

- Costs, how taxed and paid. court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, but not including any costs of indictment except the fees of the prosecutor of the pleas, which shall be the same.
- Clerk of the county to be clerk of the court. 8. SEC. 2. That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all processes, whether of *capias*, subpoena or execution, which shall be required in carrying out this act, which processes shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and with the same compensation as heretofore; and the said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office, as heretofore.
- Sheriff to be the officer of the court. 9. SEC. 3. That in all matters within the jurisdiction of the said several courts, relating to the practice and settlement of legal rules and questions, the said judge shall, in the absence of the justice of the supreme court, have exclusive power and authority to determine such rules, questions and practice.
- Judge to determine rules, &c., in absence of the justice of supreme court.

Crimes.

1. Penalty for disbursing moneys in excess of appropriation.
2. Penalty for evading payment of state taxes.
3. Penalty for seduction by married man under promise of marriage.
4. Penalty for seduction by single man.
5. Penalty for endangering property by burning brush, etc.
6. Penalty for employe or person in control of state institution being interested in furnishing supplies.
7. Penalty for public officer being interested in any public contract.
8. Penalty for stealing railroad tickets.
9. What not to be construed a conspiracy.
10. Penalty for unlawfully taking certain animals.
11. For injury to graveyards.
12. For bringing dog or goat within limits of graveyard.
13. For polluting waters.
14. Restriction as to sale of inflammable fluids.
15. Penalty for violating act.
16. Deposit of mud, earth, ashes, &c., in Hudson river, prohibited.
17. Penalty for violation of act.
18. When violations prosecuted.

A supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, eighteen hundred and seventy-four.

P. L. 1876, p. 16.

Approved February 7, 1876.

Penalty for disbursing, ordering or voting for disbursement of public moneys in excess of amount appropriated and limited by law.

1. That if any board of chosen freeholders, or any township committee, or any board of aldermen or common councilmen, or any board of education, or any board of commissioners of any county, township, city, town or borough, in this state, or any committee or member of any such board or commission, shall disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to any such board or committee, or shall incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board or committee, the members thereof, and each member thereof, thus disbursing, ordering or voting for the disbursement and expenditure of public moneys, or thus incurring obligations in excess of the amount appropriated and limit of expenditure as now or hereafter appropriated and limited by law, shall be severally deemed guilty of malfeasance in office, and, on being thereof convicted, shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding three years, or both, at the discretion of the court. (a)

Supplement.

Approved March 16, 1876.

P. L. 1876, p. 56.

Penalty for evading the payment of taxes.

2. SEC. 1. That if any person shall make a transfer of any property or goods or chattels liable to taxation by the laws of this state, for the purpose of thereby evading the payment of any taxes that may be afterward assessed thereon, or shall obtain a loan for the purpose of thereby claiming a deduction in any taxes that may be afterward assessed against

(a) *State v. Halsted*, 10 Vr. 402.

him or her, with the intention of obtaining a re-transfer of said property, or goods, or chattels, or of taking up said loan when such purpose shall be accomplished, he or she shall be deemed guilty of a misdemeanor, and, on being convicted, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court.

Supplement.

Approved March 30, 1876. P. L. 1876, p. 65.

3. SEC. 1. That if any married man shall have sexual intercourse with any single female of good repute for chastity, by representation that he is a single man, or under promise of marriage, and she shall thereby become pregnant, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding five thousand dollars, or by imprisonment at hard labor for a period not exceeding five years, or both.

Penalty if married man shall have sexual intercourse with single female under promise of marriage, &c.

4. SEC. 2. That if any single man over the age of eighteen years, under promise of marriage, shall have sexual intercourse with any single female of good repute for chastity, under the age of twenty-one years, and she shall thereby become pregnant, any person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding five thousand dollars, or by imprisonment at hard labor for a period not exceeding five years, or both; but in such cases (in both of these sections) the evidence of the female must be corroborated to the extent required in case of indictment for perjury; and provided, that in case the party offending marry the female at any time before sentence, then sentence shall be suspended and he be discharged from custody, and in case he marry the female after sentence, then he shall be discharged from all further imprisonment.

Penalty if single man shall offend against the provisions of this act.

Proviso.

Supplement.

Approved April 6, 1876. P. L. 1876, p. 83.

5. SEC. 1. That any person or persons who shall burn any pit of charcoal, or set fire to or burn any brush or other material, whereby any property may be endangered, unless he or they shall keep and maintain a careful and competent watchman in charge of said pit, bed, or other material while burning, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both.

Penalty for endangering property by burning brush or other material.

Supplement.

Approved April 20, 1876. P. L. 1876, p. 228.

6. SEC. 1. That if any employé or person or persons having the control or management of any institution, the moneys for the support of which are drawn in whole or in part from the treasury of the state, shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the use of any such institution, which may be in whole or in part supported by appropriations, paid out of the treasury of the state, such person, officer or employé shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

Penalty for employé or person in control of state institution being interested in: furnishing supplies, &c.

Supplement.

Approved March 8, 1877. P. L. 1877, p. 62.

7. SEC. 1. That section one of the act entitled "A supplement to an act entitled 'An act for the punishment of crimes, approved March twenty-seventh, one thousand eight hundred and seventy-four,'" which said supplement was approved April ninth, one thousand eight hundred and seventy-five, which provides: (*Vide ante*, p. 262, *Sec.* 198).

1. That if any member of any board of chosen freeholders, or of any township committee, or of any board of aldermen or common councilmen, or any board of commissioners of any county, township, city, town, or borough in this state, shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed

Penalty for public officer being interested in any public contract.

or made for the public use or at the public expense, or shall be a party to any contract or agreement either as principal or surety between the county, township, city, town, or borough, as the case may be, and any other party; or shall be directly or indirectly interested in furnishing any goods, chattels, supplies, or property of any kind whatsoever, to or for the county, township, city, town, or borough, the contract or agreement for which is made, or the expense or consideration of which is paid, by the board, council or committee of which such member is a part, shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding three years, or both, at the discretion of the court.

Supplement.

Approved March 8, 1877.

P. L. 1877, p. 105.

Penalty for stealing railroad tickets.

8. SEC. 1. That if any person shall steal from any railroad corporation or its agents or depositaries the certificate or certificates, contract or contracts, for passage commonly known and designated a "ticket" or "tickets," which would entitle the holder thereof, or any other person, to carriage on the cars of the said or other corporations between the places designated on such ticket or tickets, and which if sold by said corporation in the regular course of its business would have produced in the aggregate a sum less than twenty dollars, he or she, 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 confinement in the jail of the county where convicted for a period of three months, or by both, and if such ticket or tickets, if sold as aforesaid by said corporation, would have produced in the aggregate a sum equal to or greater than twenty dollars, he or she, so offending as aforesaid, shall on conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment, at hard labor, not exceeding ten years, or by both.

Supplement.

Approved March 9, 1877.

P. L. 1877, p. 142.

What not to be construed a conspiracy.

9. SEC. 1. That section one hundred and ninety-one of an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, which section is as follows, to wit: (*Vide ante*, p. 261), be amended by adding to the section aforesaid the following, to wit:

Provided, That nothing in this section shall be construed to apply to any person or persons lawfully and by peaceful means persuading, advising or encouraging other persons to enter into any combination for or against leaving or entering into the employment of other persons.

An act against the unlawful taking of certain animals.

P. L. 1876, p. 54.

Approved March 16, 1876.

Penalty for unlawfully taking certain animals.

Proviso.

10. SEC. 1. That if any person shall within this state unlawfully, wilfully and maliciously take any horse, mare, gelding or mule without the consent of the owner thereof, and cause the same, either directly or indirectly, to be removed from the possession or control of such owner, although only temporarily, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding one hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both; *provided*, that this act shall not be so construed as to apply to any case where said horse, mare, gelding or mule is taken or removed in consequence of trespass, or damage committed, or being committed; nor interfere with the full force and effect of the laws now in operation in such cases.

An act to protect grave yards and burial plats owned by individuals and unincorporated associations.

P. L. 1876, p. 135.

Approved April 13, 1876.

Penalty for injury to grave yards, &c.

11. SEC. 1. That any person who shall unlawfully and wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, build-

ing or other structure placed in or upon any grave yard or burial plat in this state, or shall unlawfully and wilfully cut, bark, break, injure, remove or destroy any tree, shrub or plant therein, or shall wilfully break, injure, deface, remove or destroy the fence, hedge or railing inclosing such grave yard or burial plats, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought by the owner or owners, to pay all such damages as have been occasioned by his or her said unlawful acts.

12. SEC. 2. That any person who shall bring any dog or dogs, goat or goats within the limits of any grave yard or burying plat in this state, shall, for every such offence, upon conviction thereof before a justice of the peace of the county wherein said offence shall be committed, forfeit and pay the sum of two dollars for the use of the poor of the township or ward, and shall also be liable in an action of trespass at the suit of the owner or owners for all damages committed by said dog or dogs, goat or goats.

Penalty for bringing dog or goat within the limits of any graveyard or burying plat.

An act to prevent the wilful pollution of the waters of any of the creeks, ponds or brooks of this state.

Approved April 21, 1876. P. L. 1876, p. 244.

13. SEC. 1. That if any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond or brook of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive matter whatsoever, calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to and into any such creek, pond or brook, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

Punishment for polluting waters.

An act to regulate the sale and keeping of inflammable and explosive fluids.

Approved April 21, 1876. P. L. 1876, p. 303.

14. SEC. 1. That it shall not be lawful for any person to keep or offer for sale or use in any place or building within this state, petroleum oil, or any product thereof, or to knowingly keep or offer for sale any mixture of naphtha or inflammable fluids for illuminating purposes, for use in lamps or other portable receptacles that will flash at a less temperature or fire test than one hundred, or inflame at a less temperature or fire test than one hundred and ten degrees Fahrenheit.

Restrictions in regard to sale of inflammable fluids.

15. SEC. 2. That any person who shall violate any of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than fifty nor more than two hundred dollars, or shall be imprisoned for a term not to exceed six months, or both, in the discretion of the court before whom such conviction is had.

Penalty for violating act.

An act to prevent the deposit of mud, earth, soil, ashes or refuse on the New Jersey shore of the Hudson river.

Approved March 9, 1877. P. L. 1877, p. 295.

16. SEC. 1. That it shall be unlawful for any person or persons, by means of any boats, scows or vessels, in any manner whatever, to cast or cause to be cast, thrown, dumped or deposited, any mud, earth, soil, ashes or refuse rock, or other solid substance or material, into the water of the North or Hudson river, at any point west of the line between the states of New Jersey and New York, unless the same be so deposited, dumped or placed behind a bulk head for filling, or by the side of a bulk head, to be thrown over the same, or be so confined that no dirt or refuse can escape into the waters of said river.

Deposit of mud, earth, soil, ashes, or refuse rock, &c., in Hudson river, prohibited.

17. SEC. 2. That every person or persons, who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than

Penalty for violation of act.

twenty-five dollars nor more than fifty dollars, for each and every offence as specified in section one, except where mud is dumped by mud scows or dredging scows, then the fine to be imposed is to be not less than fifty dollars nor more than one hundred dollars, for each and every scow load dumped into the river.

Where prosecuted.

Proviso.

18. SEC. 3. That violations of this act may be prosecuted before any justice of the peace or any court having jurisdiction of violations of ordinances in any town or city of this state, where said offence shall be committed; *provided, however*, that nothing in this act shall be held to interfere with improvements made upon lands under water which have been or may be granted or leased by the riparian commissioners, or which have been granted directly by legislative act, but all such improvements shall be so made as to deposit, dump or place all filling behind a bulk head, so that no portion of such filling in shall escape on to the lands under water adjoining such grantee or lessee of the riparian commissioners, or such grantee or lessee by direct legislative act.

Criminal Procedure.

1. Prosecutor of pleas in certain counties may appoint a special officer.
2. Section 90 of criminal procedure act repealed.
3. Judge to sign and settle bills of exception.
4. In case of death of judge without signing.
5. Bills of exception, what to contain.

Supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

P. L. 1877, p. 97.

Approved March 8, 1877.

Prosecutor of the pleas in certain counties may appoint a special officer.
Powers and rights of.

Proviso.

1. That in every county in this state having a population of over one hundred thousand inhabitants, the prosecutor of the pleas for said county may appoint some suitable person to act as a special officer for the detection, arrest, indictment and conviction of offenders against the laws; such person so appointed shall possess all the powers and rights, and be subject to all the obligations of constables and police officers in any county of this state, and before such person shall enter upon his duties as said officer his appointment shall be approved by a majority of all the judges of the court of general quarter sessions of the peace of said county, and said person so appointed shall receive the same per diem allowance and compensation, and no more, as is by law allowed for the same services to constables in the respective counties where said persons shall be appointed; *provided*, that said per diem allowance and compensation shall be paid only for the time such officer shall be actually employed, which time shall be certified to the county collector by the said prosecutor or the sheriff of said county.

Supplement.

Approved March 9, 1877.

P. L. 1877, p. 138.

Section to be repealed recited.

2. SEC. 1. That the ninetieth section of the act to which this is a supplement, and which as amended by the act entitled "An act to amend certain errors in the revised laws passed last session," (which act was passed April ninth, eighteen hundred and seventy-five) is in these words: "90. That the two hundred and forty-second, the two hundred and forty-third, the two hundred and forty-fourth, the two hundred and forty-fifth, the two hundred and forty-sixth sections of the act entitled 'An act to regulate the practice of courts of law,' shall be deemed, taken and adjudged to extend to trials of indictments for crimes and misdemeanors, which by law are punishable by imprisonment at hard labor," be and the same is hereby repealed.

3. SEC. 2. That the ninety-first section of the act to which this is a supplement, and which as amended by said act of April ninth, eighteen hundred and seventy-five, now reads as follows: