

and all who shall associate themselves together with them shall, as such corporation, be entitled to all the rights, powers and privileges, benefits, advantages and immunities now conferred upon corporations under the laws of this state, as contained and set forth in the act in relation to corporations entitled.

Supplement.

Approved March 9, 1877. P. L. 1877, p. 220.

12. SEC. 1. That any person who shall have served seven years as a member of any fire company organized under the act to which this is a supplement, shall be thereafter exempt from serving in the militia in the time of peace, or as a juror, in which latter case he shall not be entitled to such exemption, unless he shall have filed in the office of the clerk of the county in which he shall reside, a certificate of such service made by the presiding officer of such company.

Exemption from militia and jury duty.

Game and Game Fish.

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| 1. Fishing for black bass, when prohibited. | 7. To issue warrant and try offender. |
| 2. Shad fishermen not liable. Proviso. | 8. When arrest without warrant. |
| 3. Duty of fish wardens. | 9. Proceedings in case of appeal. |
| 4. Taking of fish in certain waters prohibited at certain times. | 10. Appeal to quarter sessions. |
| 5. When rail and reed bird not to be killed. | 11. Payment of costs. |
| 6. Justice of peace to try violations of act. | 12. Provisions of act extended. |

An act for the protection of black bass in the rivers of New Jersey.

Approved April 21, 1876. P. L. 1876, p. 237.

1. That for the better protection of black bass in the rivers of the state of New Jersey during their spawning season, that it shall not be lawful for any person or persons to catch or take from said rivers by net or seine, or have in possession, or expose for sale any black bass during the months of April, May or June of each year, under a penalty of five dollars for each and every black bass so taken or exposed for sale.

Fishing prohibited during April, May and June.

2. That any fishermen who, in fishing for shad during the months of April, May and June in any of the rivers of the state, may inadvertently catch any black bass by net or seine, shall not be subject to the penalties prescribed by this act; *provided*, they turn into the rivers again any black bass so taken and caught by net or seine.

Shad fishermen not liable.

Proviso.

3. That it shall be the duty of the fish wardens of the several counties of this state to enforce the provisions of this act.

Duty of fish wardens.

A supplement to an act entitled "An act for the preservation of fish," approved the thirteenth day of April, one thousand eight hundred and seventy-six.

Approved March 8, 1877. P. L. 1877, p. 84.

4. SEC. 1. That section one of the above entitled act, which is in the words following, to wit: (*Vide ante*, p. 456, *Sec. 64*), be and the same is hereby amended so that the said section, as amended, shall read as follows, to wit:

That hereafter it shall not be lawful for any person or persons, at any time whatever, either by day or night to put, place or haul any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivances whatever, for the taking or catching of fish, in any of the waters in the state above tide-water, or to keep any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivance whatever, for the taking or catching of fish in any of said waters mentioned; and any person or persons who shall take or catch, or assist in taking or catching, any fish in manner aforesaid, or shall put, place, haul or keep, or assist in putting, placing, hauling or keeping, in any of said waters, any of the aforementioned contrivances therefor, or shall sell, expose for sale, or have knowingly in possession after the same has

Taking of fish prohibited in certain waters at certain times.

Penalty.

Proviso.

been killed, any fish caught by any contrivance prohibited by this act, or shall put, place, keep or use any set-lines in waters inhabited by bass, pickerel, perch or trout, upon conviction thereof, before any justice of the peace, either in the county in which said offence is committed, or in which the offender resides or may be found, shall be punished by imprisonment in the common jail of the county for the term of ten days, or by a fine of twenty dollars, for each and every offence; one-third of said fine to be paid by said justice into the treasury of the state, one-third to the fish warden making complaint, and the balance to the person or persons furnishing material evidence toward conviction; or if said fish warden be the only witness, he shall receive said balance of fine; and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid; *provided*, that said penalty shall not apply to the legitimate taking or catching of fish with hook and line, or with hook, line and rod, except as to the catching of pickerel and pike from March first to May first, bass from April first to July first, and brook trout and salmon trout from September first to March first, in every year, in relation to which the aforesaid prohibition and penalty shall be in full force and effect; *and provided further*, that this act shall not be held to apply to the catching with a single seine not over ten feet in length, for bait only, of minnows, if the young of bass, pickerel, perch, trout and other species of fish known as game fish, be not thereby destroyed; to the spearing of eels or suckers, the catching of eels with balls of string and bait known as bobs; to the catching of fish at any time by, or under the orders of, the state commissioners of fisheries for the purposes of propagation or scientific investigation, nor to the Delaware river; *and provided further*, that the penalties of this act shall not be held to apply to owners or lessees of private ponds which are not naturally run-ways for migratory fishes, nor to persons having permission from such owners or lessees, for fishing in such ponds with such appliances and at such times as they may choose.

A further supplement to an 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.

P. L. 1877, p. 64.

Approved March 8, 1877.

5. SEC. 1. That section ten of the act to which this is a supplement, and which reads as follows: (*Vide ante*, p. 452, *Sec. 28*).

When rail and reed birds shall not be killed.

That no person shall kill or expose for sale, or have unlawfully in his or her possession, after the same has been killed, any rail bird, except in the months of September, October and November; any reed bird, except from the fifteenth day of August to the first day of December, under a penalty of five dollars for each and every rail bird or reed bird so killed or had in possession.

Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," prescribing a method of procedure for the better enforcement of the game laws of this state.

P. L. 1877, p. 187.

Approved March 9, 1877.

Justices of the peace to have jurisdiction.

6. SEC. 1. That hereafter justices of the peace shall have jurisdiction to try and punish all persons for violating the provisions of the act to which this is a supplement, and all the different penalties in said act prescribed for the violation of the several provisions of the same may be enforced before any justice of the peace in any county where the offence is committed or where the offender is first apprehended.

Justice of the peace to issue warrant of arrest, and hear and determine the guilt or innocence of the persons charged.

7. SEC. 2. That said justice of the peace, upon receiving due proof made before him by the affidavit of one or more persons of the violation of any of the provisions of the act to which this is a supplement, by any person or persons, is hereby authorized and required by his warrant, under his hand and seal, directed to any constable or police officer of his county, to cause such person or persons to be arrested and brought before said justice, who shall in a summary way hear and determine the guilt or innocence of the person or persons so charged, and upon the conviction of any

person or persons so charged with violating the provisions of the said act, said justice is hereby authorized and required to impose upon the offender or offenders so convicted before him the penalty or penalties prescribed in the said act, one-half thereof to go to the prosecutor and the other half to go to the county wherein the offender is convicted; and if any person or persons convicted under this act shall fail to pay the penalty or penalties, together with the costs of the prosecution imposed by said justice, he is hereby authorized and required to commit such offender to the common jail of the said county for a period of not less than ten or more than sixty days.

May commit to jail on failure to pay penalty, &c.

8. SEC. 3. That for any violation of said act done in the view of any constable or police officer, such officer is hereby authorized and required, without warrant, to arrest and carry such offender before a justice of the peace of the township, ward or city wherein such arrest is made; and the said justice before whom such offender shall be taken shall have jurisdiction of the case, and is hereby authorized and required to hear and determine the same, after receiving from the said officer a complaint in writing, under oath, of the offence for which the person was arrested.

Constable or police officer may arrest without warrant.

9. SEC. 4. That any party to proceedings under this act may have his appeal, within twenty days after trial, to the court of quarter sessions of the county wherein the same shall take place; *provided*, the party appealing shall within the said period file a written notice of his appeal with said justice, pay the costs adjudged against him, and deliver to said justice a bond to the prosecutor in double the amount of the conviction and costs, with one good and sufficient security, a freeholder of the county wherein such trial shall take place, conditioned to prosecute his said appeal, and to stand to and abide by the order or judgment of the court which may be made against him in the premises.

Proceedings in case of appeal.

Proviso.

10. SEC. 5. That whenever an appeal shall be taken as aforesaid, it shall be the duty of the said justice to send all the papers in the case to the next court of quarter sessions, which said court is hereby given jurisdiction to receive, try, and determine all such appeals in the same way and manner that appeals in the cases of bastardy are tried and determined in that court.

Appeal to be determined in court of quarter sessions.

11. SEC. 6. That in all proceedings under this act that the prevailing party shall recover costs, and the same fees and costs shall be allowed therein as in trials before justices of the peace in civil causes; and when the proceedings are removed by appeal to the court of quarter sessions, the same fees and costs shall be allowed as in trials before the court of common pleas on appeals in civil cases.

Prevailing party shall recover costs.

12. SEC. 7. That the provisions of this act shall be applicable and are hereby extended to the recovery of all penalties for the enforcement of any and all of the provisions of all and every of the acts incorporating game societies in this state.

Provisions of act extended and made applicable.

Gas Companies.

A supplement to an act entitled "An act to authorize the formation of gaslight corporations and regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

Approved March 8, 1877. P. L. 1877, p. 107.

1. That the eighteenth section of the act to which this is a supplement, which reads as follows: (*Vide ante*, p. 462), be and the same hereby is amended so as to read as follows:

That the quality of gas supplied by any company organized under this act shall be, with respect to its illuminating powers, such as to produce from an English parliamentary standard argand burner, known as the London burner for sixteen candle gas, consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound, each burning one hundred

Quality of gas to be furnished.