

SENATE, No. 9

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning commerce and navigation, and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 12:3-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-4. The repeal of the act entitled "An act to authorize the owners
4 of lands under tidewaters to build wharves in front of the same," approved
5 March eighteenth, one thousand eight hundred and fifty-one (L. 1851, p. 335),
6 as to the tidewaters of this State below the line of mean high tide, by sec-
7 tion three of the act entitled "Supplement to an act entitled 'An act to ascer-
8 tain the rights of the State and of riparian owners in the lands lying under
9 the waters of the bay of New York and elsewhere in this State,' approved
10 April eleventh, eighteen hundred and sixty-four," approved March thirty-
11 first, one thousand eight hundred and sixty-nine (L. 1869, c. 383, p. 1017), as
12 amended by the act approved March twentieth, one thousand eight hundred
13 and ninety-one (L. 1891, c. 124, p. 216), shall not be construed to restore any
14 supposed rights, usage or local common law, founded upon the tacit consent
15 of the State or otherwise to fill in any land under water below mean high tide.

16 Without the grant or permission of the Department of Conservation
17 and Economic Development no person or corporation shall fill in, build upon

18 or make any erection on or reclaim any of the lands under the tidewaters
19 of this State; and in case any person or corporation so offending shall be
20 guilty of purpresture, which shall be abated at the cost and expense of such
21 person or corporation, on application of the Attorney-General, under judg-
22 ment of the Superior Court or by indictment in the county in which the same
23 may be, or opposite to or adjoining which said purpresture may be; *pro-*
24 *vided, however,* that neither this section nor any provision contained in sec-
25 tions 12:3-2 to 12:3-9 of this Title, shall in anywise repeal or impair any
26 grant of land under water, or right to reclaim made directly by legislative
27 act, or grant or license, power or authority, so made or given, to purchase,
28 fill up, occupy, possess and enjoy lands covered with water fronting and ad-
29 joining lands owned or authorized to be owned by the corporation, or
30 grantee or licensee in the legislative act mentioned, its, his or their repre-
31 sentatives, grantees or assigns, or to repeal or impair any grant or license,
32 power or authority to erect or build docks, wharves and piers opposite and ad-
33 joining lands owned, or authorized to be owned by the corporation, or
34 grantee or licensee in the legislative act mentioned, its, his or their repre-
35 sentatives, grantees or assigns made prior to July first, one thousand eight
36 hundred and ninety-one, or given directly by legislative acts, whether said
37 acts are or are not repealable, and as to any revocable license given by the
38 board of chosen freeholders of a county prior to July first, one thousand
39 eight hundred and ninety-one, to build docks, wharves or piers, or to fill in
40 or reclaim any lands under water in this State, the same shall be
41 irrevocable so far as the land under water has been or shall be lawfully re-
42 claimed or built upon under any such license issued prior to July first, one
43 thousand eight hundred and ninety-one, provided such reclamation or build-
44 ing under such license shall be completed prior to January first, one thou-
45 sand eight hundred and ninety-two; but as to the future such revocable license,
46 if the said lands covered by the license have not been wholly or in part
47 lawfully reclaimed or built upon, is hereby revoked, and no occupation or
48 reclamation of land under water without such legislative act or revocable

49 license shall divest the title of the State, or confer any rights upon the party
50 who has reclaimed or who is in possession of the same.

1 2. Section 12:3-8 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-8. The department may commence a civil action in the name of the
4 State of New Jersey against persons and corporations trespassing upon or
5 occupying the lands of the State under water, or which were heretofore
6 under water, and the Attorney-General of the State is hereby required to
7 commence and prosecute such actions as may be instituted or directed by the
8 department; and his expenses and disbursements, and the expenses and dis-
9 bursements of such assistants as may be appointed by the Governor, and
10 their reasonable charges and counsel fees shall be taxed by the court and
11 paid by the State Treasurer, upon presentation of the bill so taxed.

1 3. Section 12:3-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-9. In any case where a grant of the lands of the State under water
4 is made by the department to any person other than the riparian owner the
5 State's grantee shall not fill up or improve said lands under water until the
6 rights and interest of the riparian owner in said lands under water (if any
7 he has) shall be extinguished, as follows: The department shall fix the
8 amount to be paid to said riparian owner for his rights and interest therein
9 (if any he has), and said riparian owner shall have the right, within twenty
10 days after he has been notified of said amount, to accept said sum in full
11 extinguishment of all his rights, or if he is dissatisfied with said award he
12 may apply to the Superior Court for a struck jury to try the question in
13 such place as may be designated by said court, and said jury may increase
14 or diminish the amount to be paid the said riparian owner, and their verdict
15 shall be final as to said amount, and on the payment or tender by the
16 State's grantee to the riparian owner of the amount fixed by said jury all
17 the rights and interests of said riparian owner in the lands of the State
18 under water in front of his land shall be extinguished; the costs of the trial

19 shall be paid as follows: If the verdict of the jury is greater than the
20 award of the board then the State shall pay the costs of the trial, if the ver-
21 dict is the same as the award or less than the award of the department then
22 the riparian owner shall pay the costs.

1 4. Section 12:3-21 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-21. No person or corporation shall dig, dredge or remove any de-
4 posits of sand or other material from the lands of the State lying under
5 tidal waters without a license so to do first obtained as provided in section
6 12:3-22 of this Title, and any person or corporation who shall so unlawfully
7 dig, dredge or remove any deposit of sand or other material as aforesaid
8 shall forfeit and pay for each and every such offense the sum of one hun-
9 dred dollars (\$100.00), to be prosecuted for and recovered by a civil action
10 by any person or persons in any court of competent jurisdiction with costs
11 of suit, the one-half the amount so recovered to be for the use of the State,
12 and the other half to the use of the person or persons who shall sue for
13 and prosecute the same to effect; *provided, however,* that nothing in this sec-
14 tion contained shall prevent the owner of any grant or lease from the State,
15 or the assignee or lessee thereof, from digging, dredging, removing, and
16 taking sand and other material within the lines of, or in front of, such grant
17 or lease, for the purpose of improving lands granted or leased to them, or
18 their grantors or lessors, by the State, nor prevent such owner, assignee
19 or lessee from digging or dredging a channel or channels to the main
20 channels, and removing and taking the material therefrom.

1 5. Section 12:3-25 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-25. The department, together with the Governor, may, in any lease
4 of lands of the State below mean high-water mark, provide for a renewal
5 or renewals of the lease for a subsequent term or terms to be expressed
6 in the lease, and therein provide that the annual rentals to be paid for each
7 renewal shall, in case the amount cannot be agreed upon, be fixed and de-

8 terminated before the commencement of the renewal term by three arbitrators,
9 one to be appointed by the State, one by the then lessee, and the third by
10 their joint agreement, or should they fail to agree, then by the Superior
11 Court.

1 6. Section 12:3-61 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-61. Upon the removal by the department of a boat, barge or raft in
4 accordance with section 12:3-60 of this Title, it shall enforce the lien thereby
5 given for the cost of the removal by sale of the boat, barge or raft.

6 Written notice of the lien and of the amount thereof, and of the sale,
7 shall be given by posting a copy thereof, signed by the commissioner or
8 chief engineer of the department, upon the boat, barge or raft and in three
9 public places, at least fifteen days before the date of the sale.

10 If the amount of the lien and accrued costs is not satisfied before the
11 day fixed for sale, the boat, barge or raft shall be sold to the highest bidder.
12 Out of the proceeds shall be deducted the cost of the sale, which shall consist
13 of the amount of the cost of the removal of the boat, barge or raft, together
14 with a fee of ten dollars (\$10.00) for the preparation and posting of notices
15 and ten dollars (\$10.00) for selling and execution of the certificate of sale.
16 The balance, if any, shall be paid to the Clerk of the Superior Court to be
17 held by him for the benefit of the owner of the boat, barge or raft. Such
18 balance shall be paid out only upon the order of the Superior Court.

1 7. Section 12:3-64 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:3-64. The Department of Conservation and Economic Development
4 may acquire title, in fee simple, in the name of the State, by gift, devise or
5 purchase or by condemnation in the manner provided in chapter one of the
6 Title Eminent Domain (20:1-1 et seq.) to any lands in the State, including
7 riparian lands, of such area and extent which, in the discretion of the de-
8 partment, may be deemed necessary and advisable. All lands so acquired
9 shall be subject to the jurisdiction and control of the department.

10 The department may enter upon and take property in advance of mak
11 ing compensation therefor where for any reason it cannot acquire the prop-
12 erty by agreement with the owner.

13 Upon the department exercising the right of condemnation and enter-
14 ing upon and taking land in advance of making compensation therefor it
15 shall proceed to have the compensation fixed and paid to the owner, as pro-
16 vided in said chapter one of the Title Eminent Domain.

17 Lands thus acquired shall be used for the improvement or development
18 of any waterway, stream, river or creek or any waterfront or oceanfront
19 property or to give access to any lands of the State.

1 8. Section 12:4-17 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:4-17. Every County Court, county district court and municipal court
4 shall have jurisdiction to hear and determine actions for the recovery of pen-
5 alties under section 12:4-16 of this Title. All such penalties shall be enforced
6 and collected under "the penalty enforcement law" (2A:58-1 et seq.), and
7 the process shall be a warrant. A commitment for failure to pay a penalty
8 shall be to the county jail for a period of not more than twenty days. All
9 penalties recovered under this section shall be paid to the county treasurer
10 for the use of the county.

1 9. Section 12:6-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:6-14. The holder of a permit violating any of the provisions of this
4 article or any of the conditions of the permit, shall be liable to a penalty of
5 five hundred dollars (\$500.00) to be recovered in a civil action in the name of
6 the department. Such penalty, when recovered, shall be for the use of the
7 State and payable into the State treasury.

1 10. Section 12:7-6 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-6. The Commissioner of Conservation and Economic Development,
4 the Chief of the Bureau of Navigation, the Chief of the Bureau of Planning
5 and Commerce and such of their assistants as shall be designated for the
6 purpose by the commissioner, shall each be vested with all the powers of a
7 magistrate conferred in this chapter.

1 11. Section three of chapter three hundred ninety-six of the laws of one
2 thousand nine hundred and forty-one is amended to read as follows:

3 3. Any person violating the provisions of this act shall be liable to a
4 penalty of one hundred dollars (\$100.00) to be recovered in a civil action
5 in any court of competent jurisdiction, to be sued for and recovered by the
6 Department of Conservation and Economic Development, which penalty shall
7 be for the use of the State.

1 12. Section 12:7-25 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-25. The County Courts, county district courts and municipal courts
4 shall have jurisdiction to hear and determine violations of the provisions of
5 this chapter, and the judges of said courts shall be deemed to be magis-
6 trates under this chapter. Penalties for violations of the provisions of this
7 chapter shall be enforced and collected under "the penalty enforcement law"
8 (2A:58-1 et seq.), and the process shall be in the nature of a summons or
9 warrant.

1 13. Section 12:7-26 of the Revised Statutes is repealed.

1 14. Section 12:7-27 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-27. In lieu of a bond or cash deposit upon any adjournment, any
4 person alleged to have violated a provision of this chapter may leave with
5 the magistrate the vessel owned or operated by said person at the time of
6 the alleged commission of the offense.

1 15. Section 12:7-28 of the Revised Statutes is repealed.

1 16. Section 12:7-29 of the Revised Statutes is repealed.

1 17. Section 12:7-32 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-32. Any constable, police officer, or inspector, appointed under the
4 provisions of this chapter, may arrest, without warrant, any person violat-
5 ing, in the presence of such constable, police officer, or inspector, any of the
6 provisions of this chapter and bring the defendant before any magistrate of
7 the county where such offense is committed. The person so offending shall
8 be detained in the office of the magistrate until the officer making the arrest
9 shall forthwith make complaint. Any such constable, police officer, or in-
10 spector, upon satisfying himself that such offender is a resident of this
11 State, may, instead of arresting the offender as herein provided, serve upon
12 him a summons in the name of any magistrate or court of competent juris-
13 diction within the provisions of this chapter, directing the offender to ap-
14 pear and answer the charge, or charges, as may then and there be preferred
15 against him. For this purpose the magistrate or the clerks of such courts,
16 respectively, shall provide the officer or officers with a form of summons
17 which, when filled out, executed and issued by the officer or officers in such
18 cases as herein provided, shall be good and effectual, according to the pur-
19 pose and intent thereof. The said form of summons shall conform to the
20 rules governing the local criminal courts. All proceedings under this chap-
21 ter shall be had in a summary manner.

1 18. Section 12:10-15 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:10-15. The Superior Court in an action brought for such purpose
4 may restrain any person from performing the duties of port warden or acting
5 as such, or in any way interfering with the duties of the port warden or in
6 any other way violating the provisions of this chapter.

1 19. This act shall take effect immediately.

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2 Jersey:

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6 of lands under tidewaters to build wharves in front of the same," approved
7 March eighteenth, one thousand eight hundred and fifty-one (L. 1851, p. 335),
8 as to the tidewaters of this State below the line of mean high tide, by sec-
9 tion three of the act entitled "Supplement to an act entitled 'An act to ascer-
10 tain the rights of the State and of riparian owners in the lands lying under
11 the waters of the bay of New York and elsewhere in this State,' approved
12 April eleventh, eighteen hundred and sixty-four," approved March thirty-
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15 and ninety-one (L. 1891, c. 124, p. 216), shall not be construed to restore any
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17 of the State or otherwise to fill in any land under water below mean high tide.

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19 and Economic Development no person or corporation shall fill in, build upon

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19 of this State; and in case any person or corporation so offending shall be
20 guilty of purpresture, which shall be abated at the cost and expense of such
21 person or corporation, on application of the Attorney-General, under judg-
22 ment of the Superior Court or by indictment in the county in which the same
23 may be, or opposite to or adjoining which said purpresture may be; *pro-*
24 *vided, however,* that neither this section nor any provision contained in sec-
25 tions 12:3-2 to 12:3-9 of this Title, shall in anywise repeal or impair any
26 grant of land under water, or right to reclaim made directly by legislative
27 act, or grant or license, power or authority, so made or given, to purchase,
28 fill up, occupy, possess and enjoy lands covered with water fronting and ad-
29 joining lands owned or authorized to be owned by the corporation, or
30 grantee or licensee in the legislative act mentioned, its, his or their repre-
31 sentatives, grantees or assigns, or to repeal or impair any grant or license,
32 power or authority to erect or build docks, wharves and piers opposite and ad-
33 joining lands owned, or authorized to be owned by the corporation, or
34 grantee or licensee in the legislative act mentioned, its, his or their repre-
35 sentatives, grantees or assigns made prior to July first, one thousand eight
36 hundred and ninety-one, or given directly by legislative acts, whether said
37 acts are or are not repealable, and as to any revocable license given by the
38 board of chosen freeholders of a county prior to July first, one thousand
39 eight hundred and ninety-one, to build docks, wharves or piers, or to fill in
40 or reclaim any lands under water in this State, the same shall be
41 irrevocable so far as the land under water has been or shall be lawfully re-
42 claimed or built upon under any such license issued prior to July first, one
43 thousand eight hundred and ninety-one, provided such reclamation or build-
44 ing under such license shall be completed prior to January first, one thou-
45 sand eight hundred and ninety-two; but as to the future such revocable license,
46 if the said lands covered by the license have not been wholly or in part
47 lawfully reclaimed or built upon, is hereby revoked, and no occupation or
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7 commence and prosecute such actions as may be instituted or directed by the
8 department; and his expenses and disbursements, and the expenses and dis-
9 bursements of such assistants as may be appointed by the Governor, and
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6 rights and interest of the riparian owner in said lands under water (if any
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8 amount to be paid to said riparian owner for his rights and interest therein
9 (if any he has), and said riparian owner shall have the right, within twenty
10 days after he has been notified of said amount, to accept said sum in full
11 extinguishment of all his rights, or if he is dissatisfied with said award he
12 may apply to the Superior Court for a struck jury to try the question in
13 such place as may be designated by said court, and said jury may increase
14 or diminish the amount to be paid the said riparian owner, and their verdict
15 shall be final as to said amount, and on the payment or tender by the
16 State's grantee to the riparian owner of the amount fixed by said jury all
17 the rights and interests of said riparian owner in the lands of the State
18 under water in front of his land shall be extinguished; the costs of the trial

19 shall be paid as follows: If the verdict of the jury is greater than the
 20 award of the board then the State shall pay the costs of the trial, if the ver-
 21 dict is the same as the award or less than the award of the department then
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1 4. Section 12:3-21 of the Revised Statutes is amended to read as fol-
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 3 12:3-21. No person or corporation shall dig, dredge or remove any de-
 4 posits of sand or other material from the lands of the State lying under
 5 tidal waters without a license so to do first obtained as provided in section
 6 12:3-22 of this Title, and any person or corporation who shall so unlawfully
 7 dig, dredge or remove any deposit of sand or other material as aforesaid
 8 shall forfeit and pay for each and every such offense the sum of one hun-
 9 dred dollars (\$100.00), to be prosecuted for and recovered by a civil action
 10 by any person or persons in any court of competent jurisdiction with costs
 11 of suit, the one-half the amount so recovered to be for the use of the State,
 12 and the other half to the use of the person or persons who shall sue for
 13 and prosecute the same to effect; *provided, however,* that nothing in this sec-
 14 tion contained shall prevent the owner of any grant or lease from the State,
 15 or the assignee or lessee thereof, from digging, dredging, removing, and
 16 taking sand and other material within the lines of, or in front of, such grant
 17 or lease, for the purpose of improving lands granted or leased to them, or
 18 their grantors or lessors, by the State, nor prevent such owner, assignee
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 7 renewal shall, in case the amount cannot be agreed upon, be fixed and de-

8. terminated before the commencement of the renewal term by three arbitrators,
 9. one to be appointed by the State, one by the then lessee, and the third by
 10. their joint agreement, or should they fail to agree, then by the Superior
 11. Court.

1. 6. Section 12:3-61 of the Revised Statutes is amended to read as fol-
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3. 12:3-61. Upon the removal by the department of a boat, barge or raft in
 4. accordance with section 12:3-60 of this Title, it shall enforce the lien thereby
 5. given for the cost of the removal by sale of the boat, barge or raft.

6. Written notice of the lien and of the amount thereof, and of the sale,
 7. shall be given by posting a copy thereof, signed by the commissioner or
 8. chief engineer of the department, upon the boat, barge or raft and in three
 9. public places, at least fifteen days before the date of the sale.

10. If the amount of the lien and accrued costs is not satisfied before the
 11. day fixed for sale, the boat, barge or raft shall be sold to the highest bidder.
 12. Out of the proceeds shall be deducted the cost of the sale, which shall consist
 13. of the amount of the cost of the removal of the boat, barge or raft, together
 14. with a fee of ten dollars (\$10.00) for the preparation and posting of notices
 15. and ten dollars (\$10.00) for selling and execution of the certificate of sale.
 16. The balance, if any, shall be paid to the Clerk of the Superior Court to be
 17. held by him for the benefit of the owner of the boat, barge or raft. Such
 18. balance shall be paid out only upon the order of the Superior Court.

1. 7. Section 12:3-64 of the Revised Statutes is amended to read as fol-
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3. 12:3-64. The Department of Conservation and Economic Development
 4. may acquire title, in fee simple, in the name of the State, by gift, devise or
 5. purchase or by condemnation in the manner provided in chapter one of the
 6. Title Eminent Domain (20:1-1 et seq.) to any lands in the State, including
 7. riparian lands, of such area and extent which, in the discretion of the de-
 8. partment, may be deemed necessary and advisable. All lands so acquired
 9. shall be subject to the jurisdiction and control of the department.

10 The department may enter upon and take property in advance of mak-
 11 ing compensation therefor where for any reason it cannot acquire the prop-
 12 erty by agreement with the owner.

13 Upon the department exercising the right of condemnation and enter-
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 15 shall proceed to have the compensation fixed and paid to the owner, as pro-
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 18 of any waterway, stream, river or creek or any waterfront or oceanfront
 19 property or to give access to any lands of the State.

1 8. Section 12:4-17 of the Revised Statutes is amended to read as fol-
 2 lows:

3 12:4-17. Every County Court, county district court and municipal court
 4 shall have jurisdiction to hear and determine actions for the recovery of pen-
 5 alties under section 12:4-16 of this Title. All such penalties shall be enforced
 6 and collected under "the penalty enforcement law" (2A:58-1 et seq.), and
 7 the process shall be a warrant. A commitment for failure to pay a penalty
 8 shall be to the county jail for a period of not more than twenty days. All
 9 penalties recovered under this section shall be paid to the county treasurer
 10 for the use of the county.

1 9. Section 12:6-14 of the Revised Statutes is amended to read as fol-
 2 lows:

3 12:6-14. The holder of a permit violating any of the provisions of this
 4 article or any of the conditions of the permit, shall be liable to a penalty of
 5 five hundred dollars (\$500.00) to be recovered in a civil action in the name of
 6 the department. Such penalty, when recovered, shall be for the use of the
 7 State and payable into the State treasury.

1 10. Section 12:7-6 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-6. The Commissioner of Conservation and Economic Development,
4 the Chief of the Bureau of Navigation, the Chief of the Bureau of Planning
5 and Commerce and such of their assistants as shall be designated for the
6 purpose by the commissioner, shall each be vested with all the powers of a
7 magistrate conferred in this chapter.

1 11. Section three of chapter three hundred ninety-six of the laws of one
2 thousand nine hundred and forty-one is amended to read as follows:

3 3. Any person violating the provisions of this act shall be liable to a
4 penalty of one hundred dollars (\$100.00) to be recovered in a civil action
5 in any court of competent jurisdiction, to be sued for and recovered by the
6 Department of Conservation and Economic Development, which penalty shall
7 be for the use of the State.

1 12. Section 12:7-25 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-25. The County Courts, county district courts and municipal courts
4 shall have jurisdiction to hear and determine violations of the provisions of
5 this chapter, and the judges of said courts shall be deemed to be magis-
6 trates under this chapter. Penalties for violations of the provisions of this
7 chapter shall be enforced and collected under "the penalty enforcement law"
8 (2A:58-1 et seq.), and the process shall be in the nature of a summons or
9 warrant.

1 13. Section 12:7-26 of the Revised Statutes is repealed.

1 14. Section 12:7-27 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-27. In lieu of a bond or cash deposit upon any adjournment, any
4 person alleged to have violated a provision of this chapter may leave with
5 the magistrate the vessel owned or operated by said person at the time of
6 the alleged commission of the offense.

1 15. Section 12:7-28 of the Revised Statutes is repealed.

1 16. Section 12:7-29 of the Revised Statutes is repealed.

1 17. Section 12:7-32 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:7-32. Any constable, police officer, or inspector, appointed under the
4 provisions of this chapter, may arrest, without warrant, any person violat-
5 ing, in the presence of such constable, police officer, or inspector, any of the
6 provisions of this chapter and bring the defendant before any magistrate of
7 the county where such offense is committed. The person so offending shall
8 be detained in the office of the magistrate until the officer making the arrest
9 shall forthwith make complaint. Any such constable, police officer, or in-
10 spector, upon satisfying himself that such offender is a resident of this
11 State, may, instead of arresting the offender as herein provided, serve upon
12 him a summons in the name of any magistrate or court of competent juris-
13 diction within the provisions of this chapter, directing the offender to ap-
14 pear and answer the charge, or charges, as may then and there be preferred
15 against him. For this purpose the magistrate or the clerks of such courts,
16 respectively, shall provide the officer or officers with a form of summons
17 which, when filled out, executed and issued by the officer or officers in such
18 cases as herein provided, shall be good and effectual, according to the pur-
19 pose and intent thereof. The said form of summons shall conform to the
20 rules governing the local criminal courts. All proceedings under this chap-
21 ter shall be had in a summary manner.

1 18. Section 12:10-15 of the Revised Statutes is amended to read as fol-
2 lows:

3 12:10-15. The Superior Court in an action brought for such purpose
4 may restrain any person from performing the duties of port warden or acting
5 as such, or in any way interfering with the duties of the port warden or in
6 any other way violating the provisions of this chapter.

1 19. This act shall take effect immediately.