surety, conditioned to prosecute the appeal, and to stand to and abide by such order or judgment of the court as may be made against him in the premises.

**138. SEC. 38.** That whenever an appeal shall be taken as aforesaid it shall be the duty of the justice, district court or police magistrate to send all the papers in the case to the next court of common pleas of the said county, which court shall receive and try and determine all such appeals in the same way and manner that appeals from the courts for the trial of small causes where no jury has been had below are now tried and determined in that court, except that on the trial of such appeals no notice of the production of any new evidence on behalf of either party shall be required.

**139. SEC. 39.** That in cases under this act no state of demand or other pleading shall be required, but the preliminary affidavit shall specify the section of this act claimed to have been violated.

**140. SEC. 40.** That the duly-appointed fish and game protector and fish and game wardens of this state shall have the same power and be entitled to the same fees for the service of process in cases instituted under this act that constables have and are entitled to receive in the courts for the trial of small causes.

**141. SEC. 41.** That no person shall be excused from giving evidence in any action or proceedings taken or had under this act on the ground that the evidence might tend to convict such witness or to establish the liability of such witness under any provisions thereof, but such evidence shall not be received against such witness to recover any of the penalties mentioned in this act.

**142. SEC. 42.** That when any fish and game warden, or the fish and game protector, or any of the fish and game commissioners, has reason to believe and does believe that any fish and game mentioned in this act are concealed in any house or houses, or in any other place or places during any of the periods aforesaid during which it is unlawful to have such fish or game in possession, any such fish and game warden, or the fish and game protector, or fish and game commissioner, may go before any justice of the peace of the county, or any district court, or police magistrate, in any city wherein such offense may be or has been committed, and make complaint thereof under oath; and that thereupon it shall be the duty of such justice of the peace, or district court, or police magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant directed to any constable, police officer, fish and game warden of the county, or the fish and game protector of the state, which shall recite such complaint as aforesaid, and shall command such constable, police officer, fish and game warden of the county, or the fish and game protector of the state, to immediately search the premises, place or places mentioned in said complaint; and if upon such search any such fish or game as mentioned in said complaint be found, to bring the same, together with the body of the person in whose possession they may be found, before such justice of the peace, or district court, or police magistrate; and that when any such person as aforesaid shall be brought before any justice of the peace, or such other magistrate, upon a process issued as aforesaid, such justice or other magistrate shall proceed as directed by the other sections of this act in cases where an arrest of some one having fish or game unconcealed and unlawfully in possession has been made.

**143. SEC. 43.** That if any person or persons shall be found making use of any boat or boats, vessel or vessels, or of any seine, gill, drift, anchor or sink nets, fixed nets, trap, pot, pound, set line, fyke, wire or other apparatus for the unlawful taking of fish in any waters within the jurisdiction of this state, contrary to the intent and meaning of this act, he, she or they shall, in addition to the penalties prescribed, forfeit the boat or boats, vessel or vessels, seine or seines, net or nets, gill or gills, drift or drifts, draw net or nets, fyke or fykes, trap or traps, pot or pots, pound or pounds, weir or weirs, set line or lines or other apparatus so unlawfully used; and it shall be the duty of all constables, sheriffs, fish and game protectors or fish and game wardens, or it may be lawful for any other person or persons, to seize and secure any of the aforesaid apparatus, and immediately thereafter give notice to some justice of the peace, district court or other magistrate of the county where said seizure shall have been made, and said justice of the peace, district court or other magistrate is hereby required and authorized at such times and places as he shall appoint to hear and determine in a summary manner whether the same was unlawfully used, and if it shall appear to his satisfaction that the same was used unlawfully, to make an order directing that the same be declared confiscated and forfeited to the use of the game and fish commissioners of this state, who may dispose of the same at their discretion.

Persons using boats, vessels or contrivances for taking fish unlawfully, shall forfeit the same.

Officers or other persons authorized to seize apparatus.

Magistrates required to hear and determine unlawful use.

**144. SEC. 44.** That any judgment obtained under the provisions of this act against a corporation may be docketed in the office of the clerk of the circuit court for the county in which said judgment was obtained, and the sheriff of the county is authorized and directed to proceed to the collection of the judgment as if said judgment had been rendered in the circuit court.

Judgments against corporations may be docketed in circuit court.

**145. SEC. 45.** That proceedings under the provisions of this act may be instituted on any day of the week, and the institution of such proceedings on a Sunday shall be no bar to the successful prosecution of the same and any process served on Sunday shall be as valid and effectual as if served on any other day of the week.

Proceedings on Sunday shall be no bar to prosecution.

**146. SEC. 46.** That all proceedings for the recovery of penalties imposed by the provisions of this act shall be entitled and shall run in the name of the state of New Jersey, and one of the fish and game wardens of the state prosecutor, and no proceedings shall be instituted by any person not a duly-commissioned fish and game warden or an officer or detective of any incorporated game protector society or fish and game protector of the state without the direction of the fish and game warden appointed for or authorized to act in the county in which said proceedings shall be begun.

Mode of instituting proceedings.

**147. SEC. 47.** That in all cases where a person shall be convicted a second time, either in the court where the first conviction was had or in the court where the second conviction is had, double the penalty prescribed shall be imposed for the second conviction, and it is hereby made the duty of every complainant under the provisions of this act who has reason to believe that the accused has been previously convicted of a violation of this act to lay such information before the justice, court or magistrate and adduce such proof in support of the same as may be obtainable.

Upon second conviction penalty shall be doubled.

**148. SEC. 48.** That an act entitled "An act concerning trespassing on private lands," approved April twelfth, one thousand eight hundred and ninety-four; "An act for the protection of certain kinds of birds, animals and fish and to provide a procedure to recover penalties for the violation hereof," approved February twenty-eighth, one thousand eight hundred and ninety-three (except sections forty-five to fifty-six inclusive of said act), and the various supplements thereto, approved April twenty-sixth, one thousand eight hundred and ninety-four, and May twenty-second, one thousand eight hundred and ninety-four, and all other acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that such repealer shall not be taken or construed to prevent any prosecutions now pending or which may hereafter be begun for the violation heretofore of any section of such repealed laws, and upon conviction of such violations the same penalties shall be enforced in the same manner as though the laws had not been repealed.

Acts repealed.

Repealer.

Proviso.

## An act to allow certain persons to trap hare or rabbit.

P. L. 1887, p. 246.

Approved May 6, 1887.

Owners of farms may permit the trapping of hare or rabbit by person under the age of fifteen years.

**149. SEC. 1.** That it shall be lawful for any person owning or in possession of any farm to permit the catching of hare, commonly called rabbit, in box-traps, by any person connected with his household and under the age of fifteen years, within the limits of such farm during the time in which it is now or may hereafter be lawful to shoot the same.

**150. SEC. 2.** That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

## An act for the protection of mamnose or young sturgeon in the Delaware bay, river and their tributaries.

P. L. 1890, p. 98.

Approved March 24, 1890.

Who authorized to arrest violators of act.

To be taken before a justice of the peace.

Fines imposed, to whom paid.

**151. SEC. 1.** [Amended by Sec. 154, *post.*]

**152. SEC. 2.** That any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act, before any justice of the peace, magistrate or any other authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above, to prove his case, the state shall pay the costs.

**153. SEC. 3.** That one-half of the fines imposed under any section of this act shall be for the benefit of the prosecutor and the other half shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurer of the several counties of the state of New Jersey shall pay over to the respective commissioners of fisheries of New Jersey, all moneys forfeited and received by them by virtue of this act, and said commissioners shall pay over the same to the treasurer of the state.

## Amendatory act.

P. L. 1891, p. 275.

Approved April 1, 1891.

Unlawful to catch mamnose or young sturgeon in Delaware river.

Penalties.

**154. SEC. 1.** That section one of an act entitled "An act for the protection of mamnose or young sturgeon in the Delaware bay, river and their tributaries," be amended to read as follows :

[That it shall not be lawful for any person or persons to cast, draw, set, anchor, drift or stake any gilling net, seine or shore net, or any other device or appliances of any kind whatsoever for the purpose of catching fish commonly called or known as mamnose (which are young sturgeon under three feet in length) in the waters of the Delaware bay, river and their tributaries, within the jurisdiction of the state of New Jersey; and any person or persons fishing with gilling net, drift nets, shore, seine nets, or any kind of nets, devices or appliances whatever in the Delaware bay, river or their tributaries within the jurisdiction of the above-named state, who, on lifting, drawing, taking up, removing or under-running any of said nets, devices or appliances, shall find young sturgeon or mamnose under three feet in length, entangled or caught therein, shall immediately, with care and with the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence; any person or persons violating any provisions of this section, or having in their possession young sturgeon or mamnose under three feet in length, either for consumption or for sale, or who is known willfully to destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold and destroyed, and in default of paying such fine on being convicted thereof, to be imprisoned in the county jail for thirty days.]

**An act for the protection of shad and game fish in the river  
Delaware.(1)**

Approved April 7, 1890. P. L. 1890, p. 221.

WHEREAS, Disputes have arisen, and may continue to arise between Pennsylvania and New Jersey as to the means applied and the time set apart by each respective state for the catching of fish in the waters of the Delaware river, and as concurrent legislation between the states of Pennsylvania and New Jersey is believed to be the only means to remedy this and to protect the stocking of the Delaware as well as to protect the fishing industries of each state ;(a) therefore,

**155. SEC. 1.** That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift net, fyke net, or net or nets of any other description, or use any other appliances for the catching of fish except rod, hook and line in the Delaware river above Trenton falls ; *provided*, that this section shall not extend to shad and herring-fishing ; *provided, also*, that the meshes of nets used for catching shad shall not be less than three inches in width, or one and one-half inches from knot to knot, above Trenton falls ; *provided, also*, that it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with any appliance whatever from June fifteenth to December thirty-first of any year, in the Delaware river above Trenton falls ; any person or persons violating any of the provisions of this section shall forfeit or pay the sum of one hundred dollars with all costs of suit, together with the forfeiture of boats, nets and all appliances.

Preamble.

Unlawful to use seines or nets for catching fish above Trenton falls.

Proviso.

Proviso.

Proviso.

**156. SEC. 2.** That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke net, or nets of any kind, or device made from cotton or flax twine, or wire netting, similar to a fyke net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year ; every person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

Unlawful to use fyke nets, &c., above Trenton falls.

Penalty.

**157. SEC. 3.** That it shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stake or otherwise make use of any gilling net, seine, shore net, drift net, eel pots, or any kind of net for the purpose of catching fish in the Delaware river, from sunset on Saturday night until twelve o'clock on Sunday night of each and every week ; and the person or persons so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each and every offense.

When unlawful to catch fish, &c.

Penalty.

**158. SEC. 4.** That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish baskets, gill nets, pound nets, fyke nets, eel weirs, kiddles, brush or facine nets, or any permanently-set means for taking fish in the river Delaware above Trenton falls ; nor shall any person at any time affix any nets, fish baskets, fyke nets, eel racks, or any kind of appliances or set means of taking fish, to any wing walls in the river Delaware above Trenton falls ; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or walls of stone or of any other substance or material, in the river Delaware above Trenton falls, for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish ; any person violating the provisions of this law shall be fined fifty dollars for the first offense and be liable to imprisonment for one month in the county jail, or both, at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars and imprisonment for three months in the county jail.

Unlawful to use fish baskets, &c., above Trenton falls.

Penalty.

(a) This act has been adopted by Pennsylvania.

(1) See act purporting to amend certain sections of this act, *post*, Secs. 168 to 172.

Unlawful to catch rock bass within two years.

Penalty.

Unlawful to catch black bass, &c., between certain dates.

Penalty.

Unlawful to catch bass under certain size.

Penalty.

Act, how construed.

Proviso.

Authority to destroy fish baskets, devices, &c., and to make arrests.

Authority to arrest persons for violation of act.

Fines imposed, to whom paid.

Repealer.

Governor to transmit copy.

**159. SEC. 5.** That it shall not be lawful to catch or kill, by any means whatever, any rock bass or wall-eyed pike, otherwise called Susquehanna salmon (species recently introduced in the river Delaware), within two years from the passage of this act, under a penalty of ten dollars for every fish caught or had in possession.

**160. SEC. 6.** That no person shall, by any means or device whatsoever, catch or kill in the Delaware river any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year, save with rod, hook and line; any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught.

**161. SEC. 7.** That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of anyone taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

**162. SEC. 8.** That nothing in this act shall be construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the state fish commission of any state having jurisdiction in the Delaware river for the purpose of stocking other waters; *provided*, that nothing in this act shall prevent the catching of suckers between the first day of March and the first day of May in each year.

**163. SEC. 9.** That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any fish basket, eel weir, fyke net, pound net, shore net, drift net, dip net, wing wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail, or shall be subject to both penalties, at the discretion of the magistrate or court before which he or they shall be convicted.

**164. SEC. 10.** That any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this commonwealth is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act before any justice of the peace, magistrate or any other legally-constituted authority, and thereupon make charge of such violation of the law, or any of the provisions thereof; and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal, as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above to prove his case to the county in which it is heard, shall pay the costs.

**165. SEC. 11.** That the fines imposed under any section of this act shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurers of the several counties of the state shall pay over to the commissioners of fisheries all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same to the treasurer of the state.

**166. SEC. 12.** That all sections, provisos or acts inconsistent with this act are hereby repealed.

**167. SEC. 13.** 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.

An act to amend an act entitled "An act for the protection of shad, sturgeon and game fish in the river Delaware."(1)

Approved March 21, 1895. P. L. 1895, p. 402.

**168. SEC. 1.** That section two of an act entitled "An act for the protection of shad, sturgeon and game fish in the river Delaware," approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows :

"That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke net, or nets of any kind or device, made from cotton or flax twine or wire netting similar to a fyke net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year ; every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest," be and the same is hereby amended to read as follows :

[That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke net, or nets of any kind or device, made from cotton or flax twine or wire netting similar to a fyke net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year ; every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.]

Penalty for using certain kinds of nets at any time.

**169. SEC. 2.** That section four of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows :

"That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish baskets, gill nets, pound nets, fyke nets, eel weirs, kiddles, brush or facine nets, or any permanently-set means for taking fish in the river Delaware above Trenton falls ; nor shall any person at any time affix any nets, fish baskets, fyke nets, eel racks or any kind of appliances or set means of taking fish to any wing walls in the river Delaware above Trenton falls ; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall or walls of stone, or of any other substance or material, in the river Delaware above Trenton falls for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish ; any person violating the provisions of this law shall be fined fifty dollars for the first offense and be liable to imprisonment for one month in the county jail, or both, at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars and imprisonment for three months in the county jail," be and the same is hereby amended to read as follows :

[That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish baskets, gill nets, pound nets, fyke nets, eel weirs, kiddles, brush or facine nets, or any permanently-set means for taking fish in the river Delaware above Trenton falls ; nor shall any person at any time affix any nets, fish baskets, fyke nets, eel racks, or any kind of appliances or set means of taking fish to any wing walls in the river Delaware above Trenton falls ; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or

Fish baskets and other contrivances prohibited.

(1) This act, passed at the session of 1895, purports, in section 168, *supra*, to amend "An act for the protection of shad, sturgeon and game fish in the river Delaware," approved the twenty-second day of May, one thousand eight hundred and eighty-nine ; no act, however, of that title was approved on that day in 1889. It is evident that this act of 1895 was intended to be a supplement to the act of 1890, entitled "An act for the protection of shad and game fish in the river Delaware," approved April 7th, 1890. See *ante*, p. 1599. It is to be noted that this act shall not be operative until the legislature of the state of Pennsylvania shall approve the same in whole or in part. No action has been taken by Pennsylvania.

walls of stone or of any other substance or material, in the river Delaware above Trenton falls, for the purpose of fixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish; any person violating the provisions of this law shall be fined fifty dollars for the first offense, and be liable to imprisonment for one month in the county jail, and any person or persons so offending a second time shall be fined one hundred dollars and imprisoned for three months in the county jail.

**170. SEC. 3.** That section seven of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows :

“That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of anyone taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught,” be and the same is hereby amended to read as follows :

Penalty for taking certain fish under a certain size.

[That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under nine inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of anyone taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.]

**171. SEC. 4.** That section nine of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows :

“That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any fish basket, eel weir, fyke net, pound net, shore net, drift net, dip net, wing wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail, or shall be subject to both penalties at the discretion of the magistrate or court before which he or they shall be convicted,” be and the same is hereby amended to read as follows :

Commissioner, wardens and civil officers authorized to destroy prohibited contrivances and to arrest persons using them.

[That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any fish basket, eel weir, fyke net, pound net, shore net, drift net, dip net, wing wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail.]

Penalty for resisting officers.

When act shall become operative.

**172. SEC. 5.** That provided the alterations and amendments herein provided for shall not be operative until the legislature of the state of Pennsylvania shall approve the same in whole or in part by enacting laws similar in effect as herein provided.

An act for the preservation of fish, and to prevent fishing in private waters of this state, between the first day of December and the first day of the following April, in every year, under certain conditions.

Approved March 30, 1892.

P. L. 1892, p. 376.

**173. SEC. 1.** That from and after the passage of this act it shall not be lawful for any person or persons to fish with hook and line, or otherwise to catch or take any bass, or any pike, or pickerel in any of the private lakes, ponds or other waters of this state, between the first day of December and the first day of the following April in every year in cases where the owner or owners of such private lakes, ponds or other waters shall cause a written or printed notice that fishing in such particular private lake, pond or other water as may be briefly described in such notice, is forbidden during the period aforesaid, to be posted in at least five of the most conspicuous places on or near the shores of such private lake, pond or other waters as may be described in such notice, for four weeks at least, before the first day of December in each year in which such fishing is prohibited.

Time for fishing in private waters prescribed.

Owners of private waters to give notice.

**174. SEC. 2.** That if any person shall offend against the provisions of the first section of this act, he shall forfeit and pay a penalty of twenty dollars for each offense, to be sued for and recovered in an action of debt in any court of competent jurisdiction, one-half of which sum shall go to the informer or person suing for the same, and one-half thereof to the overseer of the poor of the township in which such offense was committed, for the benefit of the poor fund of such township; *provided*, that nothing in this act shall be construed to prevent the owner or owners of such private ponds, lakes or other waters from fishing therein in the same manner and at such times as they might lawfully have done had this act not been passed.

Penalty.

Proviso.

**175. SEC. 3.** That this act shall be deemed a public act, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer

An act for the protection of shad fishermen in the Delaware bay eastward of the ships channel.

Approved March 13, 1893.

P. L. 1893, p. 244.

**176. SEC. 1.** That hereafter it shall be unlawful for any vessel engaged in dredging oysters to anchor, or leave their buoys on the flats between Arnold's point buoy and Stony point in the Delaware bay, between sunset or sunrise of each day previous to the twenty-fifth of May in any year.

When unlawful to anchor in dredging oysters.

**177. SEC. 2.** That it shall be unlawful for any person or persons to throw any dredge or other appliances from the deck of any boat or vessel into any gill net; any person or persons violating this section shall be deemed guilty of a misdemeanor.

A misdemeanor to throw any dredge into any gill net.

**178. SEC. 3.** That it shall be lawful for any fish warden or the sheriff of any county in which this act is violated, to arrest any person or persons guilty of violating any of the provisions of this act; and any person or persons so offending shall upon conviction before any justice of the peace be punished by a fine not less than fifty dollars, and not more than two hundred dollars and imprisonment in the county jail for a term not to exceed six months.

Fish warden or sheriff authorized to arrest.

Penalty.

An act for the protection of sturgeon.

Approved March 22, 1895.

P. L. 1895, p. 456.

**179. SEC. 1.** That hereafter it shall not be lawful for any person or persons to take, capture or kill or have in possession after the same has been taken, captured or killed, any sturgeon between the thirtieth day of June and the thirty-first day of December in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured, killed or had unlawfully in possession.

Closed term for sturgeon.

Repealer.

Exception.

When act shall take effect.

**180. SEC. 2.** That all acts or parts of acts, special, local or general, inconsistent herewith or repugnant hereto, be and the same are hereby repealed, excepting that nothing in this act contained shall be construed to repeal the provisions of an act entitled "An act to amend an act entitled 'An act for the protection of mambose or young sturgeon in the Delaware bay, river and their tributaries,' approved March twenty-fourth, one thousand eight hundred and ninety," which amendment was approved April first, one thousand eight hundred and ninety-one.

**181. SEC. 3.** That this act shall take effect when similar acts shall have been passed by the legislatures of the states of Delaware and Pennsylvania.

An act to prevent the propagation of carp.

P. L. 1895, p. 470.

Approved March 22, 1895.

Unlawful to place carp in any of the public or private waters of this state.

**182. SEC. 1.** That it shall be unlawful at any time in this state to place any German carp, mirror carp, leather carp, or carp of any kind whatsoever, or the seed thereof, in any of the public or private waters of this state, under a penalty of not less than two hundred dollars and not more than five hundred dollars, or imprisonment in the jail of the county where the offense shall have been committed or where the conviction shall be had for not less than thirty days nor more than six months, at the discretion of the magistrate before whom the conviction of any violation of this statute may be had.

How act shall be enforced.

**183. SEC. 2.** That the provisions of this act shall be enforced according to the method of procedure provided for the enforcement of the laws for the protection of fish and game.

Fish and game wardens shall enforce it.

**184. SEC. 3.** That the fish and game protector of this state and all duly-appointed fish and game wardens of this state are authorized and required to enforce the provisions of this act, and they shall be entitled therefor to the same fees as they are entitled to under the act for the protection of fish and game.

Persons aggrieved may proceed against offenders.

**185. SEC. 4.** That any person who may have been aggrieved or injured by means of any violation of the first section of this act shall be authorized to institute proceedings for the punishment of the offender.

Conviction shall not bar civil action.

**186. SEC. 5.** That no conviction had under this act shall be a bar to any proceeding an aggrieved party may institute for the recovery of damages in a civil suit.

Act shall not apply to private ponds. Proviso.

**187. SEC. 6.** That this act shall not apply to the owners or lessees of private ponds stocking such private ponds; *provided*, such private ponds are so constructed as to effectually prevent said carp or the seed thereof from escaping into any of the waters of this state or into private waters owned by other individuals or corporations.

Repealer.

**188. SEC. 7.** That all laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

An act to authorize the formation of associations and societies for the more effectual protection of game and game fish.

P. L. 1879, p. 169.

Approved March 13, 1879.

Articles of association to be made.

**189. SEC. 1.** That it shall be lawful for ten or more inhabitants of this state, above the age of twenty-one years, to form an association and society for the better protection of game and game fish, and for that purpose they shall make and sign articles of association, which shall set forth the names of the persons forming said association and society, with their places of residence, the names of not less than five and not more than ten directors, who shall manage the affairs of said association and society for the period of one year, and until others are elected in their stead and place, and the name adopted by said association and society as its corporate name, which articles of association shall be filed in the office of the secretary of state, who shall indorse thereon the day they are filed, and record the same in a book to be by him kept for that purpose; and upon filing said articles of association in the secretary of state's office, said persons who shall have

Where filed.

signed said articles of association, and all being citizens of this state above the age of twenty-one years, shall thereupon become members of said association, and shall be a corporation by the corporate name mentioned in said articles of association for the purpose aforesaid, and as such corporation shall have the power to make and use a common seal, to sue and be sued, and generally to have the privileges and immunities incident to bodies politic, and be subject to the liabilities and restrictions imposed thereon.

Powers.

**190.** SEC. 2. That the object of said association and society shall be the better protection of game and game fish, and to aid in carrying out the laws of this state for the protection of the same.

Objects.

**191.** SEC. 3. That in order to carry out the objects aforesaid, it shall be lawful for such associations and societies to have the power to make and adopt a constitution and by-laws, and regulations for the admission and fee of members, for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution, by-laws and regulations, by a majority of its members present at any regular meeting, upon notice being given at any regular preceding meeting, for the assessment of its members, fine on officers and members for failure and neglect of any compliance of the constitution, by-laws and regulations thereof; and said fees, assessment and fine shall be collected in the name of the association and society, by its corporate name, against the delinquents, as debts of like amount may now or hereafter be collected by law.

May adopt a constitution and by-laws, &c.

**A further supplement to the act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.(1)**

Approved March 22, 1886. P. L. 1886, p. 118.

**192.** SEC. 1. That the nineteenth section of the act to which this is a supplement be amended so as to read as follows:

[That no person, persons or corporation shall place in any fresh-water stream, lake or pond, any lime or other deleterious substance, or any drug or medicated bait, with intent thereby to injure, poison or catch fish, nor place in or allow to flow or be discharged into any pond, lake or stream stocked with or inhabited by trout, bass, pickerel, pike, sunfish or perch, any drug, acid, gas tar or any deleterious substance whatever, which will kill or destroy said fish; any person or persons or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for a period of not more than two years, or by a fine of not more than two thousand dollars, or by both such fine and imprisonment, at the discretion of the court before which such conviction shall be had] (a)

Penalty for catching or killing fish with medicated bait, &c.

(a) In an indictment under this act it is sufficient to describe the interdicted material alleged to have been unlawfully put into the lake, as "acid," in the language of the statute, without specifying what particular "acid" it was. *State v. Powder Manuf. Co.*, 21 Fr. 75.

(1) By section 45 of "An act for the protection of certain kinds of birds, animals and fish, and to furnish a procedure to recover penalties for the violation thereof," approved February 25th, 1893 (P. L. 1893, p. 44), "An act to amend and consolidate the several acts relating to game and game fish," and the supplements thereto, as respectively recited, were repealed. This repealer includes a supplement approved March 20th, 1886, on which day, however, no supplement to said act was approved, but it does not include this supplement as approved March 22d, 1886. It was the evident intent of the legislature to repeal this act, and yet it is not deemed advisable, owing to this error in the forty fifth section, above recited, to omit it.