

Fire.

1. Setting fire to woods, etc., punishable.
2. Woods, marshes and meadows when on fire, how to be extinguished.
3. Penalty for firing woods, forests, etc.
4. Who to make investigation into origin of fires.
5. General powers of sheriffs, etc.
6. Jury to be sworn to hear testimony.
7. Officer investigating to issue process for arrest, etc.
8. Powers of officer issuing process.
9. Testimony shall be reduced to writing.
10. Costs and expenses, how paid.
11. Sale of firecrackers prohibited.
12. Exploding of, prohibited.
13. Penalty for selling.
14. Penalty for exploding.
15. How penalties recovered and applied.

Rev. 146.

An act to prevent the burning of woods, marshes and meadows.

R. S. 617.

Passed November 24, 1794.

Setting fire to woods, etc., punishable.

1. That if any person shall wilfully set fire to, or burn, or procure, or cause to be burnt his or her own woods, marshes, or meadows, or the woods, marshes, or meadows in his or her tenure or possession, (a) by means whereof any other person shall be damnified in his or her houses, buildings, fences, woods, or other property whatsoever, or shall wilfully set fire to or burn, or procure or cause to be burnt any woods, marshes, or meadows of another, whether the same be enclosed or not, such person, so offending in any of the premises, shall be deemed to be guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding twelve months, or both; and also shall yield and pay double damages to the party injured thereby, to be recovered, by action on the case, with costs of suit, in any court having cognizance thereof; *provided*, nothing in this act contained shall be construed to prohibit the owners of salt and fresh marshes and meadows, and their tenants, from burning such marshes and meadows in the usual manner, in which the same have been heretofore burnt in the several counties of this state.

Not to prohibit burning of marshes, etc., by owners.

[Sec. 2 superseded by supplement of March 3, 1875].

Supplement.

Approved March 3, 1875.

P. L. 1875, p. 20.

Justices of the peace, constables, overseers of highways, &c., tenants and agents may order inhabitants to assist in extinguishing or stopping progress of fires.

2. SEC. 1. That when the woods, marshes or meadows in any part of this state shall be on fire, the justices of the peace, the constables and the overseers of the highways, residing in the vicinity of said fire, and the owner or owners of such woods, marshes and meadows, their tenants, agents, superintendents, watchmen, and person or persons in charge of the same shall, and they are hereby severally authorized, required and empowered, forthwith, to order such and so many of the inhabitants within their respective jurisdictions, or residing in the vicinity of said fire, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person so ordered to assist in manner aforesaid, by either one of the persons above named, shall refuse or neglect to comply with such order, he shall forfeit and pay five dollars for every refusal or neglect to obey such order, to be recovered by action of debt, with costs of suit, by the owner or owners of such woods, marshes or meadows before any justice of the peace of the county where such order or notice has been given, and the oath or affirmation of the person who shall give such order or notice, shall be sufficient evidence whereon to convict such offender, and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto for superior exertion at the extinguishment or in stopping the progress of such fires.

Penalty for refusal to obey orders.

(a) A landlord is not liable if his tenant by setting fire to his own woods consume the woods of his neighbors, *Todd v. Collins*, 1 Hal. 127.

Supplement.

Approved March 24, 1875.

P. L. 1875, p. 39.

3. SEC. 1. That if any person or persons shall burn or smoke out, or attempt to burn or smoke out any squirrel or squirrels, or any animal or species of game whatsoever, in any woods, forests, marshes or meadows, or other lands in this state, belonging to any other person or corporation, or if fire originates from any such burning or smoking as aforesaid, by any person whatsoever, by means of which any other person or corporation shall be damnified in his or her houses, buildings, fences, woods or other property whatsoever, whether the same be enclosed or not, such person or persons so offending in any of the premises aforesaid shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding twelve months, or both, at the discretion of the court having jurisdiction thereof, (one half of said fine to be paid to the person or persons entering the complaint), and also shall yield and pay double damage to the party injured thereby, to be recovered by action on the case, with costs of suit, in any court having cognizance thereof.

Penalty for firing woods, forests, &c.

An act to provide for an investigation into the origin of fires.

Approved March 18, 1875.

P. L. 1875, p. 33.

4. SEC. 1. That whenever it shall be made to appear by the affidavit of a creditable witness, that there is ground to believe that any building has been maliciously set on fire or attempted to be, any coroner, sheriff or justice of the peace of the county in which such crime is supposed to have been committed, to whom such affidavit shall be delivered, and who shall be requested by the president, secretary or agent of any insurance company, to investigate the truth of such belief, shall do so forthwith.

Coroner, sheriff, or justice of the peace, shall make investigation on affidavit of a creditable witness.

5. SEC. 2. That for the purpose of such investigation, such officers shall possess all the powers now conferred by law upon coroners, in regard to inquests upon dead bodies.

General powers.

6. SEC. 3. That the jury, after being duly sworn, shall, with the officer holding the investigation, inspect the place where the fire was, or was attempted, and shall hear the testimony, and after so doing, shall deliver to the officer holding such investigation, their inquisition in writing, signed by them, in which they shall find and certify how and in what manner such fire happened or was attempted, and all the circumstances attending the same, and who was or were guilty thereof, either as principal or accessory, and in what manner; if the jury are unable to ascertain the origin or circumstances of such fire, they shall find and certify accordingly.

Jury to be sworn and hear testimony.

7. SEC. 4. That if the jury find that any building has been maliciously set on fire, or has been attempted so to be, the officer holding such investigation, shall have power to issue process for the arrest of the party charged with such offence, and commit him to await the action thereon of the next grand jury of that county; *provided*, he be not already in custody; and shall also have power, when in his judgment necessary, to bind over the witnesses to appear and testify at the next criminal court of said county.

Officer holding investigation shall have power to issue process for arrest of party charged.

8. SEC. 5. That the officer issuing such process, shall have the same power to examine the party arrested as is now possessed by justices of the peace in criminal arrests, and shall proceed in like manner.

Powers of officer issuing process.

9. SEC. 6. That the testimony of all witnesses examined before the jury under this law, shall be reduced to writing, by or under the direction of the officer holding the investigation, and shall be returned by him, together with the inquisition of the jury, and all recognizances and examinations taken under his hand and seal, to the next criminal court of record to be held in said county.

Testimony shall be reduced to writing.

10. SEC. 7. That the costs and expenses of such investigation shall be ascertained and taxed in the same manner as it is now provided by law for like services by coroners when holding inquests upon dead bodies, and shall be paid by the insurance company whose president, secretary or agent has requested such investigation; and any such officer may, before he proceeds to the business of the inquiry, require of the said insurance company a bond in the sum of one hundred dollars, conditioned for the payment of said fees after the conclusion of said inquest.

Costs and expenses, how paid.

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

R. S. 566.

Passed February 18, 1835.

Sale of fire crackers prohibited.

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

Exploding of, prohibited.

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

Penalty for selling.

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

Penalty for exploding.

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

How penalties recovered and applied.

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

Fisheries.

I. COMMISSIONERS OF FISHERIES.

1. Governor to appoint commissioners.
2. Number of, increased. Term of office.
3. Appointment of subsequent commissioners.
4. Erection, etc., of fishways in Raritan river.
5. Notice to parties to construct or rebuild fishways.
6. Within what time parties to construct or repair.

II. RESPECTING NON-RESIDENTS.

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

III. RIVER DELAWARE.

9. Pool or fishing places.
10. Weirs, racks, etc., unlawful.
11. Wing dams unlawful.
12. Collector's duty.
13. Right of appeal.
14. Sweep of the seines.
15. No vessels or rafts to anchor on fishing grounds.
16. Act not in force till ratified by Pennsylvania.
17. Time for fishing prescribed.
18. Possessor of fishery to give description to county clerk and bond.
19. Penalty for violation of preceding section.
20. Who may use a gilling seine.
21. Gilling seines, when and what kind may be used.
22. Duty of constables.
23. Penalty for neglect of duty.
24. Offenders, how punished.
25. Duty of collectors.
26. How suit may be brought.
27. Additional penalties.
28. Penalty for resisting.
29. Penalties, how recovered and disposed of.
30. Proviso.
31. Penalty for fishing on Sunday.

32. Penalty for unlawful fishing with drift nets.
 33. Penalty for fishing with drift nets in certain times.
 34. Repealer. Provisoes.
 35. Act to be sent to governor of Pennsylvania.
 36. Number of nets to be used with certain limits.
 37. Supplement of 1845, when to take effect.
 38. Fishing with gilling seines or drift nets.
 39. Part of former act repealed.
 40. Supplement of 1852 not valid until concurred in by Pennsylvania.
 41. Size of mesh of net to be used.
 42. Drift nets or gilling seines not to be used.
 43. Supplement of 1858, when to take effect.
 44. Shad caught in Delaware not to be offered for sale within certain times.
 45. Penalty for fishing with nets at certain seasons.
 46. Fish wardens to be appointed by governor; duties; powers; term of office.
 47. To remove dams, weirs, rocks, etc.
 48. Fines, how applied.
 49. Copy of act to be sent governor of Pennsylvania.
 50. Repealer of section six of supplement of 1871.
 51. When supplement of 1871 to go into effect. Proviso.
 52. Act of 1808 and supplements extended to Delaware river and bay.
 53. To what ten days' notice required by act of 1872 not to apply.
 54. Amendment of section one of supplement of 1858.
 55. When the ten days' notice of supplement of 1872, not to be given.
 56. Bounds of fisheries on islands and bars.
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57. Fishing, etc., regulated.
 58. Penalty for violating act.
 59. Pilot commissioners to make rules relative to fisheries-
 60. To confer with like board of New York.
 61. Impediment to navigation, how determined.
 62. Expenses, how paid.