4:3-18

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LAWS OF: 1953 **CHAPTER:** 5

NJSA: 4:3-18 (Concerning Agriculture, Domestic Animals and revising part of the statutory law)

BILL NO: S2

SPONSOR: Clapp

DATE INTRODUCED: January 13, 1953

COMMITTEE: **ASSEMBLY:** Revision and Amendment of Laws

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 9, 1953

SENATE: January 26, 1953

DATE OF ENACTEMENT: March 19, 1953

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Official Copy Reprint enacted)		Yes
SPONSOR'S STATEMENT:		No
COMMITTEE STATEMENT:	**ASSEMBLY:**	No
	SENATE:	No
FLOOR AMENDMENT STATEMENT:		No
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		No

FOLLOWING WERE PRINTED:
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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

SENATE, No. 2

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning agriculture and domestic animals, and revising parts of the statutory law.

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

1. Section 4:1–23 of the Revised Statutes is amended to read as follows:

4:1–23. The Superior Court and the county courts, county district courts and municipal courts, within their respective territorial jurisdictions, may grant such writs and orders as may be appropriate, including search warrants, according to the practice of such courts and in a summary manner, to enable the officers and employees of the department effectively to enforce the provisions of law which the department is charged with enforcing.

2. Section 4:3–10 of the Revised Statutes is amended to read as follows:

4:3–10. Any person who shall violate any of the provisions of this article shall for the first offense be liable to a penalty not exceeding twenty-five dollars ($25.00) and for any subsequent offense to a penalty not exceeding fifty dollars ($50.00). Recovery of such a penalty shall be by a civil action which may be instituted and the penalty recovered either in the county district court of any county or before the municipal court of any municipality.

Jurisdiction to hear and determine actions instituted under this article is hereby conferred upon the said courts.

3. Section seven of chapter eighty-two of the laws of one thousand nine hundred and thirty-eight is amended to read as follows:

7. Any person convicted of violating any of the provisions of this act shall for the first offense be liable to a penalty not exceeding twenty-five dollars ($25.00) and for any subsequent offense shall be liable to a penalty not exceeding fifty dollars ($50.00). A civil action for the recovery of a penalty for the violation of any of the provisions of this act may be instituted and the penalty recovered either in the county district court of any county or before the municipal court of any municipality. Jurisdiction to hear and determine actions under this act is hereby conferred upon the said courts.

4. Section 4:4–23 of the Revised Statutes is amended to read as follows:

4:4–23. A person who shall violate any of the provisions of section 4:4–22 of this Title shall be liable to a penalty of not more than fifty dollars ($50.00) for a first offense and not more than one hundred dollars ($100.00) for each subsequent offense, to be sued for and recovered in a civil action by and in the name of the department. All penalties collected under this section shall be paid into the State treasury.

5. Section 4:5–112 of the Revised Statutes is amended to read as follows:

4:5–112. A person who shall violate any of the provisions of this article shall be liable to a penalty of one hundred dollars ($100.00) for each offense to be sued for and recovered in a civil action by and in the name of the department.

6. Section 4:6–17 of the Revised Statutes is amended to read as follows:

4:6–17. All penalties fixed by the provisions of this chapter shall be sued for and recovered in a civil action by and in the name of the department.

7. Section 4:7–14 of the Revised Statutes is amended to read as follows:

4:7–14. A person who shall violate any of the provisions of this article shall be subject to a penalty of fifty dollars ($50.00) for each sale, shipment or delivery in violation of this article or for each failure to obey the order or direction of the department made by authority of sections 4:7–8 and 4:7–9 of this Title.

Penalties shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.), except that such proceeding may be had only in a county district court of any county or municipal court of any municipality.

8. Section 4:7–18 of the Revised Statutes is amended to read as follows:

4:7–18. A person who shall fail to obey an order of the department made and served as prescribed in section 4:7–17 of this Title, within the time therein specified, shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceeding may be had only in any county district court of any county or municipal court of any municipality.

9. Section 4:7–20 of the Revised Statutes is repealed.

10. Section 4:7–24 of the Revised Statutes is amended to read as follows:

4:7–24. No nurseryman within the State shall sell or offer for sale any nursery stock or shall deliver the same within the State until it has been inspected by the department and until a certificate has been issued to him in accordance with the provisions of section 4:7–22 of this Title.

For every sale or shipment to a point within this State in violation of this section, a nurseryman shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county or municipal court of any municipality.

11. Section 4:7–26 of the Revised Statutes is amended to read as follows:

4:7–26. Any nurseryman to whom a certificate has been issued, who shall:

a. Use the same on stock not actually inspected; or

b. In any way fail to comply with the conditions upon which the certificate was issued or the requirements of sections 4:7–15 to 4:7–35 of this title—

Shall be liable to a penalty of one hundred dollars ($100.00) for each offense, to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county, or municipal court of any municipality, and the certificate of such nurseryman may be canceled in the discretion of the department.

12. Section 4:7–33 of the Revised Statutes is amended to read as follows:

4:7–33. Every carrier for hire maintaining offices or stations within this State for the receipt of nursery stock for transportation to points within or without the State, and the agents and servants of every such carrier, shall determine, before accepting stock for transportation to points within or without the State, that the stock offered for shipment at any such office or station is properly provided with a certificate as required by sections 4:7–15 to 4:7–35 of this Title, signed by authority of the department and valid by its terms at the date on which the shipment is offered.

Every such carrier for hire and the agents and servants of every such carrier shall refuse for transportation in and delivery to points within this State, all boxes, bales, or parcels of nursery stock which are not accompanied by a certificate of inspection as required by section 4:7–30 of this Title; but shipments of nursery stock from countries foreign to the United States, and bearing a certificate signed by a proper official of the country from which the stock was received, may be accepted at any port of entry within the State for transportation to points within or without the State.

For every violation of this section, and for every bale, box, parcel or package accepted or transported without such certificate, the carrier shall be liable to a penalty of fifty dollars ($50.00), to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county or a municipal court of any municipality.

13. Section 4:7–41 of the Revised Statutes is amended to read as follows:

4:7–41. Every tenant in possession of lands and premises on whom the aforesaid notice is served by the department shall forthwith give notice thereof to his landlord, or the agent of his landlord, and in default of so doing he shall be liable to any person aggrieved thereby to a penalty of fifty dollars ($50.00) to be recovered by a civil action in any court of competent jurisdiction in this State.

14. Section 4:7–42 of the Revised Statutes is amended to read as follows:

4:7–42. A person who shall interfere with the officers or agents of the department while they are engaged in the performance of any of the duties imposed by sections 4:7–36 to 4:7–41 of this Title, shall be deemed a disorderly person, and shall be proceeded against under, and subject to the penalties provided in subtitle twelve of Title 2A of the New Jersey Statutes.

15. Section 4:7–44 of the Revised Statutes is amended to read as follows:

4:7–44. A person who shall violate any of the provisions of section 4:7–43 of this Title shall be liable to a penalty of fifty dollars ($50.00) for the first offense and one hundred dollars ($100.00) for the second and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the institution of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days in the case of a first offense, and not less than ten nor more than two hundred days for a second and each subsequent offense.

16. Section 4:7–52 of the Revised Statutes is amended to read as follows:

4:7–52. A person who shall violate any of the provisions of this article shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered in a civil action by and in the name of the department. All penalties collected shall be paid into the State treasury.

17. Section 4:7–54 of the Revised Statutes is amended to read as follows:

4:7–54. A person owning, possessing or having charge of lands in this State, whether improved or unimproved, inclosed or uninclosed, who shall knowingly permit any Canada thistle to stand thereon until its seeds ripen, shall be liable to a penalty of twenty-five cents ($0.25) for every stalk or branch thereof, to be sued for and recovered in a civil action, with costs, by any person, in his name, in any court of competent jurisdiction.

18. Section 4:8–19 of the Revised Statutes is amended to read as follows:

4:8–19. A seller of such trees under a contract guaranteeing them to be true to name, who shall fail to file a copy of the contract with the Secretary of Agriculture as required by section 4:8–18 of this Title, or to file therewith a bond or insurance policy, shall be liable to a penalty of five hundred dollars ($500.00) to be recovered by the purchaser by a civil action in any court of competent jurisdiction.

19. Section 4:9–28 of the Revised Statutes is amended to read as follows:

4:9–28. A person who shall:

a. Sell, offer or expose for sale any package of legume inoculant which does not comply with the provisions of this article; or

b. Interfere with any official employed in the enforcement of this article—

Shall be liable to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense, to be sued for and recovered in a civil action by and in the name of the department. All penalties recovered under this article shall be paid into the State treasury.

20. Section 4:10–5 of the Revised Statutes is amended to read as follows:

4:10–5. No person shall use the outline of this State on packages or devices containing farm products unless he is licensed by the department so to do.

Upon application for such a license and upon being satisfied that any farm products to be sold by the applicant conform to official standards promulgated by the department, the department may issue a license in the name of the State, permitting the person to use the outline on any such package or device.

The form of the application and the license shall be determined by the department.

The license may be revoked by the department at any time for good cause shown after notice and an opportunity to be heard and subject to the right of appeal to the State board.

A person who shall violate the provisions of this section shall be liable to a penalty of fifty dollars ($50.00) to be recovered in a civil action by and in the name of the department, which penalty when recovered shall be paid into the State treasury.

21. Section 4:10–14 of the Revised Statutes is amended to read as follows:

4:10–14. A person who shall:

a. Violate any provision of this chapter or the regulations made under this chapter for carrying out such provision;

b. Fail to comply with any requirement of this chapter;

c. With intent to deceive, answer or report falsely in response to any requirement of this chapter; or

d. Willfully interfere with the secretary, or the employees or agents of the department, in the performance of duties prescribed by this chapter—

Shall for the first offense be liable to a penalty of not more than fifty dollars ($50.00) and for any subsequent offense be liable to a penalty of not more than one hundred dollars ($100.00), to be sued for and recovered in a civil action by and in the name of the department; except that the provisions of this section shall not apply to violations of section 4:10-5 of this Title. The penalty when recovered shall be paid into the State treasury.

22. Section 4:10-15 of the Revised Statutes is amended to read as follows:

4:10-15. The action mentioned in section 4:10-14 of this Title to recover such penalty may be instituted and the penalty recovered either in a county district court of any county or before the municipal court of any municipality.

Jurisdiction to hear and determine actions instituted under this chapter is hereby conferred upon the said courts.

This section shall not apply to section 4:10-5 of this Title.

23. Section 4:11-10 of the Revised Statutes is amended to read as follows:

4:11-10. The action of the secretary in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Whenever any proceeding is taken to review the revocation of a license the license shall be deemed to be in force until the final determination of the proceeding, if the license fee has been paid, subject, however, to the order of the said court.

24. Section 4:11-14 of the Revised Statutes is amended to read as follows:

4:11-14. A person who shall:

a. Engage in or carry on the business of buying or receiving cattle, or

receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or shipment of cattle, as dealer, broker or agent, within the meaning of this article, without first having obtained a license as provided in this article; or

b. Violate any of the provisions of this article—

Shall be liable to a penalty of two hundred dollars ($200.00) for the first offense and five hundred dollars ($500.00) for the second and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the commencement of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days in the case of a first offense and not less than ten nor more than two hundred days for a second and each subsequent offense.

25. Section 4:11–27 of the Revised Statutes is amended to read as follows:

4:11–27. The action of the department in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Whenever any proceeding is taken to review a revocation the license shall be deemed to be in full force and effect until the final determination of such proceeding, if the fee for the license has been paid, subject, however, to the order of the said court.

26. Section 4:11–34 of the Revised Statutes is amended to read as follows:

4:11–34. A person, who shall engage in the business of commission merchant, dealer or broker, as defined in section 4:11–15 of this Title, without first having obtained a license as provided in this article or who shall violate any provision of this article shall be subject to a penalty of one hundred

dollars ($100.00) for the first offense and five hundred dollars ($500.00) for the second and each subsequent offense, to be sued for and recovered with costs in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the commencement of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days for a first offense and not less than ten nor more than two hundred days for the second and each subsequent offense.

27. Section thirteen of chapter two hundred forty-eight of the laws of one thousand nine hundred and forty-two is amended to read as follows:

13. Any person who violates any of the provisions of this act, upon being found guilty, shall pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense, nor less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense, and not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) for the third or subsequent offense; if unable to forthwith pay any fine the violator shall be committed to the county jail for a period not exceeding ninety days. Any fine shall be recovered in the manner specified in article 4 of chapter 1 of Title 51 of the Revised Statutes. Jurisdiction of all cases arising out of violations of the provisions of this act is hereby conferred upon the municipal courts in the municipality in which such violations are committed. In any proceeding process shall be the same as that provided for in said article, and any weights and measures officer shall have the power to arrest any violator without warrant where there is a violation within his view and conduct him to a court having jurisdiction in the municipality where the arrest is made or the violation committed.

28. Section 4:12-18 of the Revised Statutes is amended to read as follows:

4:12-18. The action of the secretary in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. If a proceeding is begun to review the revocation of a license, the license shall be deemed to be in full force and effect until the final determination of such proceeding, subject, however, to the order of said court.

29. Section 4:12-19 of the Revised Statutes is amended to read as follows:

4:12-19. A person who shall conduct the business of buying milk or cream for the purposes set forth in section 4:12-2 of this Title, without being licensed so to do, shall be liable to a penalty of twenty-five dollars ($25.00) for the first offense and fifty dollars ($50.00) for the second and each subsequent offense, each day's receipts of milk to constitute a separate violation, to be sued for and recovered in a civil action by and in the name of the department.

30. Section twenty of chapter one hundred of the laws of one thousand nine hundred and forty-three is amended to read as follows:

20. The procedure for the recovery of any penalty incurred under the provision of this act shall be the same as the procedure specified in article one of chapter twenty-three of this Title and section 4:23-17 of the Revised Statutes. All actions shall be instituted in the name of the State of New Jersey by the director or any of his employees, agents or authorized representatives. Jurisdiction of all cases arising out of violations of the provisions of this act is hereby conferred upon the municipal courts in the municipality in which such violations are committed.

31. Section 4:12-44 of the Revised Statutes is amended to read as follows:

4:12-44. Any milk dealer or milk company violating any provisions of this article shall be liable to a penalty of two hundred dollars ($200.00) for the first offense, and for the second, or any subsequent offense, a penalty of

not less than three hundred dollars ($300.00), to be recovered in a civil action in the name of the milk producers' association so aggrieved as plaintiff. Such action shall be brought in any court of competent jurisdiction and the penalties, when recovered, shall be paid to the State Treasurer.

32. Section ten of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

10. Each member of the board shall have power to administer oaths, examine witnesses, and shall have power to issue subpœnas to compel the attendance of witnesses and the production of all necessary reports, books, papers, documents, correspondence, and other evidence, at any designated place of hearing. Such subpœnas shall be signed by one of the members thereof or by the secretary and shall be authenticated by the seal of the board, and any party to any proceeding before said board may secure subpœnas, without charge, from said board. Misconduct on the part of any person attending a hearing, or the failure of any witness, when duly subpœnaed to attend, give testimony or produce any records, shall be punishable by the Superior Court in the same manner as such failure is punishable by such court in a case therein pending. Any person who, having been sworn or affirmed as a witness in any such proceeding, shall willfully give false testimony, shall be guilty of perjury. The fees for the attendance of witnesses shall be paid by the party arranging for the attendance of such witnesses.

33. Section twelve of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

12. Any person, applicant or licensee aggrieved by any order or determination of the board made pursuant to this act may obtain a review of the action complained of by the Superior Court in a proceeding in lieu of prerogative writ, which court shall have jurisdiction to suspend, reverse or vacate the order or determination so made by the board, and the court may, in its discretion, require a bond not exceeding in amount the costs or money involved, payable to the State of New Jersey, as the court may prescribe, with sureties satisfactory to said court, conditioned for the prompt payment

of all costs and damages arising from or caused by the delay in the effectiveness or enforcement of the order or determination complained of or in the prompt prosecution of the proceeding.

34. Section sixteen of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

16. In case any person so summoned by subpœna issued by said director, shall refuse to obey such subpœna or any directions therein, or to give testimony, or to answer questions as required, or to produce any books, papers, documents or records as required, the director may apply to the Superior Court for process against such person, as for a contempt of the Superior Court, and the court shall proceed to a hearing of the case and make such orders and render judgment as in cases of contempt of said court.

35. Section eighteen of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

18. The process of subpœna authorized in this act shall be served in the same manner and be of the same force and effect as like process in civil actions in the Superior Court; and any person attending in pursuance of such subpœna shall be entitled to the same fees and mileage as witnesses in civil actions in said Superior Court.

36. Section forty-one of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

41. The County Courts and the county district courts shall have jurisdiction of actions for penalties under this act and such penalties shall be collected and enforced in a summary manner pursuant to the "penalty enforcement law" (§ 2A:58–1 et seq.). If judgment be rendered for the plaintiff and the defendant fail forthwith to pay the amount of the judgment and the costs and charges incident thereto, said defendant may be committed to the county jail for any period not exceeding one hundred days.

37. Section forty-two of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is repealed.

38. Section forty-four of chapter two hundred seventy-four of the laws

of one thousand nine hundred and forty-one is amended to read as follows:

44. Any habitual violation of the act or of any of the orders or rules or regulations made pursuant to the act may be restrained by the Superior Court in an action brought for such purpose by the Attorney-General on behalf of the director.

39. Section forty-nine of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

49. It is the intent of the Legislature that the instant, whenever that may be, that the handling within the State, by a milk dealer, of milk produced outside of the State, becomes a subject of regulation by the State, in the exercise of its police powers, the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the director shall attach. After any such milk so produced shall have come to rest within the State, any sale, within the State, by a licensed milk dealer, processor, subdealer or store or a milk dealer required by this act to be licensed, of any such milk purchased from the producer at a price lower than that required to be paid for milk produced within the State, purchased under similar conditions, shall be unlawful and deemed a violation of this act, and for continued violations the director, by the Attorney-General, may maintain an action in the Superior Court to restrain such further unlawful acts.

40. Section 4:15-4 of the Revised Statutes is amended to read as follows:

4:15-4. The directors of an association, or a majority of them, may appoint from time to time, as many fit persons as they may deem proper, as special police officers. Each such officer, before entering upon his duties, shall take and subscribe an oath that he will well and truly serve the State, and will perform all his duties to the best of his knowledge and ability. The oath shall be filed forthwith in the office of the county clerk who shall indorse thereon the date of filing and shall be paid the sum of twenty cents ($0.20) for each oath so filed.

41. Section 4:17–2 of the Revised Statutes is amended to read as follows:

4:17–2. A person who shall trespass upon the cultivated lands of another within this State after being forbidden so to do by the owner, occupant, lessee or licensee thereof, or after public notice given as provided in this section on the part of the owner, occupant, lessee or licensee of the lands forbidding such trespass, shall be subject to a fine of not more than twenty dollars ($20.00) and costs, and the county district courts and the municipal courts shall have jurisdiction to try such offenders and pronounce sentence as provided in this article.

The notice shall bear the name of the owner, occupant, lessee or licensee of the lands, and be posted conspicuously on the corners of the property or along the roads or highways abutting the property, on all boundary lines bordering on adjoining lands and at each point where a stream enters upon or leaves the property.

42. Section 4:17–3 of the Revised Statutes is amended to read as follows:

4:17–3. A person who shall violate any of the provisions of this article may be arrested without warrant by the owner, occupant, lessee or licensee, or an officer of the law and taken for trial before a court mentioned in section 4:17–2 of this Title.

43. Section 4:17–5 of the Revised Statutes is amended to read as follows:

4:17–5. Upon the failure of a person convicted of violating the provisions of this article to pay a fine imposed as provided in this article, the court before whom the conviction is had may commit such person to the county jail until the fine is paid.

44. Section 4:17–6 of the Revised Statutes is amended to read as follows:

4:17–6. A person who shall, at any time after June first and before October fifth, gather cranberries from the vines on the common or unlocated

lands within this State, or any lands not his own property, or for which he pays no taxes, shall be liable to a penalty of six dollars ($6.00) for every such offense and the further sum of four dollars ($4.00) for every bushel so taken or gathered.

The penalty shall be sued for and recovered, with costs, in a civil action, and shall be applied one-half to the use of the person who shall sue for it, and the other half to the use of the county where the offense was committed if on the common or unlocated lands or to the owner or possessor if on any of the located lands.

45. Section 4:17–10 of the Revised Statutes is amended to read as follows:

4:17–10. A person who shall cut, fell, work up, carry away, box, bore or destroy any tree, sapling or pole, standing or lying on any land within this State to which he has no right and title, without leave first obtained of the owner of the land for that purpose, shall forfeit and pay the sum of eight dollars ($8.00) for each tree, sapling or pole so cut, felled, worked up, carried away, boxed, bored or destroyed. One-half of such sum shall go to the owner or owners of the land and the other half to the person or persons suing for and prosecuting the same to effect, at any time within eighteen months from the commission of the acts complained of.

46. Section 4:19–3 of the Revised Statutes is amended to read as follows:

4:19–3. An inhabitant who shall refuse or willfully neglect to deliver to the assessor, when required by him, a true account of the number and age of the dogs made taxable under this article which are owned or harbored by him shall, for every such failure, be liable to a penalty of five dollars ($5.00), to be recovered with costs by the collector of the taxing district in a civil action, the amount of the penalty recovered to be for the use of the taxing district.

47. Section 4:19–7 of the Revised Statutes is amended to read as follows:

4:19–7. This article shall not exempt the owner, possessor or harborer of a dog from liability for damage done by it but he is hereby declared to be responsible for such injury. A civil action may be brought by a person for the full amount of the damages sustained by him and in such action it shall not be necessary to prove that the dog was accustomed to commit the injury complained of or a similar injury.

The presentation of a claim for damages to the governing body of a municipality shall constitute a waiver of all claims against the owner.

48. Section 4:19–8 of the Revised Statutes is amended to read as follows:

4:19–8. An owner or person harboring a dog which is found killing, worrying or wounding any sheep, lamb, domestic animal or poultry, who shall, after being informed thereof, fail to kill the dog within twenty-four hours after receiving such information, shall be liable, to any person who shall sue for the same, to a penalty of ten dollars ($10.00), to be recovered with costs by a civil action before the district court of the county, and shall also pay triple damages for any injury done.

49. Section twenty-one of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is amended to read as follows:

21. The county district courts and the municipal courts shall have jurisdiction to hear and determine in a summary manner proceedings for violations of any of the provisions of this act. Penalties for such violations shall be enforced and recovered pursuant to "the penalty enforcement law" (2A:58–1 et seq.) at the suit of the Director of Health of the State of New Jersey or of the local board of health or the municipality. Process shall be either in the nature of a summons or warrant.

50. Section twenty-two of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

51. Section twenty-four of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

52. Section twenty-five of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

53. Section 4:20–8 of the Revised Statutes is amended to read as follows:

4:20–8. When a person after due notice shall fail to make or amend and maintain his part or proportion of a partition fence as required by section 4:20–7 of this Title, the other person may make or amend and maintain the same wholly, in which event he shall be entitled to receive from the person so failing one-half of the expenses thereof, as appraised and certified in writing by two disinterested members of the township committee where the lands lie, together with the legal fees of such committee for their services as ascertained in writing. Upon nonpayment by the delinquent person of the sum so found and the fees certified to be due, the other person may recover such sums, with costs of suit, in a civil action in any court of competent jurisdiction.

54. Section 4:20–21 of the Revised Statutes is amended to read as follows:

4:20–21. A township clerk who shall fail to enter or register an agreement or certificate such as is referred to in section 4:20–19 of this Title, within two weeks after it is made and delivered to him with a tender of the fees, shall forfeit five dollars ($5.00) to be recovered, with costs of action, by a civil action by any person who shall sue for it.

55. Section 4:20–25 of the Revised Statutes is amended to read as follows:

4:20–25. A person who shall stake, shore or leave open or insecure, or cut, break, pull down or destroy or in any way leave a gate, erected as a part of a partition fence as authorized in section 4:20–24 of this Title, so that the horses or cattle of the owner of the adjoining lands may pass through it, shall, for every such offense, be liable to a penalty of five dollars ($5.00), to be recovered with costs by a civil action by any person who shall sue for it.

The offender shall also pay to the owner or tenant of the lands trespassed upon all damages which he or they may have sustained thereby, to be appraised as provided in section 4:20–22 of this Title, which damages shall be recovered by a civil action.

The owner of the trespassing horses, cattle or sheep shall be entitled to protection from injury to such animals as provided in section 4:20–28 of this Title, and shall not be liable to have his animals impounded, or be liable to an action for damages accruing thereby.

56. Section 4:20–32 of the Revised Statutes is amended to read as follows:

4:20–32. Any person who shall offend against the provisions of sections 4:20–30 and 4:20–31 of this Title, or shall willfully injure, dig up, or otherwise deface or destroy any hedge sets, hedges or fence erected for their protection, shall for each offense be liable to a penalty of thirty dollars ($30.00), to be recovered, with costs, in a court of competent jurisdiction, by a civil action by and in the name of the person injured, and in addition thereto shall be liable for all damages to the person injured.

57. Section 4:21–3 of the Revised Statutes is amended to read as follows:

4:21–3. A person, having charge of horses, cattle, sheep or swine found running at large in the streets or highways or trespassing upon the improved lands of another, who shall attempt to hinder or take away such animals from a person taking or driving or attempting to take or drive them to the pound; or a person who shall unlawfully drive from a public pound in the township horses, cattle, sheep or swine which are therein impounded, shall be liable to a penalty of fifteen dollars ($15.00) to be recovered in a civil action in a court of competent jurisdiction by and for the use of any person prosecuting the suit.

58. Section 4:21–9 of the Revised Statutes is amended to read as follows:

4:21–9. A person as provided in section 4:21–8 of this Title who shall find swine trespassing upon his land, whether inclosed or not, for which he

pays taxes, and who shall not choose to kill such swine as authorized by said section 4:21–8, may take and put such swine into his yard or other inclosure. He shall give notice to the owner, if easily to be found, who shall pay double damages to the person injured, to be appraised and certified in writing by two reputable freeholders to be chosen by the parties. If the owner of the swine shall fail, for twenty-four hours after notice, to choose one of the appraisers, or if he cannot easily be found, the person injured may choose them both.

If the appraisers cannot agree they may choose a third person to join them, in which event an appraisement made by agreement of any two of them and certified as provided in this section, shall be binding and conclusive, and double the sum so appraised may be recovered by a civil action in any court of competent jurisdiction.

59. Section 4:21–11 of the Revised Statutes is amended to read as follows:

4:21–11. A person who shall willfully or negligently suffer a stallion of the age of eighteen months or over, of which he is the owner or keeper, to run at large out of the inclosed ground of the owner or keeper, after having been notified thereof and been admonished to confine such stallion, shall forfeit and pay the sum of ten dollars ($10.00), to be recovered, with costs, by any person who shall sue for it, in a civil action, in any court of competent jurisdiction.

60. Section 4:21–12 of the Revised Statutes is amended to read as follows:

4:21–12. No person shall suffer any bull whereof he is the owner, bailee or keeper, to run at large off of his premises, or to get out of control while being transported or driven along the highway. When a bull shall run at large off the premises of its owner, bailee or keeper or get out of control while being transported or driven along the highway, the owner, bailee or keeper thereof shall be liable to a penalty of one hundred dollars ($100.00) to be recovered, with costs, in a civil action by any person who shall sue for it, and

shall also be liable for all damages caused by the bull to be recovered, with costs, in a civil action by the person who has suffered the damage.

61. Section 4:22-25 of the Revised Statutes is amended to read as follows:

4:22-25. A person who shall use a dog for the purpose of drawing or helping to draw a vehicle for business or other purposes shall be liable to a fine of one dollar ($1.00) and costs for the first offense and ten dollars ($10.00) and costs for each subsequent offense.

The offender together with the dog and the vehicle shall be taken before the county district court or the municipal court and said court shall have jurisdiction to impose the fine and render judgment accordingly.

62. Section two of chapter three hundred fifteen of the laws of one thousand nine hundred and thirty-nine is amended to read as follows:

2. Any person who shall violate any of the provisions of this act shall be fined not less than five dollars ($5.00) and not more than twenty-five dollars ($25.00) for the first offense and not less than twenty-five dollars ($25.00) and not more than fifty dollars ($50.00) and ten days in jail for the second offense.

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

4:22-26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;

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

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

d. Receive or offer for sale a horse which by reason of disability, disease or lameness, or any other cause, could not be worked without violating the provisions of this article;

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

f. Be present and witness, encourage, aid or assist in an activity enumerated in paragraph "e" of this section;

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

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

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

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

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

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

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

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

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been

dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money;

q. Sell or offer for sale, barter, or give away living rabbits, baby chicks, ducklings or other fowl, unless such person provides proper brooder facilities for the care of such rabbits, baby chicks, ducklings, or other fowl during the time they are in possession of such person;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age in any quantity of less than six;

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

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

64. Section 4:22–27 of the Revised Statutes is amended to read as follows:

4:22–27. A person who shall:

a. Crop or cut off or cause or procure to be cropped or cut off the whole or a part of the ear of a dog, other than as certified to be reasonably necessary by a duly certified veterinarian; or

b. Show or exhibit or procure to be shown or exhibited at a dog show or exhibition a dog with an ear cropped or cut off—

Shall be subject to a forfeiture not to exceed two hundred fifty dollars ($250.00) for each such offense, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals. The possession of a dog confined upon

the premises of a person or in his charge or custody, which has an ear cropped or cut off and an unhealed wound resulting therefrom shall be prima facie evidence of the violation of paragraph "a" of this section by the person in control of the premises or having such charge or custody. The provisions of paragraph "b" of this section shall not apply to the showing or exhibiting of dogs the ear or ears of which were cropped or cut off prior to March twenty-third, one thousand nine hundred and thirty-one, or whose ear or ears have been cropped or cut off in any other State, and whose owners are nonresidents of this State.

65. Section 4:22–28 of the Revised Statutes is amended to read as follows:

4:22–28. The indictment of a person under the provisions of this article, or the holding of a person to bail to await the action of a grand jury or County Court, shall not in any way relieve him from his liability to be sued for the penalty prescribed in paragraphs "e," "f" and "g" of section 4:22–26 of this Title.

66. Section 4:22–29 of the Revised Statutes is amended to read as follows:

4:22–29. The action for the penalty prescribed in section 4:22–26 or 4:22–27 of this Title, shall be brought:

a. In a County Court, county district court, or a criminal judicial district court, of the county where the defendant resides or in which the offense was committed; or

b. In a municipal court of the municipality wherein the defendant resides or where the offense was committed.

67. Section 4:22–30 of the Revised Statutes is repealed.

68. Section 4:22–31 of the Revised Statutes is repealed.

69. Section 4:22–32 of the Revised Statutes is amended to read as follows:

4:22–32. Penalties for violations of sections 4:22–26 and 4:22–27 of this Title shall be enforced and collected in a summary manner under "the penalty

enforcement law" (2A:58-1 et seq.). A warrant may issue when the defendant is temporarily within the jurisdiction of the court, but not residing therein; or when the defendant is likely to evade judgment by removal therefrom; or when his name or residence is unknown.

70. Section 4:22-33 of the Revised Statutes is amended to read as follows:

4:22-33. Where a defendant is a nonresident of the county in which the alleged offense was committed, or where a defendant desires an adjournment or continuance of the hearing, the court before whom the complaint has been made may, in its discretion, require the defendant to furnish security in an amount not exceeding two hundred fifty dollars ($250.00) for his appearance at the hearing.

71. Section 4:22-34 of the Revised Statutes is repealed.

72. Section 4:22-35 of the Revised Statutes is repealed.

73. Section 4:22-36 of the Revised Statutes is repealed.

74. Section 4:22-37 of the Revised Statutes is repealed.

75. Section 4:22-38 of the Revised Statutes is repealed.

76. Section 4:22-39 of the Revised Statutes is repealed.

77. Section 4:22-40 of the Revised Statutes is repealed.

78. Section 4:22-41 of the Revised Statutes is repealed.

79. Section 4:22-42 of the Revised Statutes is repealed.

80. Section 4:22-44 of the Revised Statutes is amended to read as follows:

4:22-44. Any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, undersheriff, constable or police officer may:

a. Make arrests for violations of this article;

b. Arrest without warrant any person found violating the provisions of this article in the presence of such member, officer, agent, sheriff, undersheriff, constable or police officer, and take such person before the nearest judge or magistrate as provided in this article.

81. Section 4:22-46 of the Revised Statutes is amended to read as follows:

4:22-46. Any court having jurisdiction of violations of the law in relation to cruelty to animals may issue search warrants to enter and search buildings or places wherein it is reasonably believed that such law is being violated.

82. Section 4:22-48 of the Revised Statutes is amended to read as follows:

4:22-48. The person seizing animals, creatures, implements or appliances as authorized in section 4:22-47 of this Title, shall, within twenty-four hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22-47 or paragraphs "e," "f" and "g" of section 4:22-26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and the court shall order the same sold in such manner as it shall deem proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22-55 of this Title.

A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.

A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.

83. Section 4:22-49 of the Revised Statutes is repealed.

84. Section 4:22-53 of the Revised Statutes is amended to read as follows:

4:22-53. An animal or creature abandoned in a maimed, sick, infirm or disabled condition, if fit for further use, may be advertised and sold in the manner directed by a court of competent jurisdiction or agent of the New Jersey Society for the Prevention of Cruelty to Animals.

The proceeds, after deducting expenses, shall be paid to the district (county) society for the prevention of cruelty to animals, if one is in existence in the county; if not, then to the New Jersey society.

85. Section 4:22-54 of the Revised Statutes is amended to read as follows:

4:22-54. When an animal or creature is found on the highway or elsewhere, whether abandoned or not, in a maimed, sick, infirm or disabled condition, a court of competent jurisdiction or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals, may appoint a suitable person to examine and destroy such animal or creature if unfit for further use.

86. Section 4:22-55 of the Revised Statutes is amended to read as follows:

4:22-55. All fines, penalties and moneys imposed and collected under the provisions of this article, shall be paid by the court or by the clerk or court officer receiving the same, within thirty days and without demand, to the district (county) society for the prevention of cruelty to animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, to be used by the society in aid of the benevolent objects for which it was incorporated.

87. Section 4:23-2 of the Revised Statutes is amended to read as follows:

4:23-2. Jurisdiction of proceedings to collect penalties collectible under the provisions of this article is vested in the County Courts, the county district courts and the municipal courts, and in all other courts or officers specifically authorized by the law under which the proceeding is had, all of which courts and officers are hereinafter in this article designated as the "court."

88. Section 4:23-3 of the Revised Statutes is repealed.

89. Section 4:23-4 of the Revised Statutes is repealed.

90. Section 4:23-5 of the Revised Statutes is repealed.

91. Section 4:23-6 of the Revised Statutes is amended to read as follows:

4:23-6. In proceedings to enforce and collect penalties under this article, the court may proceed in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

92. Section 4:23-7 of the Revised Statutes is repealed.

93. Section 4:23-8 of the Revised Statutes is repealed.

94. Section 4:23-9 of the Revised Statutes is repealed.

95. Section 4:23-12 of the Revised Statutes is amended to read as follows:

4:23-12. Jurisdiction of proceedings to collect penalties collectible under the provisions of this article is vested in the County Courts, the county district courts and the municipal courts in any county or municipality where the defendant may be apprehended or where he may reside, and all other courts or officers specifically authorized by the law under which the proceeding is had, all of which courts and officers are hereinafter in this article designated as the "court." Process shall be either a summons or warrant and proceedings shall be brought in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

96. Section 4:23-13 of the Revised Statutes is repealed.

97. Section 4:23-15 of the Revised Statutes is amended to read as follows:

4:23-15. For a violation of any provision for which a penalty is prescribed which is collectible under this article, done within the view of any constable, police officer or member of the State police, the officer may arrest the offender without a warrant and take him before the court in the county wherein such arrest is made.

98. Section 4:23-16 of the Revised Statutes is repealed.

99. Section 4:23-17 of the Revised Statutes is repealed.

100. Section 4:24–27 of the Revised Statutes is amended to read as follows:

4:24–27. The supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of article seven of this chapter (§ 4:24–23 et seq.) are being observed. Any landowner who shall sustain damages from any violation of such regulations by any other landowner may sue to recover damages in a civil action from such other landowner for such violation.

101. Section 4:24–28 of the Revised Statutes is amended to read as follows:

4:24–28. Where the supervisors of any district shall find that any of the provisions of land-use regulations adopted in accordance with the provisions of article seven of this chapter (§ 4:24–23 et seq.) are not being observed on particular lands, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may bring an action in the Superior Court and the said court therein may grant appropriate relief.

102. Section 4:24–29 of the Revised Statutes is Repealed.

103. Section 4:24–33 of the Revised Statutes is amended to read as follows:

4:24–33. Any petitioner aggrieved by an order of the board granting or denying, in whole or in part, the relief sought of the supervisors of the district, or any intervening party, shall be entitled to a review of such order in the Superior Court by a proceeding in lieu of prerogative writ.

104. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 2

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning agriculture and domestic animals, and revising parts of the statutory law.

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

1. Section 4:1–23 of the Revised Statutes is amended to read as follows:

4:1–23. The Superior Court and the county courts, county district courts and municipal courts, within their respective territorial jurisdictions, may grant such writs and orders as may be appropriate, including search warrants, according to the practice of such courts and in a summary manner, to enable the officers and employees of the department effectively to enforce the provisions of law which the department is charged with enforcing.

2. Section 4:3–10 of the Revised Statutes is amended to read as follows:

4:3–10. Any person who shall violate any of the provisions of this article shall for the first offense be liable to a penalty not exceeding twenty-five dollars ($25.00) and for any subsequent offense to a penalty not exceeding fifty dollars ($50.00). Recovery of such a penalty shall be by a civil action which may be instituted and the penalty recovered either in the county district court of any county or before the municipal court of any municipality

Jurisdiction to hear and determine actions instituted under this article is hereby conferred upon the said courts.

3. Section seven of chapter eighty-two of the laws of one thousand nine hundred and thirty-eight is amended to read as follows:

7. Any person convicted of violating any of the provisions of this act shall for the first offense be liable to a penalty not exceeding twenty-five dollars ($25.00) and for any subsequent offense shall be liable to a penalty not exceeding fifty dollars ($50.00). A civil action for the recovery of a penalty for the violation of any of the provisions of this act may be instituted and the penalty recovered either in the county district court of any county or before the municipal court of any municipality. Jurisdiction to hear and determine actions under this act is hereby conferred upon the said courts.

4. Section 4:4–23 of the Revised Statutes is amended to read as follows:

4:4–23. A person who shall violate any of the provisions of section 4:4–22 of this Title shall be liable to a penalty of not more than fifty dollars ($50.00) for a first offense and not more than one hundred dollars ($100.00) for each subsequent offense, to be sued for and recovered in a civil action by and in the name of the department. All penalties collected under this section shall be paid into the State treasury.

5. Section 4:5–112 of the Revised Statutes is amended to read as follows:

4:5–112. A person who shall violate any of the provisions of this article shall be liable to a penalty of one hundred dollars ($100.00) for each offense to be sued for and recovered in a civil action by and in the name of the department.

6. Section 4:6–17 of the Revised Statutes is amended to read as follows:

4:6–17. All penalties fixed by the provisions of this chapter shall be sued for and recovered in a civil action by and in the name of the department.

7. Section 4:7–14 of the Revised Statutes is amended to read as follows:

4:7–14. A person who shall violate any of the provisions of this article shall be subject to a penalty of fifty dollars ($50.00) for each sale, shipment or delivery in violation of this article or for each failure to obey the order or direction of the department made by authority of sections 4:7–8 and 4:7–9 of this Title.

Penalties shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.), except that such proceeding may be had only in a county district court of any county or municipal court of any municipality.

8. Section 4:7–18 of the Revised Statutes is amended to read as follows:

4:7–18. A person who shall fail to obey an order of the department made and served as prescribed in section 4:7–17 of this Title, within the time therein specified, shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceeding may be had only in any county district court of any county or municipal court of any municipality.

9. Section 4:7–20 of the Revised Statutes is repealed.

10. Section 4:7–24 of the Revised Statutes is amended to read as follows:

4:7–24. No nurseryman within the State shall sell or offer for sale any nursery stock or shall deliver the same within the State until it has been inspected by the department and until a certificate has been issued to him in accordance with the provisions of section 4:7–22 of this Title.

For every sale or shipment to a point within this State in violation of this section, a nurseryman shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county or municipal court of any municipality.

11. Section 4:7–26 of the Revised Statutes is amended to read as follows:

4:7–26. Any nurseryman to whom a certificate has been issued, who shall:

a. Use the same on stock not actually inspected; or

b. In any way fail to comply with the conditions upon which the certificate was issued or the requirements of sections 4:7–15 to 4:7–35 of this title—

Shall be liable to a penalty of one hundred dollars ($100.00) for each offense, to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county, or municipal court of any municipality, and the certificate of such nurseryman may be canceled in the discretion of the department.

12. Section 4:7–33 of the Revised Statutes is amended to read as follows:

4:7–33. Every carrier for hire maintaining offices or stations within this State for the receipt of nursery stock for transportation to points within or without the State, and the agents and servants of every such carrier, shall determine, before accepting stock for transportation to points within or without the State, that the stock offered for shipment at any such office or station is properly provided with a certificate as required by sections 4:7–15 to 4:7–35 of this Title, signed by authority of the department and valid by its terms at the date on which the shipment is offered.

Every such carrier for hire and the agents and servants of every such carrier shall refuse for transportation in and delivery to points within this State, all boxes, bales, or parcels of nursery stock which are not accompanied by a certificate of inspection as required by section 4:7–30 of this Title; but shipments of nursery stock from countries foreign to the United States, and bearing a certificate signed by a proper official of the country from which the stock was received, may be accepted at any port of entry within the State for transportation to points within or without the State.

For every violation of this section, and for every bale, box, parcel or package accepted or transported without such certificate, the carrier shall be liable to a penalty of fifty dollars ($50.00), to be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) except that such proceedings may be had only in a county district court of any county or a municipal court of any municipality.

13. Section 4:7–41 of the Revised Statutes is amended to read as follows:

4:7–41. Every tenant in possession of lands and premises on whom the aforesaid notice is served by the department shall forthwith give notice thereof to his landlord, or the agent of his landlord, and in default of so doing he shall be liable to any person aggrieved thereby to a penalty of fifty dollars ($50.00) to be recovered by a civil action in any court of competent jurisdiction in this State.

14. Section 4:7–42 of the Revised Statutes is amended to read as follows:

4:7–42. A person who shall interfere with the officers or agents of the department while they are engaged in the performance of any of the duties imposed by sections 4:7–36 to 4:7–41 of this Title, shall be deemed a disorderly person, and shall be proceeded against under, and subject to the penalties provided in subtitle twelve of Title 2A of the New Jersey Statutes.

15. Section 4:7–44 of the Revised Statutes is amended to read as follows:

4:7–44. A person who shall violate any of the provisions of section 4:7–43 of this Title shall be liable to a penalty of fifty dollars ($50.00) for the first offense and one hundred dollars ($100.00) for the second and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the institution of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days in the case of a first offense, and not less than ten nor more than two hundred days for a second and each subsequent offense.

16. Section 4:7–52 of the Revised Statutes is amended to read as follows:

4:7–52. A person who shall violate any of the provisions of this article shall be liable to a penalty of fifty dollars ($50.00) to be sued for and recovered in a civil action by and in the name of the department. All penalties collected shall be paid into the State treasury.

17. Section 4:7–54 of the Revised Statutes is amended to read as follows:

4:7–54. A person owning, possessing or having charge of lands in this State, whether improved or unimproved, inclosed or uninclosed, who shall knowingly permit any Canada thistle to stand thereon until its seeds ripen, shall be liable to a penalty of twenty-five cents ($0.25) for every stalk or branch thereof, to be sued for and recovered in a civil action, with costs, by any person, in his name, in any court of competent jurisdiction.

18. Section 4:8–19 of the Revised Statutes is amended to read as follows:

4:8–19. A seller of such trees under a contract guaranteeing them to be true to name, who shall fail to file a copy of the contract with the Secretary of Agriculture as required by section 4:8–18 of this Title, or to file therewith a bond or insurance policy, shall be liable to a penalty of five hundred dollars ($500.00) to be recovered by the purchaser by a civil action in any court of competent jurisdiction.

19. Section 4:9–28 of the Revised Statutes is amended to read as follows:

4:9–28. A person who shall:

a. Sell, offer or expose for sale any package of legume inoculant which does not comply with the provisions of this article; or

b. Interfere with any official employed in the enforcement of this article—

Shall be liable to a penalty of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense, to be sued for and recovered in a civil action by and in the name of the department. All penalties recovered under this article shall be paid into the State treasury.

20. Section 4:10–5 of the Revised Statutes is amended to read as follows:

4:10–5. No person shall use the outline of this State on packages or devices containing farm products unless he is licensed by the department so to do.

Upon application for such a license and upon being satisfied that any farm products to be sold by the applicant conform to official standards promulgated by the department, the department may issue a license in the name of the State, permitting the person to use the outline on any such package or device.

The form of the application and the license shall be determined by the department.

The license may be revoked by the department at any time for good cause shown after notice and an opportunity to be heard and subject to the right of appeal to the State board.

A person who shall violate the provisions of this section shall be liable to a penalty of fifty dollars ($50.00) to be recovered in a civil action by and in the name of the department, which penalty when recovered shall be paid into the State treasury.

21. Section 4:10–14 of the Revised Statutes is amended to read as follows:

4:10–14. A person who shall:

a. Violate any provision of this chapter or the regulations made under this chapter for carrying out such provision;

b. Fail to comply with any requirement of this chapter;

c. With intent to deceive, answer or report falsely in response to any requirement of this chapter; or

d. Willfully interfere with the secretary, or the employees or agents of the department, in the performance of duties prescribed by this chapter—

Shall for the first offense be liable to a penalty of not more than fifty dollars ($50.00) and for any subsequent offense be liable to a penalty of not more than one hundred dollars ($100.00), to be sued for and recovered in a civil action by and in the name of the department; except that the provisions of this section shall not apply to violations of section 4:10–5 of this Title. The penalty when recovered shall be paid into the State treasury.

22. Section 4:10–15 of the Revised Statutes is amended to read as follows:

4:10–15. The action mentioned in section 4:10–14 of this Title to recover such penalty may be instituted and the penalty recovered either in a county district court of any county or before the municipal court of any municipality.

Jurisdiction to hear and determine actions instituted under this chapter is hereby conferred upon the said courts.

This section shall not apply to section 4:10–5 of this Title.

23. Section 4:11–10 of the Revised Statutes is amended to read as follows:

4:11–10. The action of the secretary in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Whenever any proceeding is taken to review the revocation of a license the license shall be deemed to be in force until the final determination of the proceeding, if the license fee has been paid, subject, however, to the order of the said court.

24. Section 4:11–14 of the Revised Statutes is amended to read as follows:

4:11–14. A person who shall:

a. Engage in or carry on the business of buying or receiving cattle, or

receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or shipment of cattle, as dealer, broker or agent, within the meaning of this article, without first having obtained a license as provided in this article; or

b. Violate any of the provisions of this article—

Shall be liable to a penalty of two hundred dollars ($200.00) for the first offense and five hundred dollars ($500.00) for the second and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the commencement of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days in the case of a first offense and not less than ten nor more than two hundred days for a second and each subsequent offense.

25. Section 4:11–27 of the Revised Statutes is amended to read as follows:

4:11–27. The action of the department in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Whenever any proceeding is taken to review a revocation the license shall be deemed to be in full force and effect until the final determination of such proceeding, if the fee for the license has been paid, subject, however, to the order of the said court.

26. Section 4:11–34 of the Revised Statutes is amended to read as follows:

4:11–34. A person, who shall engage in the business of commission merchant, dealer or broker, as defined in section 4:11–15 of this Title, without first having obtained a license as provided in this article or who shall violate any provision of this article shall be subject to a penalty of one hundred

dollars ($100.00) for the first offense and five hundred dollars ($500.00) for the second and each subsequent offense, to be sued for and recovered with costs in the name of the department in the manner provided in article one of chapter twenty-three of this Title (§ 4:23–1 et seq.) and in such proceeding the defendant may be arrested upon the commencement of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days for a first offense and not less than ten nor more than two hundred days for the second and each subsequent offense.

27. Section thirteen of chapter two hundred forty-eight of the laws of one thousand nine hundred and forty-two is amended to read as follows:

13. Any person who violates any of the provisions of this act, upon being found guilty, shall pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense, nor less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense, and not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) for the third or subsequent offense; if unable to forthwith pay any fine the violator shall be committed to the county jail for a period not exceeding ninety days. Any fine shall be recovered in the manner specified in article 4 of chapter 1 of Title 51 of the Revised Statutes. Jurisdiction of all cases arising out of violations of the provisions of this act is hereby conferred upon the municipal courts in the municipality in which such violations are committed. In any proceeding process shall be the same as that provided for in said article, and any weights and measures officer shall have the power to arrest any violator without warrant where there is a violation within his view and conduct him to a court having jurisdiction in the municipality where the arrest is made or the violation committed.

28. Section 4:12–18 of the Revised Statutes is amended to read as follows:

4:12–18. The action of the secretary in refusing to grant or in revoking a license shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. If a proceeding is begun to review the revocation of a license, the license shall be deemed to be in full force and effect until the final determination of such proceeding, subject, however, to the order of said court.

29. Section 4:12–19 of the Revised Statutes is amended to read as follows:

4:12–19. A person who shall conduct the business of buying milk or cream for the purposes set forth in section 4:12–2 of this Title, without being licensed so to do, shall be liable to a penalty of twenty-five dollars ($25.00) for the first offense and fifty dollars ($50.00) for the second and each subsequent offense, each day's receipts of milk to constitute a separate violation, to be sued for and recovered in a civil action by and in the name of the department.

30. Section twenty of chapter one hundred of the laws of one thousand nine hundred and forty-three is amended to read as follows:

20. The procedure for the recovery of any penalty incurred under the provision of this act shall be the same as the procedure specified in article one of chapter twenty-three of this Title and section 4:23–17 of the Revised Statutes. All actions shall be instituted in the name of the State of New Jersey by the director or any of his employees, agents or authorized representatives. Jurisdiction of all cases arising out of violations of the provisions of this act is hereby conferred upon the municipal courts in the municipality in which such violations are committed.

31. Section 4:12–44 of the Revised Statutes is amended to read as follows:

4:12–44. Any milk dealer or milk company violating any provisions of this article shall be liable to a penalty of two hundred dollars ($200.00) for the first offense, and for the second, or any subsequent offense, a penalty of

not less than three hundred dollars ($300.00), to be recovered in a civil action in the name of the milk producers' association so aggrieved as plaintiff. Such action shall be brought in any court of competent jurisdiction and the penalties, when recovered, shall be paid to the State Treasurer.

32. Section ten of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

10. Each member of the board shall have power to administer oaths, examine witnesses, and shall have power to issue subpœnas to compel the attendance of witnesses and the production of all necessary reports, books, papers, documents, correspondence, and other evidence, at any designated place of hearing. Such subpœnas shall be signed by one of the members thereof or by the secretary and shall be authenticated by the seal of the board, and any party to any proceeding before said board may secure subpœnas, without charge, from said board. Misconduct on the part of any person attending a hearing, or the failure of any witness, when duly subpœnaed to attend, give testimony or produce any records, shall be punishable by the Superior Court in the same manner as such failure is punishable by such court in a case therein pending. Any person who, having been sworn or affirmed as a witness in any such proceeding, shall willfully give false testimony, shall be guilty of perjury. The fees for the attendance of witnesses shall be paid by the party arranging for the attendance of such witnesses.

33. Section twelve of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

12. Any person, applicant or licensee aggrieved by any order or determination of the board made pursuant to this act may obtain a review of the action complained of by the Superior Court in a proceeding in lieu of prerogative writ, which court shall have jurisdiction to suspend, reverse or vacate the order or determination so made by the board, and the court may, in its discretion, require a bond not exceeding in amount the costs or money involved, payable to the State of New Jersey, as the court may prescribe, with sureties satisfactory to said court, conditioned for the prompt payment

of all costs and damages arising from or caused by the delay in the effectiveness or enforcement of the order or determination complained of or in the prompt prosecution of the proceeding.

34. Section sixteen of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

16. In case any person so summoned by subpœna issued by said director, shall refuse to obey such subpœna or any directions therein, or to give testimony, or to answer questions as required, or to produce any books, papers, documents or records as required, the director may apply to the Superior Court for process against such person, as for a contempt of the Superior Court, and the court shall proceed to a hearing of the case and make such orders and render judgment as in cases of contempt of said court.

35. Section eighteen of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

18. The process of subpœna authorized in this act shall be served in the same manner and be of the same force and effect as like process in civil actions in the Superior Court; and any person attending in pursuance of such subpœna shall be entitled to the same fees and mileage as witnesses in civil actions in said Superior Court.

36. Section forty-one of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

41. The County Courts and the county district courts shall have jurisdiction of actions for penalties under this act and such penalties shall be collected and enforced in a summary manner pursuant to the "penalty enforcement law" (§ 2A:58–1 et seq.). If judgment be rendered for the plaintiff and the defendant fail forthwith to pay the amount of the judgment and the costs and charges incident thereto, said defendant may be committed to the county jail for any period not exceeding one hundred days.

37. Section forty-two of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is repealed.

38. Section forty-four of chapter two hundred seventy-four of the laws

of one thousand nine hundred and forty-one is amended to read as follows:

44. Any habitual violation of the act or of any of the orders or rules or regulations made pursuant to the act may be restrained by the Superior Court in an action brought for such purpose by the Attorney-General on behalf of the director.

39. Section forty-nine of chapter two hundred seventy-four of the laws of one thousand nine hundred and forty-one is amended to read as follows:

49. It is the intent of the Legislature that the instant, whenever that may be, that the handling within the State, by a milk dealer, of milk produced outside of the State, becomes a subject of regulation by the State, in the exercise of its police powers, the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the director shall attach. After any such milk so produced shall have come to rest within the State, any sale, within the State, by a licensed milk dealer, processor, subdealer or store or a milk dealer required by this act to be licensed, of any such milk purchased from the producer at a price lower than that required to be paid for milk produced within the State, purchased under similar conditions, shall be unlawful and deemed a violation of this act, and for continued violations the director, by the Attorney-General, may maintain an action in the Superior Court to restrain such further unlawful acts.

40. Section 4:15–4 of the Revised Statutes is amended to read as follows:

4:15–4. The directors of an association, or a majority of them, may appoint from time to time, as many fit persons as they may deem proper, as special police officers. Each such officer, before entering upon his duties, shall take and subscribe an oath that he will well and truly serve the State, and will perform all his duties to the best of his knowledge and ability. The oath shall be filed forthwith in the office of the county clerk who shall indorse thereon the date of filing and shall be paid the sum of twenty cents ($0.20) for each oath so filed.

41. Section 4:17-2 of the Revised Statutes is amended to read as follows:

4:17-2. A person who shall trespass upon the cultivated lands of another within this State after being forbidden so to do by the owner, occupant, lessee or licensee thereof, or after public notice given as provided in this section on the part of the owner, occupant, lessee or licensee of the lands forbidding such trespass, shall be subject to a fine of not more than twenty dollars ($20.00) and costs, and the county district courts and the municipal courts shall have jurisdiction to try such offenders and pronounce sentence as provided in this article.

The notice shall bear the name of the owner, occupant, lessee or licensee of the lands, and be posted conspicuously on the corners of the property or along the roads or highways abutting the property, on all boundary lines bordering on adjoining lands and at each point where a stream enters upon or leaves the property.

42. Section 4:17-3 of the Revised Statutes is amended to read as follows:

4:17-3. A person who shall violate any of the provisions of this article may be arrested without warrant by the owner, occupant, lessee or licensee, or an officer of the law and taken for trial before a court mentioned in section 4:17-2 of this Title.

43. Section 4:17-5 of the Revised Statutes is amended to read as follows:

4:17-5. Upon the failure of a person convicted of violating the provisions of this article to pay a fine imposed as provided in this article, the court before whom the conviction is had may commit such person to the county jail until the fine is paid.

44. Section 4:17-6 of the Revised Statutes is amended to read as follows:

4:17-6. A person who shall, at any time after June first and before October fifth, gather cranberries from the vines on the common or unlocated

lands within this State, or any lands not his own property, or for which he pays no taxes, shall be liable to a penalty of six dollars ($6.00) for every such offense and the further sum of four dollars ($4.00) for every bushel so taken or gathered.

The penalty shall be sued for and recovered, with costs, in a civil action, and shall be applied one-half to the use of the person who shall sue for it, and the other half to the use of the county where the offense was committed if on the common or unlocated lands or to the owner or possessor if on any of the located lands.

45. Section 4:17–10 of the Revised Statutes is amended to read as follows:

4:17–10. A person who shall cut, fell, work up, carry away, box, bore or destroy any tree, sapling or pole, standing or lying on any land within this State to which he has no right and title, without leave first obtained of the owner of the land for that purpose, shall forfeit and pay the sum of eight dollars ($8.00) for each tree, sapling or pole so cut, felled, worked up, carried away, boxed, bored or destroyed. One-half of such sum shall go to the owner or owners of the land and the other half to the person or persons suing for and prosecuting the same to effect, at any time within eighteen months from the commission of the acts complained of.

46. Section 4:19–3 of the Revised Statutes is amended to read as follows:

4:19–3. An inhabitant who shall refuse or willfully neglect to deliver to the assessor, when required by him, a true account of the number and age of the dogs made taxable under this article which are owned or harbored by him shall, for every such failure, be liable to a penalty of five dollars ($5.00), to be recovered with costs by the collector of the taxing district in a civil action, the amount of the penalty recovered to be for the use of the taxing district.

47. Section 4:19-7 of the Revised Statutes is amended to read as follows:

4:19-7. This article shall not exempt the owner, possessor or harborer of a dog from liability for damage done by it but he is hereby declared to be responsible for such injury. A civil action may be brought by a person for the full amount of the damages sustained by him and in such action it shall not be necessary to prove that the dog was accustomed to commit the injury complained of or a similar injury.

The presentation of a claim for damages to the governing body of a municipality shall constitute a waiver of all claims against the owner.

48. Section 4:19-8 of the Revised Statutes is amended to read as follows:

4:19-8. An owner or person harboring a dog which is found killing, worrying or wounding any sheep, lamb, domestic animal or poultry, who shall, after being informed thereof, fail to kill the dog within twenty-four hours after receiving such information, shall be liable, to any person who shall sue for the same, to a penalty of ten dollars ($10.00), to be recovered with costs by a civil action before the district court of the county, and shall also pay triple damages for any injury done.

49. Section twenty-one of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is amended to read as follows:

21. The county district courts and the municipal courts shall have jurisdiction to hear and determine in a summary manner proceedings for violations of any of the provisions of this act. Penalties for such violations shall be enforced and recovered pursuant to "the penalty enforcement law" (2A:58-1 et seq.) at the suit of the Director of Health of the State of New Jersey or of the local board of health or the municipality. Process shall be either in the nature of a summons or warrant.

50. Section twenty-two of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

51. Section twenty-four of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

52. Section twenty-five of chapter one hundred fifty-one of the laws of one thousand nine hundred and forty-one is repealed.

53. Section 4:20–8 of the Revised Statutes is amended to read as follows:

4:20–8. When a person after due notice shall fail to make or amend and maintain his part or proportion of a partition fence as required by section 4:20–7 of this Title, the other person may make or amend and maintain the same wholly, in which event he shall be entitled to receive from the person so failing one-half of the expenses thereof, as appraised and certified in writing by two disinterested members of the township committee where the lands lie, together with the legal fees of such committee for their services as ascertained in writing. Upon nonpayment by the delinquent person of the sum so found and the fees certified to be due, the other person may recover such sums, with costs of suit, in a civil action in any court of competent jurisdiction.

54. Section 4:20–21 of the Revised Statutes is amended to read as follows:

4:20–21. A township clerk who shall fail to enter or register an agreement or certificate such as is referred to in section 4:20–19 of this Title, within two weeks after it is made and delivered to him with a tender of the fees, shall forfeit five dollars ($5.00) to be recovered, with costs of action, by a civil action by any person who shall sue for it.

55. Section 4:20–25 of the Revised Statutes is amended to read as follows:

4:20–25. A person who shall stake, shore or leave open or insecure, or cut, break, pull down or destroy or in any way leave a gate, erected as a part of a partition fence as authorized in section 4:20–24 of this Title, so that the horses or cattle of the owner of the adjoining lands may pass through it, shall, for every such offense, be liable to a penalty of five dollars ($5.00), to be recovered with costs by a civil action by any person who shall sue for it.

The offender shall also pay to the owner or tenant of the lands trespassed upon all damages which he or they may have sustained thereby, to be appraised as provided in section 4:20–22 of this Title, which damages shall be recovered by a civil action.

The owner of the trespassing horses, cattle or sheep shall be entitled to protection from injury to such animals as provided in section 4:20–28 of this Title, and shall not be liable to have his animals impounded, or be liable to an action for damages accruing thereby.

56. Section 4:20–32 of the Revised Statutes is amended to read as follows:

4:20–32. Any person who shall offend against the provisions of sections 4:20–30 and 4:20–31 of this Title, or shall willfully injure, dig up, or otherwise deface or destroy any hedge sets, hedges or fence erected for their protection, shall for each offense be liable to a penalty of thirty dollars ($30.00), to be recovered, with costs, in a court of competent jurisdiction, by a civil action by and in the name of the person injured, and in addition thereto shall be liable for all damages to the person injured.

57. Section 4:21–3 of the Revised Statutes is amended to read as follows:

4:21–3. A person, having charge of horses, cattle, sheep or swine found running at large in the streets or highways or trespassing upon the improved lands of another, who shall attempt to hinder or take away such animals from a person taking or driving or attempting to take or drive them to the pound; or a person who shall unlawfully drive from a public pound in the township horses, cattle, sheep or swine which are therein impounded, shall be liable to a penalty of fifteen dollars ($15.00) to be recovered in a civil action in a court of competent jurisdiction by and for the use of any person prosecuting the suit.

58. Section 4:21–9 of the Revised Statutes is amended to read as follows:

4:21–9. A person as provided in section 4:21–8 of this Title who shall find swine trespassing upon his land, whether inclosed or not, for which he

pays taxes, and who shall not choose to kill such swine as authorized by said section 4:21-8, may take and put such swine into his yard or other inclosure. He shall give notice to the owner, if easily to be found, who shall pay double damages to the person injured, to be appraised and certified in writing by two reputable freeholders to be chosen by the parties. If the owner of the swine shall fail, for twenty-four hours after notice, to choose one of the appraisers, or if he cannot easily be found, the person injured may choose them both.

If the appraisers cannot agree they may choose a third person to join them, in which event an appraisement made by agreement of any two of them and certified as provided in this section, shall be binding and conclusive, and double the sum so appraised may be recovered by a civil action in any court of competent jurisdiction.

59. Section 4:21-11 of the Revised Statutes is amended to read as follows:

4:21-11. A person who shall willfully or negligently suffer a stallion of the age of eighteen months or over, of which he is the owner or keeper, to run at large out of the inclosed ground of the owner or keeper, after having been notified thereof and been admonished to confine such stallion, shall forfeit and pay the sum of ten dollars ($10.00), to be recovered, with costs, by any person who shall sue for it, in a civil action, in any court of competent jurisdiction.

60. Section 4:21-12 of the Revised Statutes is amended to read as follows:

4:21-12. No person shall suffer any bull whereof he is the owner, bailee or keeper, to run at large off of his premises, or to get out of control while being transported or driven along the highway. When a bull shall run at large off the premises of its owner, bailee or keeper or get out of control while being transported or driven along the highway, the owner, bailee or keeper thereof shall be liable to a penalty of one hundred dollars ($100.00) to be recovered, with costs, in a civil action by any person who shall sue for it, and

shall also be liable for all damages caused by the bull to be recovered, with costs, in a civil action by the person who has suffered the damage.

61. Section 4:22–25 of the Revised Statutes is amended to read as follows:

4:22–25. A person who shall use a dog for the purpose of drawing or helping to draw a vehicle for business or other purposes shall be liable to a fine of one dollar ($1.00) and costs for the first offense and ten dollars ($10.00) and costs for each subsequent offense.

The offender together with the dog and the vehicle shall be taken before the county district court or the municipal court and said court shall have jurisdiction to impose the fine and render judgment accordingly.

62. Section two of chapter three hundred fifteen of the laws of one thousand nine hundred and thirty-nine is amended to read as follows:

2. Any person who shall violate any of the provisions of this act shall be fined not less than five dollars ($5.00) and not more than twenty-five dollars ($25.00) for the first offense and not less than twenty-five dollars ($25.00) and not more than fifty dollars ($50.00) and ten days in jail for the second offense.

63. Section 4:22–26 of the Revised Statutes is amended to read as follows:

4:22–26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;

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

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

d. Receive or offer for sale a horse which by reason of disability, disease or lameness, or any other cause, could not be worked without violating the provisions of this article;

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

f. Be present and witness, encourage, aid or assist in an activity enumerated in paragraph "e" of this section;

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

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

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

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

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

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

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

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

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been

dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money;

q. Sell or offer for sale, barter, or give away living rabbits, baby chicks, ducklings or other fowl, unless such person provides proper brooder facilities for the care of such rabbits, baby chicks, ducklings, or other fowl during the time they are in possession of such person;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age in any quantity of less than six;

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

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

64. Section 4:22–27 of the Revised Statutes is amended to read as follows:

4:22–27. A person who shall:

a. Crop or cut off or cause or procure to be cropped or cut off the whole or a part of the ear of a dog, other than as certified to be reasonably necessary by a duly certified veterinarian; or

b. Show or exhibit or procure to be shown or exhibited at a dog show or exhibition a dog with an ear cropped or cut off—

Shall be subject to a forfeiture not to exceed two hundred fifty dollars ($250.00) for each such offense, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals. The possession of a dog confined upon

the premises of a person or in his charge or custody, which has an ear cropped or cut off and an unhealed wound resulting therefrom shall be prima facie evidence of the violation of paragraph "a" of this section by the person in control of the premises or having such charge or custody. The provisions of paragraph "b" of this section shall not apply to the showing or exhibiting of dogs the ear or ears of which were cropped or cut off prior to March twenty-third, one thousand nine hundred and thirty-one, or whose ear or ears have been cropped or cut off in any other State, and whose owners are nonresidents of this State.

65. Section 4:22–28 of the Revised Statutes is amended to read as follows:

4:22–28. The indictment of a person under the provisions of this article, or the holding of a person to bail to await the action of a grand jury or County Court, shall not in any way relieve him from his liability to be sued for the penalty prescribed in paragraphs "e," "f" and "g" of section 4:22–26 of this Title.

66. Section 4:22–29 of the Revised Statutes is amended to read as follows:

4:22–29. The action for the penalty prescribed in section 4:22–26 or 4:22–27 of this Title, shall be brought:

a. In a County Court, county district court, or a criminal judicial district court, of the county where the defendant resides or in which the offense was committed; or

b. In a municipal court of the municipality wherein the defendant resides or where the offense was committed.

67. Section 4:22–30 of the Revised Statutes is repealed.

68. Section 4:22–31 of the Revised Statutes is repealed.

69. Section 4:22–32 of the Revised Statutes is amended to read as follows:

4:22–32. Penalties for violations of sections 4:22–26 and 4:22–27 of this Title shall be enforced and collected in a summary manner under "the penalty

enforcement law'' (2A:58-1 et seq.). A warrant may issue when the defendant is temporarily within the jurisdiction of the court, but not residing therein; or when the defendant is likely to evade judgment by removal therefrom; or when his name or residence is unknown.

70. Section 4:22-33 of the Revised Statutes is amended to read as follows:

4:22-33. Where a defendant is a nonresident of the county in which the alleged offense was committed, or where a defendant desires an adjournment or continuance of the hearing, the court before whom the complaint has been made may, in its discretion, require the defendant to furnish security in an amount not exceeding two hundred fifty dollars ($250.00) for his appearance at the hearing.

71. Section 4:22-34 of the Revised Statutes is repealed.

72. Section 4:22-35 of the Revised Statutes is repealed.

73. Section 4:22-36 of the Revised Statutes is repealed.

74. Section 4:22-37 of the Revised Statutes is repealed.

75. Section 4:22-38 of the Revised Statutes is repealed.

76. Section 4:22-39 of the Revised Statutes is repealed.

77. Section 4:22-40 of the Revised Statutes is repealed.

78. Section 4:22-41 of the Revised Statutes is repealed.

79. Section 4:22-42 of the Revised Statutes is repealed.

80. Section 4:22-44 of the Revised Statutes is amended to read as follows:

4:22-44. Any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, undersheriff, constable or police officer may:

a. Make arrests for violations of this article;

b. Arrest without warrant any person found violating the provisions of this article in the presence of such member, officer, agent, sheriff, undersheriff, constable or police officer, and take such person before the nearest judge or magistrate as provided in this article.

81. Section 4:22–46 of the Revised Statutes is amended to read as follows:

4:22–46. Any court having jurisdiction of violations of the law in relation to cruelty to animals may issue search warrants to enter and search buildings or places wherein it is reasonably believed that such law is being violated.

82. Section 4:22–48 of the Revised Statutes is amended to read as follows:

4:22–48. The person seizing animals, creatures, implements or appliances as authorized in section 4:22–47 of this Title, shall, within twenty-four hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22–47 or paragraphs "e," "f" and "g" of section 4:22–26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and the court shall order the same sold in such manner as it shall deem proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22–55 of this Title.

A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.

A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.

83. Section 4:22–49 of the Revised Statutes is repealed.

84. Section 4:22–53 of the Revised Statutes is amended to read as follows:

4:22–53. An animal or creature abandoned in a maimed, sick, infirm or disabled condition, if fit for further use, may be advertised and sold in the manner directed by a court of competent jurisdiction or agent of the New Jersey Society for the Prevention of Cruelty to Animals.

The proceeds, after deducting expenses, shall be paid to the district (county) society for the prevention of cruelty to animals, if one is in existence in the county; if not, then to the New Jersey society.

85. Section 4:22–54 of the Revised Statutes is amended to read as follows:

4:22–54. When an animal or creature is found on the highway or elsewhere, whether abandoned or not, in a maimed, sick, infirm or disabled condition, a court of competent jurisdiction or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals, may appoint a suitable person to examine and destroy such animal or creature if unfit for further use.

86. Section 4:22–55 of the Revised Statutes is amended to read as follows:

4:22–55. All fines, penalties and moneys imposed and collected under the provisions of this article, shall be paid by the court or by the clerk or court officer receiving the same, within thirty days and without demand, to the district (county) society for the prevention of cruelty to animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, to be used by the society in aid of the benevolent objects for which it was incorporated.

87. Section 4:23–2 of the Revised Statutes is amended to read as follows:

4:23–2. Jurisdiction of proceedings to collect penalties collectible under the provisions of this article is vested in the County Courts, the county district courts and the municipal courts, and in all other courts or officers specifically authorized by the law under which the proceeding is had, all of which courts and officers are hereinafter in this article designated as the "court."

88. Section 4:23–3 of the Revised Statutes is repealed.

89. Section 4:23–4 of the Revised Statutes is repealed.

90. Section 4:23–5 of the Revised Statutes is repealed.

91. Section 4:23–6 of the Revised Statutes is amended to read as follows:

4:23–6. In proceedings to enforce and collect penalties under this article, the court may proceed in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

92. Section 4:23–7 of the Revised Statutes is repealed.

93. Section 4:23–8 of the Revised Statutes is repealed.

94. Section 4:23–9 of the Revised Statutes is repealed.

95. Section 4:23–12 of the Revised Statutes is amended to read as follows:

4:23–12. Jurisdiction of proceedings to collect penalties collectible under the provisions of this article is vested in the County Courts, the county district courts and the municipal courts in any county or municipality where the defendant may be apprehended or where he may reside, and all other courts or officers specifically authorized by the law under which the proceeding is had, all of which courts and officers are hereinafter in this article designated as the "court." Process shall be either a summons or warrant and proceedings shall be brought in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

96. Section 4:23–13 of the Revised Statutes is repealed.

97. Section 4:23–15 of the Revised Statutes is amended to read as follows:

4:23–15. For a violation of any provision for which a penalty is prescribed which is collectible under this article, done within the view of any constable, police officer or member of the State police, the officer may arrest the offender without a warrant and take him before the court in the county wherein such arrest is made.

98. Section 4:23–16 of the Revised Statutes is repealed.

99. Section 4:23–17 of the Revised Statutes is repealed.

100. Section 4:24–27 of the Revised Statutes is amended to read as follows:

4:24–27. The supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of article seven of this chapter (§ 4:24–23 et seq.) are being observed. Any landowner who shall sustain damages from any violation of such regulations by any other landowner may sue to recover damages in a civil action from such other landowner for such violation.

101. Section 4:24–28 of the Revised Statutes is amended to read as follows:

4:24–28. Where the supervisors of any district shall find that any of the provisions of land-use regulations adopted in accordance with the provisions of article seven of this chapter (§ 4:24–23 et seq.) are not being observed on particular lands, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may bring an action in the Superior Court and the said court therein may grant appropriate relief.

102. Section 4:24–29 of the Revised Statutes is Repealed.

103. Section 4:24–33 of the Revised Statutes is amended to read as follows:

4:24–33. Any petitioner aggrieved by an order of the board granting or denying, in whole or in part, the relief sought of the supervisors of the district, or any intervening party, shall be entitled to a review of such order in the Superior Court by a proceeding in lieu of prerogative writ.

104. This act shall take effect immediately.