

ASSEMBLY, No. 129

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1949

By Mrs. MARGGRAFF

Referred to Committee on Agriculture

AN Act prohibiting the selling, offering for sale, bartering or giving away of live baby chicks, ducklings or rabbits, under two months of age, in any quantity less than one dozen or which have been dyed or artificially colored, and amending section 4:22-26 of the Revised Statutes.

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

1 1. Section 4:22-26 of the Revised Statutes is amended to read as
2 follows:

3 4:22-26. A person who shall:

4 a. Overdrive, overload, drive when overloaded, overwork, torture, tor-
5 ment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or
6 needlessly mutilate or kill a living animal or creature;

7 b. Cause or procure to be done by his agent, servant, employee or other-
8 wise an act enumerated in paragraph "a" of this section;

9 c. Inflict unnecessary cruelty upon a living animal or creature of which
10 he has charge or custody either as owner or otherwise, or unnecessarily
11 fail to provide it with proper food, drink, shelter or protection from the
12 weather;

13 d. Receive or offer for sale a horse which by reason of disability, dis-
14 ease or lameness, or any other cause, could not be worked without violat-
15 ing the provisions of this article;

16 e. Keep, use, be connected with or interested in the management of, or
17 receive money or other consideration for the admission of a person to, a
18 place kept or used for the purpose of fighting or baiting a living animal
19 or creature;

20 f. Be present and witness, encourage, aid or assist in an activity enu-
21 merated in paragraph "e" of this section;

22 g. Permit or suffer a place owned or controlled by him to be used as
23 provided in paragraph "e" of this section;

24 h. Carry, or cause to be carried, a living animal or creature in or upon
25 a vehicle or otherwise, in a cruel or inhuman manner;

26 i. Use a dog or dogs for the purpose of drawing or helping to draw a
27 vehicle for business purposes;

28 j. Impound or confine or cause to be impounded or confined in a pound
29 or other place a living animal or creature, and shall fail to supply it dur-
30 ing such confinement with a sufficient quantity of good and wholesome food
31 and water;

32 k. Abandon a maimed, sick, infirm or disabled animal or creature to die
33 in a public place;

34 l. Willfully sell, or offer to sell, use, expose, or cause or permit to be
35 sold or offered for sale, used or exposed, a horse or other animal having
36 the disease known as glanders or farcy, or other contagious or infectious
37 disease dangerous to the health or life of human beings or animals, or
38 who shall, when any such disease is beyond recovery, refuse, upon demand,
39 to deprive the animal of life;

40 m. Own, operate, manage or conduct a stand or roadside market for
41 the sale of merchandise along a highway and shall keep a living animal
42 or creature inhumanely confined on such premises as an exhibit;

43 n. Keep or exhibit any wild animal, other than birds or fowls, at any
44 road stand, gasoline station or market located on any of the public streets
45 or highways of this State [.] ;

46 o. Sell, offer for sale, barter or give away live baby chicks, ducklings
47 or rabbits, under two months of age, in any quantity less than one dozen or
48 which have been dyed or artificially colored;

49 [o] p. Artificially mark sheep or cattle, or cause them to be marked,
50 by cropping or cutting off both ears, cropping or cutting either ear more
51 than one inch from the tip end thereof, or half cropping or cutting both
52 ears or either ear more than one inch from the tip end thereof, or who
53 shall have or keep in his possession sheep or cattle, which he claims to own,
54 marked contrary to this paragraph unless they were bought in market or
55 of a stranger—

56 Shall forfeit and pay a sum not to exceed one hundred dollars (\$100.00),
57 to be sued for and recovered, with costs, in an action at law by any person
58 in the name of the New Jersey Society for the Prevention of Cruelty to
59 Animals.

1 2. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

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1 2. This act shall take effect immediately.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 129

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 129.

I am in accord with the purpose of this bill. However, as submitted to me, it is patently constitutionally defective. The title to the bill reads as follows:

“AN ACT prohibiting the selling, offering for sale, bartering or giving away of live baby chicks, ducklings or rabbits, under two months of age, in any quantity less than one dozen or which have been dyed or artificially colored, and amending section 4:22-26 of the Revised Statutes.” (Underlining added.)

As introduced, the new matter contained in paragraph “o” of the body of the bill followed the language of the title. However, that paragraph was amended by deleting therefrom the words “, under two months of age, in any quantity less than one dozen or”. The title was not changed to conform to the wording of the paragraph as amended.

Therefore the title of the bill as finally adopted is not broad enough to cover the object expressed in the bill, as required by Paragraph 4 of Section VII of Article IV of the Constitution.

Accordingly, I return herewith Assembly Bill No. 129 for reconsideration, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, title, beginning on line 2, delete the words “, under two months of age, in any quantity less than one dozen or”.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
RANSFORD J. ABBOTT,
Secretary to the Governor.