

1800 - 1811
~~Carl F. ...~~

LAWS

OF THE

STATE OF NEW-JERSEY.

COMPILED AND PUBLISHED,

UNDER THE AUTHORITY OF THE

LEGISLATURE.

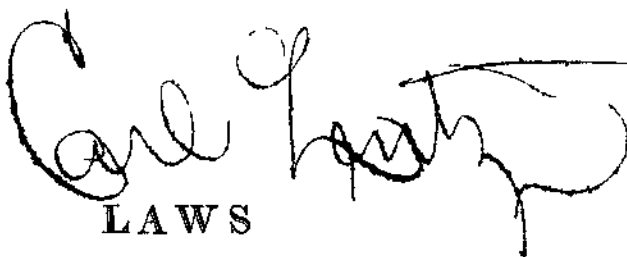
—*—
BY JOSEPH BLOOMFIELD.

396
over

—*—
TRENTON :
PRINTED BY JAMES J. WILSON.

.....
1811.

NOTE, That Rev. refers to the revision of the *Laws of New-Jersey* by Judge Paterson previous to 1800.—
Comp. to this compilation.



L A W S

OF THE

STATE OF NEW-JERSEY,

From Nov. 11, 1800, to Feb. 23, 1811.



A Supplement to the act entitled "An act making [Rev. 369]
lands liable to be sold for the payment of debts."

Passed November 11, 1800.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That when any testator or intestate, shall die possessed of any share or shares, or parts of a share, of propriety of undivided rights, or of a warrant to locate any lands, either in the eastern or western division of New-Jersey, and shall not leave other estate sufficient to pay all the just debts, and maintain the children, of such decedent, that then, and in such case, the executor or executors, administrator or administrators, shall apply to the orphan's court of the county where such decedent last resided; and the said court shall make an order for the sale of such share or parts of shares, or warrants, for unlocated rights, on the like exhibition and proof of the deficiency of the estate of such decedents to pay the just debts that shall appear against the same, under the same restrictions, notice and publicity, as is directed for the sale

In what case the orphan's court may order a sale of propriety rights.

[Rev 372, Sec 19, 20]

of real estates, by the act entitled "An act making lands liable to be sold for the payment of debts," passed the eighteenth day of February, seventeen hundred and ninety-nine, in the same manner as if such shares and rights had been mentioned in the said act, and considered as real estate.

2. *Executed.*

[Rev. 369] AN ACT to amend the act entitled "An act making lands liable to be sold for the payment of debts"

Passed November 26, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That if the owner of any goods and chattels, lands, tenements, hereditaments and real estate, against whom a writ of *Fieri Facias* shall be directed, shall desire that the whole or any part of his real estate shall be sold before any of his goods and chattels, and signify the same in writing under his hand, the officer to whom the writ is directed, shall in such case, sell the real estate first, upon obtaining security that the goods and chattels shall be forthcoming when called for, any law to the contrary notwithstanding.

Real estate, when so requested, to be sold before goods and chattels.

[Rev 369
Sec. 6]

2. *And be it enacted,* That it shall be the duty of the sheriff or other officer, in whose hands a writ of *Fieri Facias* may be, in addition to the provision directed in and by the ninth section of the act to which this is an amendment, to cause the time and place of the sale of the said lands, tenements, hereditaments

Real estate to be advertised in a newspaper.

and real estate, so levied upon, to be published in one of the newspapers printed in this state, and circulates most generally in the neighborhood of the said lands, tenements, hereditaments and real estate, at least one month next preceding the time appointed for selling the same: and that the sheriff or other officer advertising as aforesaid, shall be entitled, in addition to his other fees, to the sum of one dollar and fifty cents.

[Rev. 370,
sec. 9]

Allowance
for adver-
tising.

3. *And be it enacted*, That when any orphan's court of this state shall order the lands, tenements, hereditaments and real estate, or any part thereof, of any ward, testator or intestate to be sold, it shall be the duty of the guardian, executor or administrator, as the case may be, to advertise the time and place of exposing the same at sale, in the manner directed in the preceding section of this act, in addition to the provision already prescribed by law.

Real estate sold by order of the orphan's court, to be previously advertised as aforementioned

AN ACT concerning the clerk's office in the several counties of this state.

Passed November 17, 1800.

Sec. 1. **BE IT ENACTED** by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That in every county of this state, where an office hath been or hereafter may be built, at the expense of any county in this state, of materials not liable to be destroyed by fire, and the same is or shall be finished and completed, and be situated within half a mile of the court house of the respective county, the clerks of the sev-

If an office be built, clerk to remove to

eral counties, and their successors in office, shall, and they are hereby required to remove to the office so provided, all the books, records and papers, appertaining to the office of the respective clerk.

Penalty,
§ 10.

2. *And be it further enacted*, That if any clerk of any county of this state shall neglect or refuse, for the space of ten days, to remove all the books, records and papers appertaining to his said office, ~~to the office which~~ hath been or may be built and completed, as aforesaid, every clerk so offending, shall forfeit and pay for each day he shall so neglect or refuse, after the expiration of the said ten days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders in the county where the delinquency shall happen, in his own name, to be applied, when recovered, to and for the use of the county.



AN ACT for altering and establishing the times of holding the courts in and for the county of Middlesex.

Passed February 9, 1801.

Circuit
courts, &

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the circuit courts for the county of Middlesex shall be held on the second Tuesdays of June and December in every year.

Common
Pleas, &c.
when to be
held.

2. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace, for the said county of Middlesex, shall be held on the second Tuesdays of March, June, September and December, in every year.

3. *And be it enacted*, That this act shall be in force from and after March term next, and that from and after the same period, so much of the act entitled "An act ascertaining the times and places of holding the courts of common pleas and general quarter sessions of the peace," passed the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-eight, and so much of the act entitled "An act relative to the supreme and circuit courts," passed the sixth day of June, in the year of our Lord one thousand seven hundred and ninety-nine, as is repugnant to this act, shall be, and the same is hereby repealed.

Parts of former acts repealed.

[Rev. 302]

[Rev. 393]

AN ACT altering the time of holding the circuit courts and courts of common pleas and general quarter sessions, in and for the county of Burlington.

Passed February 13, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the circuit courts, and courts of common pleas and general quarter sessions, in and for the county of Burlington, shall be held on the fourth Tuesday of May and the first Tuesday of November, annually.

Courts when to be held.

[*Second section obsolete.*]

3. *And be it enacted*, That so much of the act directing the circuit courts, and courts of common pleas and general quarter sessions, to be held for the county of Burlington on the third Tuesday in May, be and the same is hereby repealed.

Part of former act repealed.

[Rev. 302, 394]

AN ACT to alter the line and bounds between the townships of Evesham and Chester, in the county of Burlington.

Passed February 23, 1801.

Preamble. WHEREAS the present lines of division of the townships of Evesham and Chester, in the county of Burlington, are very crooked and not satisfactory to the inhabitants of said townships—~~For remedy~~ whereof,

Division line. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the division line between the townships of Evesham and Chester, shall be as follows, to wit: Beginning at the mouth of Thomas Tallman's creek (so called) where it puts into Rancocus creek, and runs up the said Tallman's creek the several courses thereof to a small run of water eastwardly of Thomas Tallman's stone house, and runs from thence one direct course south, fifty-three degrees west, four hundred and ninety-eight chain, be the same more or less, until it strikes the pond of William Kaighn's fulling-mill, two chains and fifty links to the southward of said Kaighn's dwelling-house, thence down the said pond and stream of water, until it intersects the south branch of Pensaukin creek, (near about ten chains) being the county line between the counties of Burlington and Gloucester, any act to the contrarywise notwithstanding.

AN ACT to alter and amend the charter of the city
of New-Brunswick.

Passed February 23, 1801.

WHEREAS it has been found by experience,
that the present charter of incorporation of
the city of New-Brunswick, is insufficient ^{Preamble.}
to answer the good purposes thereby in-
tended; **Therefore,**

Sec. 1. *BE IT ENACTED by the coun-
cil and general assembly of this state, and it is
hereby enacted by the authority of the same,*
That all that tract of land, situate, lying and
being within the limits and boundaries herein-
after mentioned; that is to say—Beginning on <sup>Bounds of
the corpo-
ration.</sup>
the Raritan river, where Lawrence's brook
empties into the same, thence up said brook,
following the several courses thereof, to where
Cornell's brook falls into the same; thence up
the said last mentioned brook, following the
several courses thereof, to George's road;
thence on a straight line to the most westward-
ly corner of Hermanus Cortleyou's plantation,
on the post-road leading from New-Brunswick
to Princeton; thence eastwardly along said
road, on the north side thereof, to a brook
known by the name of the Mile-Run; thence
down said brook as it runs to a bridge over
the same, near the mouth thereof, on the road
leading from Bound-Brook to New-Brunswick;
thence along the said road, on the south-
wardly side thereof, to Garnet's gully; thence
down the said gully to Raritan river; thence
crossing the same, on a straight line, to high
water mark; thence down said river, on the
north side thereof, the several courses of the

same, until it comes opposite to the mouth of said Lawrence's brook; thence crossing the said river, on a straight line, to the place of beginning, shall be, and the same is hereby ordained, constituted and declared to be a city and town corporate, and shall henceforth be called, known and distinguished by the name of "The City of New-Brunswick."

Officers of
the corpo-
ration.

2. *And be it enacted*, That for the better ordering, ruling and governing the said city of New-Brunswick and the inhabitants thereof, there shall henceforth be, in the said city, a mayor, who shall be keeper of the common seal; a recorder, who, besides the office of recorder, shall, in case of the absence, death or other disability of the mayor, have, hold, use and execute, the several duties annexed to the mayoralty, and every of them, during such absence or other disability; three aldermen, six common-council men, and one town clerk; which mayor, recorder, aldermen and common-council men, shall be one body politic and corporate, in deed, fact and name, by the name, style and title of "*The Mayor, Recorder, Aldermen and Common-Council of the city of New-Brunswick*," and by the same name shall have perpetual succession, and they, and their successors, at all times hereafter, by the name, style and title of, The Mayor, Recorder, Aldermen and Common-Council of the city of New-Brunswick, shall be able and capable in law, to have, purchase, take and receive, possess and enjoy, lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors, in fee simple, or otherwise: *Provided always*, That the annual income of such estate shall not exceed the sum of two thousand five

Style.

May hold
lands;

hundred dollars, and also, that they and their successors, by the name aforesaid, shall and may, under the seal of the said city, give, ^{& convey} grant, bargain, demise, assign, sell and convey, ^{the same.} or otherwise dispose of all or any of their messuages, houses, buildings, lands, tenements, possessions, or other real estate, and all other goods, chattels and things aforesaid, at any time belonging or to belong to the said city or corporation; in such manner and form as to them shall seem meet; and also, that they and their successors, by the name aforesaid, be, and they shall forever hereafter be able and capable in law, to sue and be sued, plead and be ^{May sue & be sued.} impleaded, appear, answer and be answered unto, defend and be defended, in all or any of the courts of judicature, either in law or equity, in this state or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands, whatsoever, in as full and ample a manner and form as any of the free inhabitants of this state; and also, that they, the said mayor, recorder, aldermen and common-council of the said city of New-Brunswick, and their successors, shall and may make and forever hereafter use one common seal, and the ^{Use a common seal, &c.} same may alter and break, and a new seal make, have and use as the common seal of the said city; which said seal shall be used for the sealing of all and singular deeds, grants, conveyances, contracts, bonds, articles of agreement, assignments, powers and authorities, and all and singular other instruments, affairs and business, any way touching, concerning or relating to the said corporation, or to the certifying or assuring any matter or thing of a private nature necessary to be certified or assured by the

said corporation, or by the mayor thereof, or any of the officers appertaining to the mayoralty.

3. *And be it enacted*, That the said mayor, recorder and aldermen, shall be freeholders in the said city, and justices of the peace, *ex officio*, within the said city, and shall be appointed by the council and general assembly of this state, in joint-meeting, and commissioned by the governor of the same, in the same manner as the judges and justices of the peace throughout the same are appointed and commissioned, and shall continue in office for the same time, and be amenable in like manner to the council and general assembly; and the said mayor, recorder and aldermen, shall severally take and subscribe the oath or affirmation of allegiance to this state, and also an oath or affirmation for the faithful discharge and execution of their respective offices, within twenty days after the receipt of their commissions, or his or their appointment or appointments shall be void; and the said mayor shall take the said oaths or affirmations herein before prescribed, before any one of the judges of the inferior court of common pleas, or justices of the peace of the counties of Somerset or Middlesex, and the said recorder and aldermen shall, within the same time, take the oaths or affirmations aforesaid, before the mayor or any of the said judges or justices, and every other officer to be chosen or appointed, shall take the said oaths or affirmations before the mayor, recorder, or one of the aldermen.

4. *And be it enacted*, That it shall and may be lawful for the freeholders, and such of the inhabitants of the said city of New-Brunswick, as are by law qualified to vote for representa-

Mayor &c.
how to be
appointed,

and by
whom
qualified.

Common-
council
men &c.
how elect-
ed, and
when;

five in the general assembly, to assemble at such place, within the said city, as by the mayor, recorder, or any two of the aldermen, shall be appointed, on the second Monday in May next, and then and there, by plurality of voices, to elect six common-council men and one town-clerk, to hold their respective offices for and during one year, and until their successors shall be elected and sworn into office; and on the second Monday in May, yearly and every year, forever thereafter, the freeholders and such of the inhabitants of the said city of New-Brunswick, qualified as aforesaid, shall assemble at such place as may be directed by the common-council, and then and there, by plurality of voices, elect the like number of common-council men, and one town-clerk, to hold their respective offices during the said term of one year, and until their successors shall be elected and sworn into office as aforesaid.

5. *And be it enacted*, That the said mayor, recorder, aldermen and common-council men, or a majority of them, (of which the mayor or recorder shall always be one) shall constitute a common-council; and in all business to be done in and by the said common-council, a majority of the votes of the members present shall decide—*Provided always*, That no bye-laws or ordinances of the said common council, shall pass without the concurrence of at least six votes.

6. *And be it enacted*, That the said mayor, recorder, aldermen and common-council men, of the said city of New-Brunswick, shall and may make, pass, seal with the common seal of the said city, and publish, such bye-laws and ordinances, not repugnant to the laws of this

state, or of the United States, as they may conceive calculated to promote the welfare and prosperity of the said city of New-Brunswick, and the same to put in execution, revoke, alter and make anew, as to them shall appear necessary and convenient, and to appoint a city treasurer, city marshal, clerk of the market, assessor, collector, and such other subordinate officers as to them shall seem proper and necessary, for the good government of the said city, and by ordinance to require such security from the several officers as they may think proper; which officers, last aforesaid, shall continue in office during the pleasure of the common-council—*Provided always*, That no fine or penalty laid by any such bye-law, shall, in any case, exceed thirty dollars.

Licence
taverns.

7. *And be it enacted*, That the said mayor, recorder, aldermen, and common-council men, or a majority of them, in common-council assembled, shall have the sole, only and exclusive power of licensing all and every inn-keeper, or tavern-keeper, residing within the bounds of the said corporation, subject to the same provisions, restrictions and regulations, and in like manner as the same may be lawfully done by the courts of general quarter sessions of the peace in this state.

Monies,
how to be
raised;

assessed:

8. *And be it enacted*, That the freeholders and inhabitants of the said city of New-Brunswick, at their annual town-meeting, shall vote such sum or sums of money as they may think necessary to be raised for the ensuing year, for the exigencies of the said city; which sum or sums, shall be assessed upon the inhabitants by the assessor, agreeably to the laws and regulations to be made by the common-council of the said city for that purpose, and collected by

the collector at such time, and be paid and disposed of in such manner as the common-council shall direct; and if no sum, or an insufficient sum, shall then be voted to be raised, and the interests of the city require it, the common-council are hereby authorized to call a meeting of the freeholders and inhabitants, by advertisement or otherwise, giving at least five days notice, and to propose to them the sum in their opinion necessary to be raised, and whatever sum the freeholders and inhabitants shall, by a plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of, in manner aforesaid—*Provided always*, That no tax shall be levied upon, or collected from any person, who, from his or her local situation, beyond the line of buildings in the said city, is not interested in the good purposes for which such tax is designed; *And provided also*, That every person in said city, who may think him or herself aggrieved by any fine, penalty or assessment, imposed on them in virtue of this act, may appeal to the common-council, who are hereby required to hear his or her cause of complaint, and to do therein what to them may appear just and equitable.

9. *And be it enacted*, That in case a vacancy shall happen in the office of mayor and recorder of the said city, by death, resignation, removal or otherwise, in such case the aldermen shall meet together, and by plurality of voices choose one of their number, who shall have and execute the duties annexed to the mayoralty, until a mayor and recorder shall be appointed and commissioned according to law, and that as soon as may be convenient after such vacancy shall happen; and when by death,

collected,
and dis-
posed of.

Vacancies
how to be
supplied.

removal, or otherwise, any vacancy or vacancies shall happen in any of the officers herein rendered elective by the freeholders and inhabitants of the said city, the mayor for the time being, is hereby required and directed, by advertisement or otherwise, giving at least five days notice, to call a meeting of the freeholders and inhabitants aforesaid, who, when assembled, are hereby authorized, by plurality of voices, to elect such and so many fit persons as are necessary to fill up the offices and supply such vacancy or vacancies; which officers so elected, shall be sworn in the manner aforesaid, and shall continue in office until the next annual election.

Offenders,
where to
be com-
mitted.

10. *And be it enacted*, That it shall and may be lawful for the said mayor, recorder, and aldermen, or either of them, to commit every person or persons, offender or offenders, whom by law they or either of them are authorized to commit to gaol, or to imprison, to and in the gaol in the said city of New-Brunswick; and the keeper of the said gaol is hereby required to receive such person or persons, so committed, and him, her or them to keep in close and safe custody, until thence discharged by due course of law—*Provided always*, That nothing in this act contained shall authorize the said mayor, recorder or aldermen, or any or either of them, to commit to the said gaol any debtor or debtors not residing in the said city of New-Brunswick.

Property
of former
corpora-
tion vested
in this.

11. *And be it enacted*, That all the lands, tenements, hereditaments, goods, chattels and rights, whatsoever, of the corporation, known by the name of the "President, Register, Directors and Assistants of the city of New-Brunswick," be, and they are hereby vested

in the corporation by this act erected and established.

12. *And be it enacted,* That this act shall be deemed and taken to be a public act, and as such to be taken notice of by all courts of justice within this state.

13. *And be it enacted,* That the act, entitled, "An act for incorporating the said city of New-Brunswick," passed the first day of September, ~~seventeen~~ ^[Rev 56] ^{Former} ^{act repeal-} ^{ed.} ~~seventeen~~ hundred and eighty-four, be, and the same is hereby repealed.

AN ACT to divide the township of Shrewsbury in the county of Monmouth.

Passed February 23, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Shrewsbury, in the county of Monmouth, lying within the following boundaries, to wit: Beginning ^{Division} ^{line.} at the main sea or ocean, in the middle of Shark River Inlet, and from thence running up the main stream thereof along its several windings to a place called and known by the name of the Horse-Pound; and from thence from a certain pine tree, standing by the edge of the brook in the Horse-Pound, lettered I. P. said to be the beginning corner of a tract of land surveyed and returned for Joseph Potter, deceased, on a straight line to the head spring of Mingumehone-Branch, at the foot of Manhomony-Hill, near the widow Harvey's house; and from thence, on a straight line, to the most southerly corner of a tract of land belonging to

the Reverend Samuel Pyle, called the Mill-Tract ; from thence along said Pyle's southerly bound lines, till it meets the easterly bound line of the township of Freehold ; and from thence along said line, southerly, until it meets the northerly bound line of the township of Dover ; and from thence, eastwardly, along the line of said township, until it comes to the main ocean ; and from thence along the same, northerly, to the place of beginning, shall be, and the same is hereby set off from the township of Shrewsbury, and the same is hereby established a separate township, to be called by the name of *The Township of Howell*.

2. *And be it enacted*, That the inhabitants of the said township of Howell shall be, and they are hereby vested with and entitled unto all the powers, privileges and authorities, and shall be, and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid township of Shrewsbury are subject and entitled to ; and that the inhabitants of the township of Howell shall be, and they are hereby incorporated, styled and known by the name of *The inhabitants of the township of Howell in the county of Monmouth*, and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled unto, by virtue of an act, entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight.

3. *And be it enacted*, That the inhabitants of the said township of Howell shall meet at the house where William Corlis now dwells, at Squancum, in the said township, on the day

Name and style.

[Rev. 276]

First town meeting, where to be held.

appointed by law for the first annual meeting after the passing of this act, and proceed in all respects agreeably to the laws of this state for the regulation of town officers.

4. *And be it enacted*, That the chosen freeholders of each township, namely, Shrewsbury and Howell, with the assistance of one justice of the peace out of each township, shall meet in two weeks after the next annual town-meeting, at the house of Robert Laird, at Eaton-Town in the township of Shrewsbury, at two o'clock in the afternoon, and then and there proceed to make an allotment, between the said townships, of such poor persons as shall then be chargeable, in proportion to the taxable property contained within their respective limits—*Provided*, That if either of the chosen freeholders, as aforesaid, shall neglect or refuse to meet as aforesaid, it shall and may be lawful for such freeholders and justice of the peace as do meet, to proceed to such distribution of the poor, and such other business as is necessary to be settled between the said townships.

Poor, how
to be di-
vided.

5. *And be it enacted*, That all the taxes heretofore assessed upon the township of Shrewsbury, by virtue of former laws of this state, shall be collected and paid, as in and by the said laws have been declared and enacted, any thing in this act to the contrary notwithstanding.

Former as-
sessments,
how to be
paid.

6. And whereas it hath been represented to the legislature, that at the last town-meeting of the township of Shrewsbury, the inhabitants thereof did agree to hold the next annual town-meeting at the dwelling-house of the said William Corlis; therefore, *Be it enacted*, That it shall be lawful for the people of the township

of Shrewsbury to meet at the house of Robert Laird, at Eaton-Town in said township, for the purpose of holding their next annual town-meeting, notwithstanding the agreement of the town-meeting as aforesaid; and the clerk of the said township of Shrewsbury is hereby directed and required to put up advertisements in each of the said townships, at three of the most public places therein, at least ten days previous to the next annual town-meeting, notifying the inhabitants of the said townships where the same will be held.

AN ACT to alter and amend the act, entitled "An act concerning inns and taverns."

Passed February 27, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the second section of the act, entitled "An act concerning inns and taverns," passed the twenty-fourth day of February, seventeen hundred and ninety-seven, shall be, and the same is hereby repealed; and in place thereof, *Be it enacted,* That no person or persons shall be licensed by any of the courts of general quarter sessions of the peace in this state, to keep an inn and tavern, but such as shall be recommended by at least twelve reputable freeholders, in the township where the said tavern is proposed to be kept, who shall certify the person recommended is of good repute for honesty and temperance, and is known to the persons recommending to have at least two

[Rev. 235]
 12 freeholders certify character of applicant.

feather beds more than are necessary for the family's use, and is well provided with house room, stabling and provender; upon which certificate or recommendation, the said courts may, in their discretion, grant the license prayed for by the applicants.

AN ACT to incorporate into a township, a part of the townships of Fairfield and Maurice-River, in the county of Cumberland.

Passed February 24, 1801.

WHEREAS it hath been represented to the legislature, by the petitions of sundry inhabitants of the townships of Fairfield and Maurice-River, in the county of Cumberland, that they are subjected to very great inconveniences, by reason of the extent of the said townships: For remedy whereof, Preamble.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the townships of Fairfield and Maurice-River, in the county of Cumberland, lying within the following bounds, to wit: Beginning at the mouth of Buckshutem-Creek, from thence running up the middle of the water-course thereof to Northwest-Branch; thence up said branch to a beaver-dam; thence a straight course to the head of Chatfield-Branch; thence down the same to Lebanon-Branch; thence along the line of Deerfield township to Maurice-River; thence up the same to the line of Gloucester county; thence along the same to Manamuskeen-Branch; Bounds of the new township.

thence down the same to Scot's line ; thence along said line to Menantico-Creek ; thence down the said creek to Maurice-River ; thence across the river to the place of beginning, shall be, and the same is hereby set off from the townships of Fairfield and Maurice-River, and the same is hereby established a separate township, to be called by the name of "*The township of Millville.*"

To be called Millville.

2. *And be it enacted,* That the inhabitants of the said township of Millville; shall be, and they are hereby vested with, and entitled unto, all the powers, privileges and authorities, and shall be, and are hereby made subject to the like regulations and government which the inhabitants of either of the aforesaid townships of Fairfield and Maurice-River are subject and entitled to, and that the inhabitants of the township of Millville shall be, and they hereby are incorporated, styled and known by the name of "*The inhabitants of the township of Millville, in the county of Cumberland,*" and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled unto by virtue of an act, entitled, "*An act incorporating the inhabitants of townships, designating their powers and regulating their meetings,*" passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight — *Provided,* That this act shall not be in force until the first Monday in March, which will be in the year of our Lord one thousand eight hundred and two.

Name of the corporation,

[Rev. 276]

& when to take effect

3. *And be it enacted,* That the inhabitants of the said township of Millville, shall meet at the Union School-house, in Millville, on the second Tuesday in March, in the said year,

Town-meeting where to be held.

and proceed, in all respects, agreeably to the laws of this state for the regulation of town-officers.

4. *And be it enacted*, That the chosen freeholders of each township, namely, Fairfield, Maurice-River and Millville, with the assistance of one justice of the peace out of each township, shall meet in two weeks after the said second Tuesday in March, at the house where Henry Haines, innkeeper, now lives, and then and there proceed to make an allotment, between the said townships, of such poor persons as shall then be chargeable, in proportion to the taxable property contained within their respective limits—*Provided*, That if either of the chosen freeholders, as aforesaid, shall neglect or refuse to meet as aforesaid, it shall and may be lawful for such freeholders and justice of the peace, as do meet, to proceed to such distribution of the poor, and such other business as is necessary to be settled between the said townships.

Poor, how
to be di-
vided.

A supplement to the act entitled “An act for the punishment of crimes,” passed the eighteenth day of [Rev. 208] March, seventeen hundred and ninety-six.

Passed March 7,, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That hereafter, if a slave shall be convicted before the court of oyer and terminer and general goal delivery, of the crimes of arson, burglary, rape, or of highway robbery, or of attempts, with intention of committing any of the said

crimes, or of a violent assault and battery, with an intent to commit murder on any person or persons, it shall be lawful for the said court, either to inflict upon the said slave the punishment now ordered by the laws of this state, or to order him or her to be sent from and out of this state and of the United States, any law to the contrary notwithstanding. *Provided always, and it is hereby further enacted,* That if the said court shall proceed to order such slave to be sent out of this state and the United States, as aforesaid, the owner of such slave shall give bond, with sufficient surety, to be approved of by the said court, in the sum of four hundred dollars, conditioned, that he or she will, within four weeks, send such slave, according to his or her sentence, out of this state and the United States; which bond shall be given to the state of New-Jersey, and filed in the clerk's office of the county where such conviction shall be had.

2. *And be it enacted,* That the said court shall order such slave to be confined in the gaol of the said county, at the expense of his or her owner, until the expiration of the said four weeks, or until bond shall be given as aforesaid, and upon the owner of such slave producing an order of the said court, for the sending away of such slave, to the goaler, and payment of all costs and charges that have accrued, the said goaler is hereby directed to deliver up such slave to his or her owner.

3. *And be it enacted,* That when any person who shall have given bond as aforesaid, shall produce to, and file in the office of the clerk of the said county, a certificate, approved of by the court by whom sentence was passed, that the said sentence hath been complied with,

Slaves may
be trans-
ported.

[Rev 220,
sec. 59]

Owner to
give bond,

and pay all
expenses

Certificate
to be filed.

such certificate shall be sufficient proof that the condition of said bond, filed as aforesaid, hath been performed and fulfilled.

A further supplement to an act entitled "An act for the punishment of crimes." [Rev. 200]

Passed December 1, 1802.

SEC. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That in all cases of conviction, where the offender hath been or shall be sentenced upon such conviction, to imprisonment at hard labor for a longer term than six months, then and in that case, it shall be the duty of the inspectors of the state-prison to detain such offender in confinement after the expiration of the term of his sentence, until he shall have discharged the costs of prosecution, together with whatever sum shall be due to the said prison:—*Provided*, That nothing in this act shall be considered as operating against the second section of an act entitled a supplement to an act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed the nineteenth day of November, in the year of our Lord one thousand seven hundred and ninety-nine. [Rev. 449]

2. *And be it enacted*, That the inspectors of the state-prison shall have power to confine any offender in the cells, for any length of time they may judge proper, and they are hereby authorized to put on any offender such irons as they may judge necessary to prevent his or her escape. Prisoners may be confined and put in irons at the discretion of the inspectors.

[Remainder of the act relates to raising the wall
round the prison, and building cells.]

[Rev. 208] A Supplement to the act for the punishment of crimes

Passed November 28, 1804.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That if any person shall sell or exchange, or offer for sale or exchange, or wittingly receive any forged or counterfeited promissory note, with intention to have the same uttered or passed to defraud any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Selling and
exchang-
ing coun-
terfeit
notes.

Making or
causing to
be made
plates for
counter-
feiting.

2. And be it enacted, That if any person shall make or engrave, or cause to make or engrave, or cause or procure to be made or engraved, any plate for forging or counterfeiting any promissory note for the payment of money, in the name of any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Having,
receiving,
or passing
counter-
feit notes

3. And be it enacted, That if any person shall have in his possession, or receive from any other person, any forged or counterfeited promissory note for the payment of money, with intention to utter or pass the same, or to permit, cause or procure the same to be uttered or passed with intention to defraud any person or body politic or corporate whatsoever, knowing the same to be forged or counterfeited, then every such person, being thereof convict-

ed by a due course of law, shall be deemed guilty of a high misdemeanor.

4. *And be it enacted*, That if any person shall have or keep in his custody or possession, any blank or unfinished note, made in the form or similitude of any promissory note for the payment of money, made to be issued by any incorporated bank in this state or any other of the United States, with intention to fill up and complete such blank or unfinished note, or to ~~procure~~ cause or procure the same to be filled up and completed in order to utter or pass the same, or to permit, cause or procure the same to be uttered or passed to defraud any person or body politic or corporate whatsoever, the person in whose custody or possession such blank or unfinished note shall be found, being thereof convicted according to the due course of law, shall be deemed guilty of a high misdemeanor.

Having, filling up, or causing to be filled up, blank counterfeit notes.

5. *And be it enacted*, That if any person shall have or keep in his custody or possession any plate for forging or counterfeiting any promissory note for the payment of money in the form or similitude of any promissory note issued by any of the banks aforesaid, with intention to forge or counterfeit, or assist in forging or counterfeiting, or to permit, cause or procure to be counterfeited, any promissory note issued by any of the aforesaid banks, the person in whose possession or custody such plate shall be found, being thereof convicted according to a due course of law, shall be deemed guilty of a high misdemeanor.

Having in possession any plate for counterfeiting.

6. *And be it enacted*, That any person convicted of any of the offences aforesaid mentioned in either of the preceding sections, shall be punished by fine or solitary imprisonment

Punishments for the foregoing offences.

at hard labor, or both, *provided* such imprisonment shall not exceed the term of ten years, in the discretion of the court.

Paper for
bank notes
not to be
made but
by permit
from the
governor.

Penalty for
transgrea-
sing.

7. *And be it enacted*, That no person nor persons shall make or cause to be made, any paper in imitation of the kind which is usually made use of for bank notes, unless by a permit under the hand and seal of the governor of this state or the person administering the government, which permit the governor or person administering the government is hereby authorized to grant ~~on the application~~ of the president and directors of any banking company; which permit shall specify the quantity of paper so authorized to be made, the whole of which paper shall when finished be delivered to the president and directors of the company applying for the same, or their order, on the oath or affirmation of the person or persons manufacturing the same that the whole of the paper so manufactured has been delivered; which oath or affirmation shall be taken and subscribed before any justice of the peace of the county, and by him filed in his office; and any person making any paper of the kind herein mentioned without the permit as aforesaid, shall for every such offence forfeit and pay, on conviction thereof in any court of record having cognizance of the ~~same~~, the sum of two thousand dollars, with cost of suit, the one half thereof for the use of the person or persons or body politic or corporate prosecuting for the same, and the other half to be paid to the treasurer of the state for the use of the state.

8. *And be it enacted*, That any person or persons whatever upon whom may be found any paper of the description as aforesaid, whether manufactured within or without this state

and not made expressly for the use of some
incorporate bank and at the particular request
of such bank—every such person or persons
shall be adjudged guilty of a misdemeanor,
and on being convicted thereof shall be pun-
ishment by fine not exceeding one thousand
dollars, and imprisoned at hard labor for any
term of time not exceeding ten years—one
half of the fine imposed by the court shall be
paid when recovered to the person or persons
or body politic or corporate seizing the paper,
and the other half be paid to the treasurer of
the state for the use of the state, and the paper
so seized shall be deposited with the treasurer
of the state to be disposed of as the legislature
may hereafter direct.

Persons
having
such notes
in posses-
sion to be
punished.

Penalty.

9. *And be it enacted,* That if any person
shall counterfeit, or cause or procure to be
counterfeited, or aid or assist in counterfeiting
any of the species of gold or silver coins now
current, or hereafter to be current in this state,
or shall pass or give in payment, or offer to
pass or give in payment the same, knowing
the same to be counterfeit, then every such
person, being thereof convicted according to
due course of law, shall be deemed guilty of a
high misdemeanor, and shall be punished by
fine and imprisonment at hard labor, or both,
provided such imprisonment shall not exceed
the term of ten years, in the discretion of the
court.

Counter-
feiting
gold or sil-
ver coins.

Penalty.

10. *And be it enacted,* That if any person
shall by night unlawfully and maliciously break
and enter any dwelling-house, shop, ware-
house, store-house, mill, barn, stable, out-
house, or other building whatever, with intent
to kill, rob, steal, or commit a rape, mayhem,
or battery, then and in every such case the per-

Breaking
& entering
houses &c.
by night.

Penalty. son so offending, and his or her counsellors, procurers, aiders and abettors, shall be deemed guilty of a high misdemeanor, and on being thereof convicted shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding ten years, or both, at the discretion of the court.

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[Rev. 229] A Supplement to an act, entitled, "An act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners of this state."

Passed November 12, 1801.

Preamble. WHEREAS a difficulty has arisen in one of the counties of this state, where two candidates have an equal number of votes, and no remedy in the present law sufficient to remove the same; Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

When candidates have an equal No of votes, &c. That where any two or more candidates, legally nominated for the legislative council, general assembly, sheriffs or coroners, shall have an equal number of votes, there not being a sufficient number that have a plurality, by reason whereof the number directed by law have not been duly elected, the clerk of the county is hereby directed immediately to advertise in five of the most public places in such county, setting forth that he will attend at the court-house of the county, on a day by him named in said advertisement, not less than five

Clerk to advertise, &c.

nor more than ten days from the time of the former election, to receive the nomination of persons to supply the vacancy or vacancies ; which nomination and election shall be conducted, in every respect, according to the rules laid down in the act to which this is a supplement, except that the nomination shall be made only ten days previous to the day of election ; and the several officers shall be entitled to receive the same fees and rewards, and be subject to the same fines and penalties as is prescribed by the before recited act. To receive nominations. [Rev. 229]

2. *And be it enacted,* That if the judge, assessor, collector, or town-clerk, in any township of this state, shall hereafter be nominated for any of the aforesaid offices, and shall publicly, before the beginning of the election, decline standing as a candidate at such election, such person or persons shall not be disqualified to serve and assist in conducting the said election : *Provided,* That if any person shall assist in conducting the election, and shall receive a majority of the votes taken in said county, his election shall, notwithstanding, be considered as null and void, in the same manner as if he had not been nominated. Respect- ing officers of election.

[Sec. 3, relates to the election held in the county of Morris.]

[Rev. 229] AN additional supplement to the act entitled "An act to regulate the elections of members of the legislative council, and general assembly, sheriffs and coroners, in this state."

Passed November 11, 1803.

Preamble. WHEREAS no provision is made in the before recited act, nor in any supplement thereto, for filling vacancies which may hereafter happen, in certain cases; for remedy whereof,

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That in any case where any vacancy may have already happened, or hereafter may happen, in the council or general assembly of this state, by death, removal or otherwise, of any of the members thereof, that it shall and may be lawful for the president or vice-president of council, or speaker of the house of assembly, as the case may be, to cause said vacancy or vacancies to be filled, in the manner prescribed in the before recited act.

Vacancies how to be filled.

[*Remainder of the act relates to the election held in the county of Hunterdon.*]

A supplement to the act entitled "An act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners in this state;" passed at Trenton the twenty-second day of February, one thousand seven hundred and ninety-seven. [Rev. 234]

Passed November 16, 1807.

~~WHEREAS~~ doubts have been raised, and great diversities in practice obtained throughout the state in regard to the admission of *aliens, females, and persons of color, or negroes* to vote in elections, as also in regard to the mode of ascertaining the qualifications of voters in respect to *estate*.—And whereas, it is highly necessary to the safety, quiet good order and dignity of the state, to clear up the said doubts by an act of the representatives of the people, declaratory of the true sense and meaning of the constitution, and to ensure its just execution in these particulars, according to the intent of the framers thereof;—Therefore,

Preamble,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person shall vote in any state or county election for officers in the government of the United States, or of this state, unless such person be a *free, white, male citizen* of this state, of the age of twenty-one years, worth fifty pounds proclamation money, clear estate, and have resided in the county where he claims a vote, for at least twelve months immediately preceding the election.

Who shall not vote.

F,

Who may vote. 2. *And be it enacted,* That in order to establish an uniform practice throughout the state, and to avoid all questions in regard to the qualification of the voter as to estate, as aforesaid, every person in other respects entitled to a vote, who shall have paid a tax, for the use of the county, or support of the state government, and whose name shall be enrolled on any duplicate list of the last state or county tax, shall be adjudged by the officers conducting the election to be worth fifty pounds clear estate, and entitled to vote for all officers of government chosen by the people at large.

Qualification as to estate. 3. *And be it enacted,* That no person shall hereafter be deemed by the officers conducting the election to be a qualified voter, in respect to estate, who has not either paid a tax, or whose name is not enrolled in the duplicate as aforesaid; except in the case of persons who may have arrived to the age of twenty-one years since the date of the last duplicate, or of persons removing from one township, wherein they have paid a tax, to another; or of persons who may have been inadvertently overlooked by the assessor, in either of which cases, such persons claiming a vote, and being in other respects qualified as before mentioned, shall be admitted, and their names entered accordingly on the tax list.

Penalty for offering to vote in another township, or to vote twice. 4. *And be it enacted,* That no person shall, on any occasion or pretence, be admitted to vote at any election for the purposes aforesaid, in any township except that in which he usually resides; and if any person who has already voted, shall offer himself a second time as a voter, during the same election, either at the same poll or the poll of any other township, such person so offending, shall for each offence,

forfeit and pay the sum of fifty dollars, to be recovered in an action of debt, with costs of suit, to be applied to the use of the poor of the township, where the offence is committed, and the overseer or overseers of said poor, are hereby required, on notice thereof, immediately to prosecute for the same.

5. *And be it enacted*, That if any assessor or collector shall at any time, enrol on the duplicate of assessment, the name of any person or persons not of full age, knowing him or them to be such, with intent and design of admitting such person or persons to the poll, the assessor or collector so offending, shall, for each offence, forfeit and pay the sum of one hundred dollars, to be sued for, and applied as before directed. Penalty on assessor and collector.

6. *And be it enacted*, That in the evening of the first day of election, the poll shall not be kept open later than the hour of nine o'clock, nor opened in the morning of the day following earlier than eight o'clock. Time of opening and closing the poll.

7. *And be it enacted*, That if any clerk of the court of common pleas, judge of election, assessor, collector, town-clerk, or other officer or person concerned in conducting the election, shall neglect, improperly delay, or refuse to perform any of the duties or services required by this or any former act relative to the election now in force, or shall knowingly admit any person to vote not qualified agreeably to this act, or shall be guilty of corruption, partiality or manifest misbehavior, in any matter or thing appertaining to said election, or shall unduly attempt to influence the election; every person so offending, shall forfeit and pay one hundred dollars, to be sued for and applied as before directed, and shall further be Penalties on officers of election &c.

liable to a private action at the suit of the party injured.

Election
officers
may com-
mit, &c.

8. *And be it enacted*, That for the preservation of good order, as well as for the security of the election officers from insult and personal abuse, the said officers are hereby authorized and empowered to commit any person or persons who shall conduct in a riotous or disorderly manner, and persist in such conduct after being warned of the consequences, either into the custody of a constable, or the keeper of a common gaol for any term not exceeding twenty-four hours, and said constable or gaoler is hereby required to execute said order, as tho' it had been issued or delivered in due form by a magistrate.

Oath of
officers.

9. *And be it enacted*, That the judge of election, assessor and collector, or persons serving or acting as such, in case of their absence or disqualification, shall severally, before they proceed to receive any votes, take the following oath or affirmation:—"I, A B, do solemnly and sincerely swear (or affirm) that I will during this election, faithfully and impartially execute the duties and services required of me by law, and that I will not receive or assent to receive, the vote of any person who is not duly qualified to vote agreeably to the restrictions and provisions prescribed by law." Which oath or affirmation they are hereby respectively authorized and required to administer to each other in a public manner, at the place of opening the election,

Penalty for
robbing
election
box.

10. *And be it enacted*, That if any person or persons shall at any time hereafter be found guilty of robbing or plundering the election-box, or attempting to change or alter the tickets therein contained, such offence shall be

deemed a high misdemeanor, and on conviction, the offender shall be liable to a fine not exceeding four hundred dollars, or imprisoned at hard labor, not exceeding two years, or both, at the discretion of the court.

11. *And be it enacted,* That the clerks of the common pleas in the several counties shall procure at the expense of the county, printed copies of the fourth and eighth sections of this act, and shall always transmit at least four copies thereof, with each list of nominations, to the town-clerks, who shall put up one with each of his advertisements of the election, and the list of nomination, as prescribed in the third section of the act to which this is a supplement. ^{Duty of county clerks.}

12: *And be it enacted,* That the fourth, eleventh and fifteenth sections of the act to which this is a supplement, and every other part of the same, or any other act, coming within the provisions of this supplementary act, be and the same are hereby repealed. ^{Repeal.}

AN additional Supplement to the acts relative to elections.

Passed February 23, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That at any futue election for representatives to congress, electors of president and vice-president of the United States, and members of the legislative council and general assembly, sheriff and coroners, it shall be lawful for any person being entitled to vote at any election ^{Printed tickets allowed.}

hereafter to be held in this state, to vote by delivering to the officers of the election a ticket either written or printed, or partly written and partly printed.

Election boxes to be procured.

2. *And be it enacted,* That the clerks of the respective townships within this state shall provide at the expense of their respective counties, one election-box for each township or precinct, for the use thereof, on or before the first Tuesday in October next; each box shall be made about a foot square, and strapped with iron at each corner so as to prevent it from being easily broken open, with a lid on the top, fastened with brass or iron hinges, and with three locks of different sizes and constructions, having an aperture of such size only as to admit a single ticket, and a sliding spring bolt placed on the inside so as effectually to exclude the admission of any thing into the box during the time of adjournment, through which aperture all the ballots shall be put separately into the box; which said boxes being so as aforesaid procured, the clerks, at the expense of their respective townships, shall keep them in good repair, and on failure thereof he or they shall forfeit and pay the sum of twenty dollars for every neglect or refusal so to provide and keep them in order as aforesaid, to be recovered with costs of suit by any person who will sue for the same, one half to the prosecutor, and the other half for the use of the township.

Kept in repair.

Penalty \$ 20.

Repeal.

3. *And be it enacted,* That so much of the acts heretofore passed, as comes within the purview of this act, be, and the same are hereby repealed.

AN ACT for the more equal representation of the county of Essex, in the general assembly of this state.

Passed November 10, 1803.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That on the second Tuesday of October next, ~~and on the second Tuesday of October annually,~~ thereafter, the people of the county of Essex, entitled to vote, shall elect four persons to represent them in the general assembly of this state, any law, usage or custom, to the contrary notwithstanding.

County of Essex to send four representatives to the general assembly.

AN ACT directing the time and mode of electing electors of the president and vice-president of the United States, and representatives in congress, on the part of this state.

Passed December 3, 1807.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the clerks of the courts of common pleas of the several counties of this state, shall attend at the court-house of their respective counties, on the first Monday of September next, and shall there receive, at any time between the hours of ten in the morning and five in the afternoon of the same day, from any person qualified to vote for members of the state legislature, for such county, a ticket containing the names of any number not exceeding eight persons, proposed as candidates for electors

Duty of county clerks to receive nominations.

of president and vice-president of the United States, on the part of this state; also, in like manner, on the same ticket, the names of any number of persons not exceeding six, proposed as candidates to represent this state in the house of representatives of the eleventh congress of the United States; which ticket such person or persons shall subscribe with his or their names, and may either deliver personally or transmit by letter to the said clerks.

2. *And be it enacted,* That that the respective clerks aforesaid shall, within ten days thereafter, transmit to the governor, or person administering the government of this state, at the expense of the state, a true copy of all the tickets by him respectively so received; and the said governor, or person administering the government, shall at the expense of the state, in ten days thereafter, transmit a true list of all the names, so nominated as candidates for the electors of the president and vice-president of the United States, and also of the names so nominated as candidates for the representatives of the eleventh congress of the United States, in the several counties, to the clerk of each county in this state, who upon receipt of the same, shall forthwith forward a copy thereof, to the clerk of each township in the county; copies of which list, the said clerks shall fourteen days previous to the election, cause to be put up in at least three of the most public places in the township, and such list shall be kept up during the continuance of the election, in public view.

3. *And be it enacted,* That the election for the electors and representatives aforesaid, of the United States, on the part of this state, shall be by ballot, and exclusively from the persons so

Send to
the gov-
ernor.

Of town-
ship clerks

Election,
how to be
conducted.

nominated ; which ballot shall not contain more than eight names for electors of president and vice-president, nor more than six names for representatives to the eleventh congress of the United States, and shall commence at and be holden in each of the townships of the respective counties in this state, on the first Tuesday in November next, at the places where the last election for the state legislature shall have been holden in the respective townships, and shall be in all respects, unless where otherwise directed by this act, conducted according to the mode prescribed by the existing laws regulating the manner of conducting elections : and all persons offending against any of the provisions in said laws contained, shall be liable to the same pains and penalties for misconduct, neglect or refusal, and be entitled to the same compensation, as in and by the said laws are inflicted and allowed.

4. *And be it enacted,* That after the poll is closed, the judge and inspectors shall, together with the clerk of the election, proceed without delay, to take an account of, and cast up the votes given in for each candidate as an elector of president and vice-president of the United States, and also of each candidate as representative from this state in the eleventh congress of the United States, and shall make separate lists of the same, which list they shall sign, certify, seal up, direct and transmit to the clerk of the county, who shall attend at the court-house of the county, on the Saturday next after the day of election, for the purpose of receiving the same, and which list shall be delivered to him before five o'clock in the afternoon of said day, which said clerk shall then proceed in a public manner to make one general list of all the candidates

Duty of officers of election,

of clerk of county,

voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same, at the expense of the state, to the governor or person administering the government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said townships.

of govern-
or and
council.

5. *And be it enacted*, That the governor or person administering the government of this state, shall within five days after receiving the said list, lay the same before a privy council to be by him summoned for that purpose, and after casting up the whole number of votes from the several counties, for each candidate, the said governor, or person administering the government, and privy council, shall determine the eight persons who have the greatest number of votes from the whole state, for electors; which eight persons the governor or person administering the government, shall forthwith commission under the great seal of the state, to meet and vote for president and vice-president of the United States; and the governor or person administering the government, and privy-council, shall also determine the six persons who have the greatest number of votes from the whole state, for representatives in congress of the United States, from this state; which six persons, the governor or person administering the government, shall forthwith commission, under the great seal of the state, to represent this state in the house of representatives of the congress of the United States during the eleventh congress.

Vacancies
how to be
filled.

6. *And be it enacted*, That if any vacancy or vacancies, by death, removal or otherwise, of such electors, shall happen between the

time of their election and the day which shall be fixed for the execution of the duties required of them by the constitution of the United States, it shall be lawful for the governor, or person administering the government, to fill up such vacancy or vacancies which may so happen.

7. *And be it enacted*, That it shall be the duty of the clerks of the courts of common pleas, in the several counties of this state, on the first Monday in September of every second year, from the first Monday in September next, to receive nominations, in manner prescribed by the first section of this act, for persons to serve as representatives from this state in the congress of the United States, who shall be elected at the same time with the members of the state legislature, sheriffs and coroners, except when electors of president and vice-president are to be chosen, as is hereafter directed. And it shall be the duty of the said clerks, on the first Monday in September in every fourth year, from the first Monday in September next, to receive nominations as aforesaid, for persons to serve as electors of president and vice-president of the United States. And in every fourth year when electors are to be chosen, the representatives in congress shall be elected at the same time with said electors, and the election shall on these occasions commence on the first Tuesday in November, following the day of nomination, and in all respects be conducted as the election authorized by this act, to be holden on said first Tuesday in November next, is directed to be conducted. And whenever the time shall arrive to nominate and elect said representatives or said electors and representatives, the same

Future elections how to be conducted.

duties are hereby enjoined on the clerks of the several counties and townships in this state, on the officers of election, on the governor or person administering the government, the privy-council, and all other persons concerned, as are herein before prescribed by this act, or as shall be required by any law then in force; and the same fees and compensations are allowed, the same penalties and forfeitures incurred, and the same provisions, restrictions and regulations shall be observed, as are by this act directed.

8. *And be it enacted*, That the number of electors and representatives to be chosen by virtue of this act at any time after the next election, shall be such as the state of New-Jersey may by the then existing laws of the United States be authorized to appoint.

9. *And be it enacted*, That the electors so chosen, shall meet in the state-house at Trenton, on the day which the congress of the United States hath appointed, or shall appoint for that purpose, and shall then and there proceed to execute the duties and services required of them by the constitution of the United States, in the manner therein prescribed; and the said electors shall receive for their services, the daily pay and other allowances which at such time shall be allowed by law to the members of the legislature of this state, to be paid by the treasurer of the state, on warrants to be signed by the president of said electors, and the warrant in favor of said president, signed by a majority of the electors.

10. *And be it enacted*, That all acts and parts of acts, coming within the purview of this act, be and the same are hereby repealed.

This section repeals the act of 3rd March, 1806, except the sixth section, which is as follows :

And be it enacted, That if a vacancy or vacancies shall happen in the representation of this state, in the house of representatives of the congress of the United States, by death or otherwise, the governor or person administering the government of the state, shall, by proclamation, direct a new election to fill up such vacancy or vacancies, at such time as to him shall seem proper, and shall also direct the times for the several clerks, judges and inspectors to perform the several duties of them required, and after receiving the list of the votes of the candidate or candidates, shall lay the same before a privy-council, and having with them, determined the person or persons duly elected, shall commission him or them accordingly.

Vacancies
in H of R.
gov to order
an election.

A supplement to an act entitled "An act respecting coroners," passed the eight day of March, seventeen hundred and ninety-six. [Rev. 195]

Passed November 20, 1801.

WHEREAS inconveniences have arisen where the bodies of persons have been found dead, and lying for want of a coroner to hold an inquest over the same in due time :—
For remedy whereof,

Preamble.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That if it shall at any time hereafter so happen, that a coroner cannot be had in due time to

In what case a justice of the peace may take inquests, &c.

take inquests of deaths in prison, or any violent sudden or casual deaths within his county, then and in such case, it shall be the duty of any justice of the peace in the county where such death may happen, or dead body be found, on notice thereof, to make out a precept, directed to any constable of the county where such dead body is found, or lying, requiring him to summon a jury of good and lawful men, of the same county, to appear before him, at the time and place in such precept mentioned, to enquire in what manner the person then lying dead, came to his or her death, and of such other matters relating to the same as shall be lawfully required of them, according to the evidence. And it shall be the duty of said justice to do all and every other thing and things, in manner and form which is required of a coroner to do in the premises, and shall be entitled to the same fees for his services, and subject to the same fine for neglect of the duties required of him in this law; any law, usage, or custom to the contrary notwithstanding.

[Rev 26] A supplement to an act entitled "An act for the settlement and relief of the poor."

Passed November 23, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

Who shall
bind out
poor chil-
dren,

That the president of the board of trustees of every poor-house now established, or that hereafter may be established in any county of this state, and where no trustees are or shall be

appointed, the director of the board of chosen freeholders be, and he is hereby authorized and empowered, and it shall be his duty, by and with the consent of a majority of the said board of trustees, or a majority of the board of chosen freeholders, to bind out the poor children, which now are, or may hereafter become chargeable upon such county, in the same manner, and under the same conditions which justices of the peace and overseers of the poor are authorized to bind out poor children by the act entitled "An act for the settlement and relief of the poor," passed the eleventh day of March; in the year of our Lord one thousand seven hundred and seventy-four. [Rev. 26]

A supplement to the act entitled "An act respecting conveyances," passed the seventh day of June, seventeen hundred and ninety-nine. [Rev. 398]

Passed November 26, 1801.

WHEREAS doubts have been entertained whether deeds and conveyances of lands, tenements, and hereditaments, made and executed since the first day of January, one thousand eight hundred, and duly acknowledged and proved according to law, and not lodged in the clerk's offices in the respective counties of this state within six months after the time of executing the same, may be recorded in their offices; therefore, Preamble

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the clerks of the several courts of com-

Clerks to
record
deeds, &c
[Rev. 398]

mon pleas in this state, be, and they are hereby authorized to record, in the manner prescribed in and by the act to which this is a supplement, all deeds and conveyances of lands, tenements and hereditaments, made and executed, or hereafter to be made and executed, and duly acknowledged, and proved according to law; any law, usage, or custom to the contrary notwithstanding: *Provided*, That every deed, or conveyance of lands, tenements, and hereditaments, lying and being in this state, made and executed on or since the said first day of January, eighteen hundred, and prior to the passing of this act, shall be void and of none effect against a subsequent bona fide purchaser for a valuable consideration, not having notice thereof, unless such deed or conveyance shall be recorded in manner aforesaid, in the county in which the said lands, tenements, and hereditaments are situated, within six months after the passing of this act, and also prior to the recording any other deed or conveyance for the same premises: *Provided nevertheless*, That such deed or conveyance shall, as between the parties and their heirs, be valid and operative.

What
deeds shall
not effect a
bona fide
purchaser.

2. *And be it enacted*, That where deeds or conveyances of lands, tenements, or hereditaments, lying and being in this state, shall be lodged with the clerk of the court of common pleas of the county in which said lands, tenements and hereditaments are situated, or recorded in his office after six months from the execution of the same, such deed or conveyance shall not operate against any bona fide purchaser, for a valuable consideration, not having notice thereof, whose deed or conveyance for the same lands, tenements and here-

ritaments shall be previously lodged with the said clerk, or recorded as aforesaid.

As supplement to the act entitled "An act respecting conveyances," passed June seventh, one thousand seven hundred and ninety-nine.

Passed February 2, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That if the party who shall execute or may have executed, any deed or conveyance of lands, tenements or hereditaments, lying and being in this state, or the witnesses thereto, reside not in this state, but in one of the territories of the United States, or in one of the cities of Philadelphia or New-York, then the acknowledgment or proof which may have been, or shall be made before, and certified by one of the judges of the supreme court of such territory, or the mayor of such city, shall be as good and effectual as if the same had been made before, and certified by one of the judges of the supreme court of this state.

AN ACT constituting courts for the trial of small causes. [Rev. S13]

Passed March 15, 1798.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That every suit of a civil nature at law, where

What causes shall be cognizable before justices of the peace.

[Rev. 313]

the debt, balance, or other matter in dispute, does not exceed, exclusive of costs, the sum or value of sixty* dollars, shall be, and hereby is made cognizable before any justice of the peace of any county in this state, who is hereby authorized to hold a court within such county to hear, try, and determine the same according to law, although the cause of action did not arise in the said county; and further, that the said court shall be a court of record, and vested, for the purposes aforesaid, with all such power as is usual in courts of record of this state. *Provided always,* That this act shall not extend to any action of replevin, slander, trespass for assault, battery, or imprisonment, or to any action, wherein the title of any lands, tenements, hereditaments, or other real estate, shall or may in any wise come in question.

Territorial jurisdiction of justices to be coextensive with their counties.

2. *And be it enacted,* That the territorial jurisdiction of every justice of the peace, under this act, shall be coextensive with the limits of the county, for which he is appointed and commissioned; that his writs, precepts and process shall run in and through such county, and that he may, in causes pending before him, award writs of subpoena ad testificandum into other counties of this state.

Constables to be their ministerial officers.

3. *And be it enacted,* That the constables of the several townships in such county shall be the ministerial officers of the said court, and that it shall be the duty of the said constables to execute and return all precepts, summons, warrants, writs and other process, issuing out of the said court, and to them or any of them

* Extended to 100 dollars by act of 29th Nov. 1801.

directed and delivered, and to perform all matters, acts, and things appertaining to their offices aforesaid.

4. *And be it enacted*, That all such precepts, Process, how to be tested, signed and sealed. summons, warrants, writs and other process, shall be tested the day on which they are respectively issued, and shall be signed and sealed by the justice, who issued the same.

5. *And be it enacted*, ~~That the first process,~~ First process to be a summons or a warrant. which shall be issued against any defendant by virtue of this act, shall be a summons, or a warrant, in nature of a *capias ad respondendum*, as the case may require; but the plaintiff may notwithstanding in any case make use of the former.

6. *And be it enacted*, That the summons, Summons, how to be served. to cite the defendant to appear before the said justice, shall specify a certain place and time, not less than five nor more than fifteen days from the date of such process, and shall be served at least five days before the time of appearance mentioned therein, by reading the same to the defendant, and delivering to him a copy thereof, when required, if he shall be found; and if not found, by leaving a copy thereof at his house or place of abode, in presence of some white person of the family of the age of fourteen years, who shall be informed of the contents thereof; and the constable, serving such summons, shall, on the oath of his office, endorse thereupon the time and manner he executed the same, and sign his name thereto.

7. *And be it enacted*, That if the defendant If the defendant does not appear according to the summons, the does not appear at the time and place expressed in such summons, and it shall appear by the return endorsed thereon, that the summons was duly served, and no sufficient reason be

justice
may pro-
ceed in his
absence.

assigned to the justice why the defendant does not appear, then the said justice shall proceed to hear and determine the cause in the absence of such defendant.

Summons,
in what
cases to be
used

8. *And be it enacted*, That the summons shall be used by virtue of this act, in cases where the defendants are freeholders and residents in the county where such process shall be issued, and in cases where by law the defendants cannot be held to bail.

In what
cases a
warrant
may be
issued a-
gainst a
freeholder.

9. *Provided always, and be it further enacted*, That if any plaintiff, his attorney or agent, shall prove, on oath or affirmation, to the satisfaction of the justice, that if the process be by summons against such freeholder, the plaintiff will be in danger of losing his debt or demand, or doth really believe that such freeholder will abscond or depart, or remove from the county wherein he resides, before the day of return of such summons, then it shall be the duty of the said justice to issue a warrant against such freeholder.

Warrant,
when to be
issued.

10. *And be it enacted*, That the warrant, commanding the defendant to be arrested, may, under this act, be used in all cases where the said defendant is not a freeholder residing in such county, and can by law be held to bail, and shall be returnable forthwith after service thereof, and the constable serving said warrant, shall, according to the tenor thereof, forthwith convey the said defendant before the justice who issued the same, who shall thereupon, at his discretion, either cause the said defendant to enter into recognizance in the manner herein after mentioned, or, on neglect or refusal, shall command the said constable to convey the said defendant to the gaol of the county, to be there detained in custody, until time may be had for

the hearing or trial of the cause, not exceeding three days from the time of the return of the said warrant, or such justice may direct the said constable to hold the said defendant in custody, until the plaintiff shall be notified and have time to appear and proceed to such hearing or trial; and the constable, who served the said warrant as aforesaid, shall, on the oath of his office, endorse thereon the execution of the same, and sign his name thereto.

11. *And be it enacted*, That the said justice shall endorse the debt, damages, or sum demanded, with costs, on every summons or warrant, which he shall issue by virtue of this act; and if the defendant think proper to pay such debt, damages or demand, with costs so endorsed, without any further proceedings in the cause, then it shall be lawful for the constable to receive the same, and his receipt shall be a full discharge to such defendant from such debt, damages or demand, and costs, aforesaid; and if any constable shall not pay the money so by him received for such debt, damages, or demand, to the justice issuing such process, or to the plaintiff in the said process, or his legal representative, within eight days after he shall have received the same, then such constable shall be liable to pay to such plaintiff, or his legal representative, the amount of the said debt, damages or demand, with interest, to be recovered by action of trespass on the case, with costs.

The sum due or demanded to be endorsed on the process.

12. *And be it enacted*, That the recognizance, directed in the tenth section of this act, shall be entered into by the defendant, with at least one surety, having sufficient freehold and residing in the county, to the plaintiff in the said action, in the amount of the demand specified in the

warrant, according to the effect and meaning of the following form ; that is to say,

Form of
recogniz-
ance.

county, to wit. Whereas,
A. B. hath been arrested and is now in custody by virtue of a warrant issued by C. D. one of the justices of the peace in and for the said county, at the suit of E. F. in an action of

for the sum of Now be it remembered, that on the day of in the year of our Lord one thousand the said A. B. and G. H. of the county aforesaid, personally appeared before me the said C. D. and jointly and severally acknowledged themselves to owe to the said E. F. the sum of

to be made and levied of their several goods and chattels, and in want thereof, of their bodies, upon condition, that if the said A. B. shall not be and appear on the day of next before the said justice, or if he does appear, and is condemned in the said action, at the suit of the plaintiff, that he shall pay the costs and condemnation money, or surrender himself up to the constable, on execution to be thereafter issued against him, on the day judgment shall be obtained, and if he fail so to do, that he the said G. H. will pay the said costs and condemnation money for him, and suffer judgment to be entered up against him for the same,

Acknowledged the day and year
last abovesaid, before me C. D.
one of the justices of the peace
in and for the said county of

Which is
to remain
with the
justice.

And every justice of the peace is hereby empowered and directed to take such recognizance, which shall remain with such justice, for the benefit of the plaintiff in the suit.

13. *And be it enacted,* That if the defend-

ant does not appear at the time and place expressed in such recognizance, and no sufficient reason shall be assigned to the justice, why the defendant does not appear, then the said justice shall proceed to hear and determine the cause in the absence of such defendant.

When justice may proceed in absence of defendant.

14. *And be it enacted*, That the plaintiff in such suit shall, on or before the return day of the said summons, or on the return of the warrant, or at the time of appearance specified in the recognizance, deliver, or cause to be delivered to the justice, before whom the action is to be tried, a copy of his account, or state of his demand against the defendant, and in default thereof, the said plaintiff shall be nonsuited with costs.

Plaintiff to deliver a copy of his account, or state of his demand, or be nonsuited.

15. *And be it enacted*, That when the parties in any suit to be instituted by virtue of this act, shall appear at the place and time expressed in the summons, or at the return of the warrant, or at the time of appearance mentioned in the recognizance, the said justice shall proceed to hear and examine their respective allegations and proofs, unless he shall think it proper to adjourn the trial.

Justice to try the cause when the parties appear, unless he adjourns the same.

[16. *Repealed by the 12th section of the act of 29th November, 1809—and supplied by the 1st and 2d sections of said act.*]

17. *And be it enacted*, That if any defendant neglect or refuse to plead and deliver as aforesaid, and give in evidence his account or demand against such plaintiff, he shall forever thereafter be precluded from having or maintaining any action for such account or demand, or from setting off the same in any future suit. —*Provided always*, That where the balance found to be due to such defendant exceeds the sum of sixty dollars, then the said defendant shall not be precluded from recovering his

Defendant neglecting to set off his account shall not recover the same, unless the balance exceed sixty dollars.

account or demand against such plaintiff, in any other court of record having cognizance of the same.

[See 1st section of act of 29th Nov. 1809.]

Justices
may ad-
journ the
trial

18. *And be it enacted*, That any justice of the peace, before whom a suit is instituted, by virtue of this act, may, to prevent fraud or surprize on either side, or on reasonable cause being assigned by or in behalf of either party, adjourn the trial to any time not exceeding fifteen days from the return day of the summons, or, if the process be by warrant, from the time when the same was returned, or from the time of appearance mentioned in the recognizance; except where the applicant for such adjournment shall make oath or affirmation, that he cannot safely go to trial for want of a material witness, whom he shall name, being absent and out of this state, and then such justice may postpone the trial to any time not exceeding three calendar months.—*Provided*, That if the process is by warrant, the defendant shall, previous to such adjournment, enter into recognizance to the plaintiff as in and by this act is before directed.

[See 2d section of act of 29th Nov. 1809.]

If parties
agree,
cause may
be tried
without
process

19. *And be it enacted*, That where parties agree to enter, without process, any action before a justice of the peace, to the decision of which he is competent, if process had been executed, such court shall proceed thereon to final judgment and execution, in the same manner as if a summons or warrant had been issued and duly served.

Either
party may
demand a
trial by
jury

20. *And be it enacted*, That in every action which shall be brought before any justice of the peace by virtue of this act, it shall and may be lawful for either of the parties, after the de-

defendant has appeared to such action, and before
 the said justice has proceeded to enquire into
 the merits of the cause, to demand a trial by
 jury, which the said justice is hereby required
 to grant; that thereupon a venire shall be is-
 sued to summon a jury of six men and no
 more, if the debt or demand be of the sum or
 value of five dollars, and not exceeding six-
 teen dollars, or a jury of twelve men, and not
 less, if the debt or demand exceed the sum or
 value of sixteen dollars, being citizens of this
 state, above the age of twenty-one and under
 the age of sixty-five, and freeholders in the
 county where the said cause is to be tried, and
 in no wise of kin to the plaintiff or the defend-
 ant, nor interested in the suit, to be and ap-
 pear before the said justice at such time and
 place as shall be expressed in the venire, to
 make a jury for the trial of the action between
 the parties mentioned therein; and the consta-
 ble shall, at the return of the said venire, return,
 annexed thereto, a panel containing the names
 of the jurors, whom he shall have summoned
 by virtue thereof.

A venire
 shall issue
 to summon
 six men, if
 the debt be
 from five
 to sixteen
 dollars, or
 12 men, if
 above the
 latter sum.

21. *And be it enacted,* That when either of
 the parties to a suit, before any justice of the
 peace, shall demand a jury of twelve men, and
 such jury shall find a sum in favor of such ap-
 plicant above five and not exceeding sixteen
 dollars, then such applicant shall pay one half
 of the costs of such jury, and if the sum found
 by such jury in favor of such applicant be un-
 der five dollars, then he shall pay the whole
 costs of such jury, and when either party shall
 demand a jury of six men, and such jury shall
 find a sum in favor of such applicant under
 five dollars, then the said applicant shall pay
 the costs of such jury.

Costs
 thereof
 how to be
 paid.

22. And be it enacted, That to the jurors, and each of them, who shall be returned to try any cause as aforesaid, the said justice shall administer the following oath or affirmation :

Juror's
oath.

You do swear, in the presence of Almighty God, (or do affirm, as the case may require) that you will well and truly try the matter in difference between plaintiff, and defendant, and a true verdict give according to evidence.

That to every witness produced at the said trial, the said justice shall administer the following oath or affirmation :

Oath of
witness.

You do swear, in the presence of Almighty God, (or do affirm, as the case may require) that the evidence you shall give to the court and jury in this matter in difference between plaintiff, and defendant, shall be the truth, the whole truth, and nothing but the truth.

And that to the constable, who shall be appointed to attend the jury, the said justice shall administer the following oath or affirmation :

Consta-
ble's oath.

You do swear, in the presence of Almighty God, (or do affirm, as the case may require) that you will, to the utmost of your ability, keep every person sworn (or affirmed) on this jury together in some private and convenient place, without meat or drink, water excepted ; that you will not suffer any person to speak to them, nor speak to them yourself, except by order of the court, unless it be to ask them, whether they have agreed on their verdict, until they have agreed on their verdict.

23. And be it enacted, That every person summoned as a juror, or subpoenaed as a witness, who shall not appear, or appearing, shall

refuse to serve, or to give evidence in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine, not exceeding five dollars, not less than one dollar, as the said justice shall think proper to impose; and such justice is hereby authorized and required to issue an execution, directed to any constable in the said county, to levy the same of the goods and chattels of the offender; which fine, when recovered, shall be applied by the said justice to the use of the said county.

Penalty on defaulting jurors and witnesses,

how to be recovered & applied.

24. *And be it enacted*, That if the plaintiff, other than executors or administrators, in any such action, shall be nonsuited, or shall discontinue or withdraw his action, without the consent of the defendant, then judgement shall be given against such plaintiff for the costs, which have accrued; or if such plaintiff shall appear to owe or be indebted to the defendant, then judgment shall be given against him for the debt, or damages, and costs, as the case may require.

Cost, in what cases to be awarded against the plaintiff.

25. *And be it enacted*, That when judgment shall be given against the plaintiff or defendant, by virtue of this act, the said justice shall grant execution thereupon, commanding the constable to levy and make the debt or damages, and costs, of the goods and chattels of the party, and for want of sufficient goods and chattels, whercon to levy and make the same, to take the body of such party, and to convey him to the gaol of the county. *Provided always*, That when judgment shall be obtained against executors or administrators, execution shall issue thereon in the same manner as it is issued against them in the other courts of law of this state. *And provided also*, That when

Execution to be awarded against the goods, chattels, & body of the party.

On judgments for certain sums against freeholders, execution not to issue till a given period be elapsed.

any judgment given against any freeholder, by virtue of this act, shall not be more than fifteen dollars, nor less than five dollars, execution shall not issue until after one month from the time of such judgment rendered, and when the judgment shall exceed fifteen dollars, no execution shall issue until after three months from the time of the render of such judgment, unless the party, in whose favor judgment may be given, shall make it appear to the satisfaction of the justice, on oath or affirmation, that he or she is in danger of losing his or her debt or damages, if such delay of execution be allowed; in which case the said justice shall issue execution immediately, as hereinbefore directed, unless the party against whom such judgment is given shall thereupon give security to the adverse party for the payment of the debt, or damages, and costs, within the month, or three months, (as the case may be) in this section limited. *And further*, It is the true intent and meaning of this act, that if any defendant shall appear at the return of the summons or warrant, or by consent without process, and procure a good and sufficient freeholder, resident in the county, to join with such defendant in a confession of judgment to the adverse party, with costs, then such defendant shall be entitled to all the privileges, which any freeholder is entitled to by virtue of this act.

When and how the constable is to advertise & sell goods taken in execution.

26. *And be it enacted*, That the constable, who, by virtue of such execution, levies on any goods and chattels, shall immediately give notice, by advertisements, signed by himself, and put-up at three or more public places in the township, where they were taken, of the time and place they will be exposed to sale, at least five days before the time appointed for

selling them, and therein describe the goods and chattels so taken; and shall, at the time and place so appointed, expose them to sale by public vendue; and strike them off to the highest bidder, and pay the money thence arising agreeably to the directions of such execution.

27. *And be it enacted*, That for want of goods and chattels whereon to levy, the said constable shall; according to the tenor of the said execution, take the body of the person against whom the said execution is issued, and convey and deliver him to the keeper of the common gaol of the county, who is hereby commanded to keep such person in safe custody, in the common gaol aforesaid, until the debt, or damages, with costs, be fully paid, or until he be thence delivered by due course of law: And if the said keeper shall suffer such person so committed to his custody to go or be at large out of the said gaol, except by virtue of some writ of habeas corpus, before the said debt or damages, with costs, be paid, or he be thence delivered by due course of law, then every such going or being out of the said gaol shall be an escape, for which the sheriff shall be responsible to the plaintiff to the amount of the debt, or damages, and costs, for which such person shall be committed, to be recovered by the said plaintiff, with costs, by action of debt.

For want of goods the defendant to be committed to the common gaol;

And if suffered to escape therefrom, the sheriff to be responsible.

[28. *Repeated by a supplemental act of the 16th of February, 1799.—Sect. 3. Rev. 369.*]

29. *And be it enacted*, That if the constable, to whom any execution is delivered, shall not perform the duties or any of them prescribed by this act respecting such execution, such constable shall be liable to pay to the person,

Penalty on constables for neglect of duty.

in whose favor the said execution is issued, the debt, or damages, and costs, or any of them mentioned therein, to be recovered by action of debt, with costs, by the person so as aforesaid injured thereby; and if the constable, to whom any summons or warrant is delivered, shall neglect or refuse to serve the same, such constable shall be liable to pay damages to the party aggrieved, to be recovered, with costs, by an action of trespass on the case.

Proceedings on a plea of title to real estate.

30. *And be it enacted,* That when, in any action to be brought by virtue of this act, the defendant shall as a justification, plead title to any real estate in himself or another, under whom he acted or entered, such defendant shall commit the said plea to writing, and, having signed the same, shall deliver such plea to the said justice, who shall countersign and deliver it to the plaintiff; and thereupon it shall and may be lawful to and for such plaintiff to commence and prosecute his action against such defendant, in the supreme court of the state; and if, in such action, the plaintiff recover any damages, he shall be entitled to and recover therewith all costs of suit.

Such plea to be conclusive evidence, that the defendant relied thereon.

31. *And be it enacted,* That on every trial so to be had in such action, where title is pleaded, the plea, so as aforesaid signed by the said defendant, shall be conclusive evidence, that such defendant relied on his title by way of justification.

Defendant to give bond before such plea be received.

32. *And be it enacted,* That the said justice, to whom a plea of justification is tendered as aforesaid, shall, before he receive such plea, require and obtain from the defendant a bond, with one good surety, being a freeholder in the said county, in the penalty of eighty

dollars, executed to the plaintiff, and conditioned, that if the said plaintiff shall commence such action before the next supreme court, the said defendant shall appear thereto, and put in special bail within twenty days after the first day of the then next term of the said court, and shall pay such costs as may be awarded against him in the said action; and that in every case, in which such plea is tendered, and the defendant shall not forthwith enter into such bond to the plaintiff, the said justice shall proceed in the same manner, if such plea had not been tendered.

33. *And be it enacted*, That from any judgment, which may be obtained before any justice of the peace, except such as shall have been given on a verdict, or on report of referees, or by default, or in the absence of the defendant, or on a debt, balance, demand, or other matter in dispute, not exceeding three dollars, either party may appeal to the court of common pleas of the county, to be holden next after the rendering of such judgment; which appeal the said justice is hereby directed to grant on the following and no other terms, that is to say, the party demanding such appeal shall enter into bond to the other party with at least one sufficient surety, being a freeholder in the county, and in double the sum for which such judgment was given, conditioned, that the appellant shall appear and prosecute the said appeal in the said court of common pleas, shall stand to and abide the judgment of the said court, and pay such further costs as shall be taxed, if the judgment be affirmed.

Appeals to the common pleas in what cases & on what terms to be granted.

34. *And be it enacted*, That the several courts of common pleas, in and for the respective counties of this state, shall have cognizance of such appeals.

Courts of common pleas to have cognizance of such appeals.

izance of
such ap-
peals.

ance of, and hear and determine all such appeals, in a summary way, and give judgment and award execution thereon with costs, either on the affirmance or reversal of the judgment so appealed from. But the same and no other documents, proofs and witnessess shall be produced and examined in the said court of appeals, as had been previously produced and examined in the said court below; except where the justice shall have admitted illegal, or rejected legal evidence, and then such court of common pleas, on the hearing of the said appeal, shall reject such illegal evidence, so admitted, or admit such legal evidence, so rejected, by the said justice.

The jus-
tice who
tried the
cause, not
to sit on
the appeal.

35. *And be it enacted*, That no justice of the peace, who heard and determined the said cause, shall sit as a judge of any of the courts of common pleas, on the hearing and determining of the same cause on appeal, or give any opinion thereon.

On appeal,
the bond,
and copy of
proceed-
ings to be
sent to the
clerk of the
court.

36. *And be it enacted*, That the justice; who grants an appeal as aforesaid, shall send a transcript of the proceedings and judgment in the said cause, under his hand and seal, together with the bond aforesaid, to the clerk of the court of common pleas, to which such appeal is made, on or before the first day of the court next ensuing such appeal.

Rules of
reference
may be en-
tered by
the justice,
or by the
common
pleas, on
appeal.

37. *And be it enacted*, That in every suit to be instituted before any justice of the peace by virtue of this act, and in every appeal to be made before any court of common pleas, it shall and may be lawful for such justice of the peace, or court of common pleas, as the case may be, with the assent and at the request of the parties, to enter rules of reference of the matters in difference, to such persons as shall

be nominated and agreed upon by and between the parties; and the reference, so made, shall and may be conducted in the same manner in all respects as directed in the case of references by rule of court, in and by the act, entitled, "An act for regulating references, and determining controversies by arbitration," and the report of the said referees, or the major part of them, whether in favor of the plaintiff or defendant, appellant or appellee, shall be final and conclusive to the parties, judgment shall be entered thereon, and execution issue accordingly. [Rev. 141]

38. *And be it enacted*, That it shall be the duty of every justice of the peace, before whom any suit shall be instituted, to enter, in a book to be kept for the purpose, the names of the plaintiff and defendant, the style and nature of the action, the sum demanded, the time of issuing process and when returnable, the return made thereto by the constable, when the copy of the account, or state of the demand was delivered by the parties, or either of them, the time of taking the recognizance, the adjournment, the rule of reference and report of referees, the jury, when and by whom demanded, the venire, when issued and how returned, the time of trial, and names of the jurors and witnesses, the admission of evidence objected to, and the rejection of evidence offered, the verdict and judgment, and when given, the execution, when issued and its endorsement, and how returned by the constable, the appeal, when and by whom demanded, *and all the proceedings before him had touching* the said suit; and further, that it shall be the duty of such justice to grant to either party, when required, a certified copy of such proceedings. Justice's docket, how to be kept.

39. *And be it enacted*, That the book, in

To be left
in the
clerk's of-
fice, and
when.

which such proceedings shall be entered by any justice of the peace, shall, within one year after the death of the said justice, be deposited in the office of the clerk of the county, wherein the said justice resided, and held his commission, to be there kept as a public record; and if the executors or administrators of such deceased justice shall neglect or refuse to deliver the said book, at the expiration of the said term of one year, to the said clerk as aforesaid, he, she or they, so refusing or neglecting, shall forfeit and pay the sum of sixty dollars, to be recovered by action of debt, with costs, in any court having cognizance of the same, and paid, when recovered, to the collector of the county for the use of the county.

Penalty on
persons
suing o-
therwise
than is di-
rected by
this act.

40. *And be it enacted,* That if any person shall institute a suit for any debt or demand, made cognizable before a justice of the peace, in any other court than is hereby directed, and obtain judgment thereon for any sum, which, without costs, shall not exceed sixty dollars, then such person shall not recover or have any costs in the said suit; unless, before the commencement of the suit, he shall have taken an oath or affirmation before a justice of the peace, and filed the same in the clerk's office of the court, in which such suit was instituted, stating, that he believes, that the sum due, or damages sustained, exceed sixty dollars, and then, if he recover any sum whatever, the defendant shall be liable to pay costs.

If the bal-
ance on
bond, or
note, ex-
ceed not

41. *And be it enacted,* That whenever any bond, bill, note or other contract in writing, for the payment of any sum of money above sixty dollars, shall, by a bona fide payment of part of the consideration money, the receipt whereof shall be endorsed thereon, or by set

off, be reduced to the sum of sixty dollars or ^{§60 it may} under; then the balance, due on such deed or ^{be recovered} contract, shall be considered as the real debt; ^{before a jus-} (without regard to any kind of penalty ex- ^{tice of the} pressed therein) and shall be recoverable be- ^{peace.} fore a justice of the peace, in the same manner as any other debt or demand of sixty dollars or under is made recoverable by virtue of this act.

~~42.~~ *And be it enacted,* That every sum of ^{Penalties,} money, or penalty, not exceeding sixty dol- ^{not ex-} lars, to be sued for and recovered by virtue of ^{ceeding} any law of this state, in any court of record, or ^{§60 cogn-} if any court having cognizance thereof, shall ^{izable be-} be and hereby is made cognizable before any ^{fore a jus-} justice of the peace in manner aforesaid. ^{tice of the} ^{peace.}

43. *And be it enacted,* That no judgment, ^{Causes to} order, or proceeding, to be had or made by ^{be remov-} virtue of this act, shall be removed by writ of ^{ed by cer-} certiorari only. ^{tiorari} ^{only.}

44. *And be it enacted,* That no justice of the ^{Writs of} supreme court shall grant or allow any certio- ^{certiorari} rari to remove any judgment, order or pro- ^{now ob-} ceeding, to be had by virtue of this act, unless ^{tained.} the party, applying for such certiorari, shall present to the said justice the reasons therefor, drawn up in writing, and subscribed by some attorney at law, and the same be deemed by the said justice to contain a probable cause for allowing such certiorari; and also, unless such applicant shall enter into bond to the other party in the sum of one hundred dollars, with one or more good surety or sureties, conditioned, that such applicant shall prosecute the said certiorari in the supreme court, shall pay the sum recovered in the court below, with interest and costs, if the judgment be affirmed, and

shall in all things stand to and abide the judgment of the said supreme court respecting the judgment, order, or proceeding given or made by the court below; which said bond shall likewise be tendered to the justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of the obligor therein named, and on failure thereof, no certiorari shall be allowed.

45. *And be it enacted,* That such certiorari shall be determined and adjudicated upon by the supreme court, at the first term at the furthest after due return thereof shall be made, or be dismissed, with costs; unless the said court shall think proper to adjourn the same till the next term for further argument or advisement.

46. *And be it enacted,* That if any judgment, to be given by virtue of this act, shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs arising on such suit in the said supreme court; for which the party, entitled to such costs, may have execution, to be issued out of the supreme court, against the body, or goods and chattels of the adverse party; but if such judgment be reversed, then the plaintiff in certiorari shall not be entitled to any costs.

47. *And be it enacted,* That all attorneys at law within this state shall, for any debt, demand or damages, be liable to be sued before any justice of the peace, by virtue of this act, in like manner and form of action, as other citizens of this state, not being attorneys, are liable to be sued before such justice; any plea of privilege or exemption to the contrary notwithstanding.

48. *And be it enacted,* That in all actions,

which may be brought by virtue of this act, the following and no other fees shall be allowed :

JUSTICES.

Summons,	13 cents.	
Warrant,	13 cents.	
Recognizance,	13 cents.	Table of fees before a justice of the peace.
Entering every nonsuit or discontinuance,	4 cents.	
Venire facias,	13 cents.	
Administering every oath or affirmation,	5 cents.	
Subpœna for every witness,	7 cents.	
Swearing the jury,	20 cents.	
Entry of every verdict,	4 cents.	
Entry of every rule of reference,	13 cents.	
Every copy thereof,	13 cents.	
Entry of every judgment,	10 cents.	
Every execution,	13 cents.	
Drawing, signing and sealing return to certiorari,	20 cents.	
Copy of proceedings when demanded by the party,	13 cents.	

CONSTABLES.

Serving every summons,	30 cents.
Serving every warrant,	45 cents.
Serving every subpœna,	25 cents.
Summoning every jury of six men,	30 cents.
Summoning every jury of twelve men,	60 cents.
Attending jury till agreed of their verdict,	25 cents.
Serving every execution,	30 cents.
Advertising and selling property,	50 cents.
And for all sums on execution above the value of fifteen dollars,	} 2 cents on each dollar.

JURORS.

For all causes tried, 12 cents a man.

When summoned and attending, but cause not tried, 6 cents a man.
 To the person drawing a bond on appeal, or any other bond, 15 cents.

WITNESSES.

The same fees as are or shall be allowed in causes before the court of common pleas. *Provided always*, That no fee shall be allowed for the service of any subpoenas for more than two witnesses, nor shall fees be allowed to more than two witnesses for each party in a cause.

49. *And be it enacted*, That on all appeals as aforesaid heard and determined in the court of common pleas, the following and no other fees shall be allowed :

COURTS.

Every appeal heard and determined, 30 cents.

CLERKS.

Table of fees on appeal in the court of common pleas.

Entering action,	7 cents.
Filing bond,	7 cents.
Filing transcript,	7 cents.
Entering defendant's appearance,	7 cents.
Every subpoena,	7 cents.
Entering judgment,	7 cents.
Every witness sworn or affirmed,	7 cents.
Every order or rule of court,	7 cents.
Every execution,	40 cents.
Entering and filing execution,	12 cents.

CONSTABLES.

Serving every subpoena, 25 cents.

CRYERS.

Every appeal, 9 cents.

Calling and swearing each witness, 4 cents.

WITNESSES.

The same fees as are or shall be allowed in causes before the court of common pleas. *Provided*, That no fee shall be allowed for the service of any subpoenas for more than two wit-

nesses, nor shall fees be allowed to more than two witnesses for each party in a cause. *And provided also*, That nothing in this act shall preclude the keeper of any gaol from demanding and receiving his legal fees and charges from persons committed to his custody by virtue of this act.

50. And whereas creditors may, in particular cases, be unable, in consequence of this act, to ~~pay~~ their just demands from persons who have real estates, but are possessed of no goods or chattels, or to a small and inadequate value; for remedy whereof, *Be it further enacted*, That if any creditor shall, before any justice of the peace, declare on oath or affirmation, to be filed in the clerk's office at the time of sealing the process, that he believes the debtor is not possessed of goods and chattels sufficient to satisfy his demand, then such creditor may prosecute an action for the same in the court of common pleas, and if he obtain judgment thereon, the said court shall adjudge the defendant to pay the costs of such suit.

Creditors may in certain cases sue in the common pleas

51. *And be it enacted*, That it shall not be lawful for the court of general quarter sessions of the peace, or any court of jurisdiction, having power to grant license to keep an inn and tavern in any of the counties, cities or towns corporate within this state, to grant a license to any person to keep an inn and tavern, who shall be, at the same time, a justice of the peace, or in virtue of his office exercising the powers of a justice of the peace; and if any person shall be appointed a justice of the peace, or an officer with the powers of a justice of the peace, in any of the counties, cities or towns corporate within this state, during the time that he holds a license to keep an inn and

Tavern license not to be granted to a justice of the peace

tavern, and accepts of the said office, such license shall from thenceforth be absolutely void.

Constables
to give se-
curity if
required.

52. *And be it enacted,* That every person who shall be hereafter elected or appointed to the office of constable, in any of the townships of this state, shall, before he enters upon the execution of his office, repair to the township committee, and if security shall be required of such constable by the said committee, he shall thereupon enter into bond to the inhabitants of the township in their corporate name and capacity, with one or more sureties, to be approved of by the said committee, in such sum as the said committee shall direct, conditioned for the true and faithful performance of all the duties enjoined on him by this act; which bond shall be delivered to the clerk of the township, who is hereby directed and required to record and file the same in his office; and the said township committee are hereby directed and empowered, if need be, to prosecute the said bond for and in behalf, and to the use of all persons, who may have sustained loss by the neglect or misconduct of the said constable.

[53. *Repeals former acts.*]

[Rev. 368] A Supplement to the act constituting courts for the trial of small causes.

Passed February 16, 1799.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

Justice to
record re-
turn of ex-
ecution.

That the constable to whom any execution shall be delivered by virtue of the before-re-

cited act, shall, within thirty days thereafter, make return to the justice, who issued the same, of the proceedings had thereon, and the justice shall make a record thereof; and when it shall so happen, that goods and chattels cannot be found upon the delivery of such person with the execution to the sheriff, under-sheriff or gaoler, that such of said persons, to whom the prisoner is delivered, shall give his receipt to the constable for the same, who shall produce said receipt to the justice to be recorded as aforesaid; which justice shall be entitled to receive nine cents for each record.

2. *And be it enacted*, That when any judgment shall be had against any constable for any delinquency in his office, execution shall immediately be issued against him for debt and costs.

3. *And be it enacted*, That the twenty-eighth section of the act, entitled "An act constituting courts for the trial of small causes," be, and the same is hereby repealed.

On judgment against constable, execution to issue immediately.

Section 28th of former act repealed. [Rev. 318; comp. 61.]



A supplement to an act constituting courts for the trial of small causes, passed the fifteenth day of March, seventeen hundred and ninety-eight.

[Rev. 313; comp. 49]

Passed November 30, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That every suit of a civil nature at law where the debt, balance or matter in dispute does not exceed the sum of one hundred dollars, exclusive of costs, shall be, and is hereby made cognizable before any justice of the peace of

Jurisdiction of a justice extended to 100 dollars

any county in this state, who is hereby authorized to hold a court within such county, to hear, try and determine the same according to law, and according to the same rules, regulations, and exceptions made and provided in the before recited act for the trial of causes not exceeding sixty dollars, and according to a supplement to said act passed February the sixteenth, seventeen hundred and ninety-nine. *Provided always, nevertheless,* The persons against whom a judgment shall be recorded for any sum above sixty dollars, giving the security required by the aforesaid act, shall have and is hereby entitled to a stay of execution six months after the recording such judgment.

[Rev. 313]

[Rev. 368
comp. 73]Stay of ex-
ecution.~~Section~~

[Rev. 313
comp. 49] AN additional supplement to the act entitled "An act constituting courts for the trial of small causes," passed the fifteenth of March, in the year seventeen hundred and ninety-eight.

Passed March 1, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, all suits brought or commenced before any justice of the peace in this state, on any bond or other specialty, note of hand, bill of exchange, book account, or any other demand founded on simple contract for the payment of money only, shall be in the name and style of actions of debt and not otherwise; any law, usage, or custom, to the contrary notwithstanding.

All suits
on bonds,
notes of
hand, &c.
to be in the
name and
style of ac-
tions of
debt.

~~AN~~ additional supplement to an act entitled "An act constituting courts for the trial of small causes," [Rev. 313. passed fifteenth March, seventeen hundred and ninety-eight. comp. 49]

Passed November 29, 1809.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That, in every action hereafter to be brought by virtue of the act to which this is a supplement, the defendant if he have any account or demand against the plaintiff, shall be permitted to discount or set off the same against the account, debt or demand of such plaintiff; but such copy of his account, or state of his demand so intended to be set off, shall be delivered to the said justice on or before the return day of the summons, or if on warrant then at the time of hearing of the cause, and in default thereof, the said account or demand shall not be received in evidence on the trial of the said cause; but if the said warrant shall not have been executed three days prior to the day of hearing, then the said defendant, if he have any account or demand to set off, and will enter into *recognizance* as directed by the act to which this is a supplement, shall be allowed further time not exceeding three days, to deliver to the said justice such copy of his account or state of his demand as aforesaid.

Offsets,
how and
when per-
mitted.

Comp. 55.

[Rev. 315.
comp 54]

2. *And be it enacted,* That if any person or persons whatsoever, shall hereafter be arrested by virtue of a warrant granted by a justice of the peace, in a cause of a civil nature, it shall be lawful for the constable who served the same to permit the defendant to enter into bond to the

Bail, when
& how to
be taken
on war-
rants in ci-
vil actions.

plaintiff with a good and sufficient freeholder, to the amount of the debt and cost indorsed on the warrant, for his, her or their appearance on the day and hour mentioned in the bond, not less than three, nor more than eight days (excluding Sundays) from the service of the warrant. The bond to be entered into by the defendant shall be in the form and to the effect following, to wit: We, A. B. and C. D. do hereby acknowledge ourselves indebted to E. F. in the sum of to be paid to said E. F. on the following conditions: that if the said A. B. shall be and appear before one of the justices of the peace of on the day of at o'clock noon, and answer unto the complaint of the said E. F. then this bond to be void, or else to be and remain in full force and virtue. In witness whereof we have hereunto set our hands and seals the of in the year of our Lord one thousand eight hundred and . Sealed and delivered in the presence of G. H. and I. K.—Signed A. B. and C. D.—Which bond the said constable is hereby ordered and directed when taken to deliver to the justice on the return of the warrant to be by him filed in his office, to and for the use of the plaintiff; for which service the constable shall be entitled to twenty-five cents cost. And in all cases the said constable shall attend at the said justice's court on the day and hour mentioned in said bond to be there and then ready to secure and take into his custody the said defendant. And if the said justice shall not be found at his dwelling or usual place of holding trials, the defendant shall be permitted to renew his bond with sureties as aforesaid for his appearance on some future day not exceeding ten.

3. *And be it enacted*, That if either of the parties to a suit hereafter to be instituted before a justice of the peace, shall demand a trial by jury, and if on the return of the venire, it shall appear that one or more of the jurors are disqualified to serve or do not appear, then it shall be lawful for the constable who served the same, by order of the court, immediately to summon others who shall serve in their stead.

Jurors,
how supplied.

And be it enacted, That if a material witness in an action instituted in said court be in the state, but is ancient or very infirm, or is sick, or is bound on a voyage, or is about to go out of the state, the deposition of such witness may at the option of either party be taken before a justice of the peace; *Provided*, The person at whose request the deposition is to be taken, shall cause notice to be given to the adverse party of the time and place and before whom the deposition shall be taken immediately, or at such short day as the cause in the opinion of the said justice may require, to attend and be present at the taking thereof, and to put questions and cross-examine if he shall think fit, and a deposition so taken and offered in evidence, shall be subject to the same rules and exceptions that the witness would be if personally present.

Depositions of
persons in
this state,
how to be
taken.

5. *And be it enacted*, That every person deposing as last aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition or by the deponent in his presence, and the deposition so taken shall be retained by such magistrate until he deliver the same with

his own hand into the court for which it was taken, or shall be by him: the said magistrate sealed up directed and transmitted to such court, and remain under his seal until opened in court, and when so opened the same shall be deposited in the office of the justice before whom the action shall be brought, there to remain of record, and that either of the parties in the said action or suit may at his or her cost and charges, take copies of such deposition as soon as it is deposited in the office as aforesaid.

Fees of
deponent
& justice.

6. *And be it enacted*, That every witness who is in this state, and whose examination or deposition is taken as aforesaid, shall be allowed fifty cents for his services, and the justice who shall take the deposition one dollar for his attendance and services in the same, and the party requiring such examination or deposition shall be at the sole expense thereof, and shall have no allowance therefor in the taxation of costs.

Adjourn-
ments.

7. *And be it enacted*, That if either of the parties to a suit hereafter brought before a justice of the peace, cannot on the day of the first adjournment, safely go to trial for want of a material witness in his cause, whom he shall name, and thinks he can produce on a future day, and shall file an affidavit thereof with the justice, then the justice may adjourn the trial to a future day, not less than five nor more than fifteen days, (excluding Sundays) on payment of the cost by the party who makes application for the same.

Writs of
scire
facias.

8. *And be it enacted*, That from and after passing of this act, it shall be lawful for a justice of the peace on judgments which shall or may have been obtained before him on application by any person or persons for that purpose

to grant writs of scire facias to revive said judgments, directed to a constable, commanding the defendant to come before him at the time and place mentioned in the writ, not less than five nor more than fifteen days from the date thereof, and shall be served at least five days before the time of appearance mentioned therein by reading the same to the defendant, and delivering to him or her a copy thereof when required if he or she shall be found, and if not found by leaving a copy thereof at his or her house or place of abode in presence of some white person of the family of the age of fourteen years, who shall be informed of the contents thereof.

9. *And be it enacted*, That the fees for granting and serving a writ of scire facias shall be the same as is allowed for granting and serving a summons by an act constituting courts for the trial of small causes passed the fifteenth March one thousand seven hundred and ninety-eight. Fees. [Rev. 313, comp. 49]

10. *And be it enacted*, That the provisions of the first, second and third sections of an act to issue commissions for the examination of witnesses and to take their depositions in certain cases, passed the eighteenth of February one thousand seven hundred and ninety-nine, be and they are hereby extended to the courts for the trial of small causes in this state. Commissions to take depositions of the state. [Rev. 374]

11. *And be it enacted*, That if any person shall institute a suit for any debt or demand made cognizable before a justice of the peace in any other court than a court for the trial of small causes and obtain a judgment thereon for any sum which without cost shall not exceed one hundred dollars, then such person shall not recover or have any costs in said suit Costs not allowed on debts under \$100 in any other court.

unless before the commencement of the suit he shall have taken an oath or affirmation before a justice of the peace, and filed the same in the clerk's office of the court in which such suit was instituted stating that he believes that the sum due or damages sustained exceed one hundred dollars, and then if he recover any sum whatever, the defendant shall be liable to pay costs.

12. *And be it enacted*, That the sixteenth section of the act to which this is a supplement, and so much of the seventeenth and eighteenth sections of the same, and all other acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed; and that this act shall be in force from and after the first day of January next.

Repealing
clause.

[Rev 316
comp. 56]

AN ACT further to regulate Fees.

Passed November 30, 1801.

Sec. 1. **BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the proper officer to receive for signing a judgment, fifty cents; and the like sum for taking the acknowledgment, or proof of the execution of any mortgage or conveyance of lands, tenements and hereditaments, or other instrument necessary to be acknowledged or proved.

Allowance
for signing
judgment,
&c.

2. *And be it enacted*, That justices of the peace shall be entitled to receive the following fees, viz.

Justices
fees.

For entering an adjournment in a court	<i>Cents.</i>
for the trial of small causes,	10

In cases of attachment.

For a writ of attachment,	25
For recording a return in the same,	10
For every summons against a garnishee,	20
<i>In cases of larceny under six dollars upon conviction.</i>	

For drawing the accusation,	30
For the trial of every cause,	60

3. *And be it enacted,* That all in criminal ^{Constables} cases, upon conviction, constables fees shall be fees. as follows, viz. Cents.

For serving every warrant,	60
For attending prisoner during trial for larceny under six dollars,	25

[4. Repealed March 1, 1804.]

5. *And be it enacted,* That the secretary of ^{Fees for} this state, and the clerks of the respective ^{recording} counties in this state, shall be entitled to receive ^{deeds, &c.} for entering deeds and conveyances on the record, one cent for each sheet, and the like sum for a copy of the same: and that the clerk of ^{Clerks} the supreme court, and the clerks of the courts ^{fees.} of common pleas in the several counties of this state, shall be entitled to charge for every bill of costs by him taxed the sum of twenty-five cents, in addition to the sums allowed by the act entitled "An act to regulate fees," [Rev. 418] passed the thirteenth day of June, seventeen hundred and ninety-nine.

AN ACT relative to Foreign Reports.

Passed December 1, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act no

What law reports, &c. shall not be read in our courts.

adjudication, decision or opinion made, had, or given in any court of law or equity in Great-Britain, any cause depending, nor any printed or written report or statement thereof, nor any compilation, commentary, digest, lecture, treatise or other explanation or exposition of the common law, made, had, given, written or composed since the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, in Great Britain, or else, where, without the present boundaries of the United States of North-America, shall be received or read in any court of law or equity in this state, as law, or evidence of the law, or elucidation, or explanation thereof, any practice, opinion or sentiment of the said courts of justice, used, entertained or expressed, to the contrary notwithstanding.

Penalty.

2. *And be it enacted*, That if any practising counsellor, solicitor, or attorney at law, shall read or offer to read in any court of law or equity in this state, any adjudication, decision or opinion, contrary to the restrictions contained in this act, then and in such case he shall be excluded from pleading or acting in any wise as a counsellor, solicitor, or attorney at law, in any of the courts of this state for one whole year next succeeding, and the judges and justices of the several courts are hereby directed to the strictest observance of this act.

[Rev 436]

Former act repealed.

3. *And be it enacted*, That the fifth section of the act entitled "An act relative to statutes," passed the thirteenth day of June, seventeen hundred and ninety-nine, and the supplement made thereto, passed the twentieth day of November, eighteen hundred, shall be and the same are hereby repealed.

~~AN ACT~~ to repeal an act entitled, "~~An act~~ partially to repeal part of an act therein named."

Passed December 1, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act partially to repeal part of an act therein named," passed the ^{Act re-} ~~seventeenth~~ ^{pealed,} day of November, in the year of our Lord eighteen hundred, be, and the same is hereby repealed.

[*Residue of this act is obsolete, and the law of 17th March 1795 (Revision 178) remains in full operation.*]

A Supplement to the act entitled "An act making provision for working and repairing the highways," [Rev. 325] passed March 16th, 1798.

Passed December 2, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That where any overseer of the roads of any township in this state, neglects the duty required of him by law, such overseer shall be liable to an action for said neglect: and it shall be, and is hereby the duty of any magistrate in said township, or in any adjacent township, upon the complaint preferred, in writing, by any three inhabitants of this state, being freeholders, to issue his precept for said overseer, to whose charge and care the said road has been assigned, and upon conviction, to fine the said overseer in any sum not exceeding eight dollars nor under three dollars, to and for the use ^{Mode of prosecuting overseers of the roads for neglect}

of the township, to be applied towards the repair of the roads, with costs of suit: *Provided*, That in those townships where the roads are worked by hire, if the said overseer should make it appear, that there was not any money in his nor in the collector's hands for repairing said road, it shall be deemed a sufficient excuse to exonerate him from said fine: and the township shall be liable to such fine and penalties, agreeable to the before recited act.

Excuse to
be allow-
ed.

[Rev. 428] A Supplement to the act entitled "An act respecting the court of Chancery."

Passed December 3, 1801.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all examination of witnesses hereafter to be taken or made use of at the hearing of all causes now depending or which hereafter shall be brought in the court of chancery of this state, shall be taken and reduced to writing, by examiners of the said court, or before any commissioner or commissioners appointed by the chancellor, (and who are hereby authorized to administer the oath or affirmation to the witnesses) and that either of the parties in the cause shall and may, in their proper persons, or by their solicitors or counsel, have liberty to examine and cross-examine such witnesses; all which examinations so taken, and filed with the clerk of said court, shall be made use of and read in evidence upon the hearing of the cause, saving all legal exceptions.—*Provided always,* That twenty days notice of the time

Examiners
to reduce
the testi-
mony to
writing,
&c.

[Rev. 432
Sect. 35]

and place of taking such examinations be given Twenty
 by the party or parties requesting the same, days no-
 his, her, or their solicitor or council, to the op- tice to be
 posite party or parties, his, her or their solicitor given.
 or counsel.

AN ACT to incorporate into a township a part of
 the townships of Northampton, Evesham, and Lit-
 tle-Egg-Harbour, in the county of Burlington, by
 the name of Washington.

Passed November 19, 1802.

WHEREAS a number of the inhabitants of
 the townships of Northampton, Evesham,
 and Little-Egg-Harbour, in the county of Preamble.
 Burlington, have, by their petition, set forth
 to the legislature the disadvantages they la-
 bor under by reason of the great extent of
 the said townships; for remedy whereof,

Sec. 1. BE IT ENACTED *by the coun-
 cil and general assembly of this state, and it is
 hereby enacted by the authority of the same,*
 That all that part of the townships of North-
 ampton, Evesham, and Little-Egg-Harbour, Bounds of
 lying within the following bounds: Beginning the new
 township,
 at the mouth of Wading-River, and running
 up the same, the several courses thereof, to the
 mouth of Tub-Mill branch; thence up the said
 branch, the several courses thereof, to the head;
 from thence to a point of fast-land known by
 the name of Breakfast-point; from thence a di-
 rect course to a bridge called Joseph M. Law-
 rie's bridge, near the head of a stream of water
 called Poppuse-ran; from thence, on a direct
 course, until it strikes a bridge at the head of
 the Union-Forge pond; from thence a straight

line to Muskingum bridge ~~from thence on a~~ straight line, to Atsion-creek, ~~above Goslien's~~ Mill; from ~~thence down Atsion-creek, the~~ several courses thereof, to Mullicas-river, and down the same, the ~~several courses thereof, to~~ the place of beginning, ~~at the mouth of Wa-~~ding-river, shall be, and is hereby set off from the said townships of Northampton, Evesham and Little-Egg-Harbour, and made a separate township, to be called by the name of the township of Washington.

of Wash-
ington.

2. *And be it enacted*, That the inhabitants of the said township of Washington shall be, and they are hereby vested with, and entitled unto all the powers, privileges and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid townships of Northampton, Evesham and Little-Egg-Harbour, are subject and entitled to; and that the inhabitants of the said township of Washington be, and they are hereby incorporated, styled and known by the name of "The inhabitants of the township of Washington, in the county of Burlington," and entitled to all the privileges, authorities and advantages, that the other townships in the said county are entitled unto by virtue of an act, entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," [Rev. 276] passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight.

Incorpo-
rated by
the name
of, &c.

[Rev. 276]

Town-
meeting
when and
where to
be held.

3. *And be it enacted*, That the first town-meeting of the inhabitants, after the passing of this act, shall be on the second Tuesday of March next, at the house of John Bodine, at Wading-river bridge, and that all town-meet-

ings thereafter, shall be held on the second Tuesday of March, annually, at such place as the electors of the said township shall, from time to time, direct and appoint.

AN ACT to institute a Market at the city of New-Brunswick for the sale of live-stock.

Passed November 23, 1803.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to hold a public market for the sale of live-stock; namely, horses, cattle, sheep and hogs, in the months of April and November, annually, at such place within the limits of the corporation of the city of New-Brunswick, from the hour of seven in the forenoon till the hour of four in the afternoon, of any number of successive days, not exceeding four, in the said months respectively, *as the corporation of the said city shall, from time to time, appoint.*

2. *And be it enacted,* That it shall and may be lawful for the said corporation to pass ordinances and bye-laws for the regulation of the said market; *Provided always,* That the same be not repugnant to the constitution and laws of the United States, or of this state.

AN ACT to regulate the payment of pensions to
invalids and widows.

Passed November 24, 1802.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person or persons whatsoever, who are or shall be entitled to receive from the treasurer of this state, any money on account of warrants to widows or invalid pensioners, shall receive the same, except in cases of arrearages of pensions due at the time of the death of an invalid, or at the marriage or death of a widow, unless he or she produce to the said treasurer the affidavits of two reputable freeholders of the county in which he or she resides, setting forth, that of their own knowledge, the person named in said warrant is at the time living, and if a widow, that to the best of their knowledge and belief, she is still the widow of the deceased person mentioned in the said warrant.

Affidavit
to be pro-
duced.

AN ACT to regulate the repacking of Beef and
Pork for exportation.

Passed December 2, 1802.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the governor, or person administering the government of this state, for the time being, on the application and recommendation of the common council of any city or town corporate, or the committee of any township within this

~~that~~ shall appoint and commission one or ^{Inspectors} more ^{&c. how to} inspectors and repackers of beef and ^{be com-} pork, ^{mission-} (who shall not be dealers in the said articles) in such parts of the state as may be deemed necessary and expedient.

2. *And be it enacted,* That each and every inspector and repacker of beef and pork, appointed and commissioned as aforesaid, shall, before he enter upon the execution of the said office, take and subscribe the following oath or affirmation, before one of the justices of the supreme court of this state, or before one of the judges of the court of commonpleas in and for the county in which the duties of such office are to be exercised, viz.

“I, A. B. do solemnly swear (or affirm) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and repacker of beef and pork, according to the true intent and meaning of the laws of this state relative to the same, and that I will not directly or indirectly, brand or suffer to be branded, any casks of beef or pork, but what shall be sound and merchantable agreeably to the said laws.”

A copy of which said oath or affirmation, subscribed by the person appointed as aforesaid, and signed by the officer by whom it was administered, shall be filed in the office of the clerk of the county where the said inspector and repacker usually resides.

3. *And be it enacted,* That the inspectors and repackers who may be appointed by virtue of this act, shall provide themselves with good and sufficient stores, capable of receiving and storing such beef and pork as may be brought to them for inspection and repacking.

4. *And be it enacted,* That all barrels or half-barrels in which any beef or pork shall be repacked, shall be made of good, well-seasoned white-oak staves and heading, and that every merchantable barrel of salted beef, which shall be inspected and repacked by any of the inspectors and repackers appointed or to be appointed by virtue of this act, shall be of the gauge to hold not less than twenty-eight gallons, nor more than thirty gallons, wine measure; and every barrel of merchantable pork shall be of the gauge to hold not less than twenty-nine gallons, nor more than thirty-one gallons, of the measure aforesaid, and both shall contain two hundred pounds of cured meat; and every merchantable half-barrel of salted beef and pork shall be of the gauge to hold fifteen gallons of the measure aforesaid, and shall contain one hundred pounds of cured meat; each barrel and half-barrel shall have thereon at least twelve good and substantial hoops, the bilge hoops shall be secured by wooden pins or pegs, and the hoops at each end by iron nails; the heads of each barrel and half-barrel shall be flanged, and so completely coopered, that in the opinion of the inspector and repacker, it shall be sufficiently tight to prevent the pickle from leaking out; the barrels shall be as nearly straight as possible.

Barrels
how to be
made.

5. *And be it enacted,* That there shall be three denominations or qualities of beef. The first to be denominated "*Mess-Beef,*" to consist of choice pieces, without hocks, shanks or necks; the second to be denominated "*Prime-Beef,*" shall not contain more than half a neck and two shanks, with the hocks cut off; the third to be denominated "*Cargo-Beef,*" shall not have in a barrel more than half a neck and

Beef how
to be as-
sorted,

three shanks—all to be good sound beef of cattle well fattened. There shall not be any shanks or boney pieces put into any of the barrels as merchantable, from which the meat has been cut for smoaking; no beef shall be repacked until it has been in salt a sufficient length of time, and each barrel shall be repacked with at least three half pecks of salt, not inferior to Lisbon salt, and half-barrels half the same quantity of salt. The first denomination shall be branded "*New-Jersey Mess-Beef*," and the initial of the inspector's christian name, and his surname at full length, together with the name of the place where repacked. The second denomination shall be branded "*New-Jersey Prime-Beef*," and the third "*New-Jersey Cargo-Beef*," with the name of the inspector and place where inspected and repacked, as aforesaid, on both the last mentioned denominations; and half-barrels shall contain half the quantity of each description, and shall be branded as the whole barrels.

6. *And be it enacted*, That the said inspectors and repackers shall carefully examine all pork to be by them repacked, and such only as is well fattened shall be branded by them as merchantable: "*Mess-Pork*" shall consist of the sides only of good fat hogs, and the barrels containing it shall be branded on one of the heads "*New-Jersey Mess-Pork*," and the initial of the repacker's christian name, and his surname in full length, with the name of the place where repacked.

The second quality shall be denominated "*Prime-Pork*," and shall consist of good, sound, fat pork, of which there shall not be in a barrel more than three shoulders with the legs cut off at the knees, and not more than

two sizeable heads, with the ears and snouts cut off, and which barrel shall be branded on one of the heads "*New-Jersey Prime-Pork*," with the repacker's name and place where repacked as aforesaid.

The third quality shall be denominated "*Cargo-Pork*," and shall not contain more than four shoulders, with the legs cut off at the knees, and not more than two heads, not exceeding in weight thirty pounds, and which barrel shall be branded on one of the heads "*New-Jersey Cargo-Pork*," with the name of the inspector and place where repacked as before directed. Half-barrels of pork shall contain one half of the quantity of, and be in every respect, as to quality, as the whole barrels; and the respective denominations shall be branded as is directed with respect to whole barrels; each barrel shall have at least one half bushel of salt, not inferior to Lisbon salt, and each half-barrel not less than one peck of the like quality.

7. *And be it enacted*, That every barrel or half-barrel of salted beef or pork, which shall be exposed to sale within this state, to be exported from it to any market beyond the sea, or that shall be so exported by the owner thereof, shall, before the sale or exportation thereof, be carefully inspected and examined by one of the inspectors and repackers of beef and pork for the time being, who shall pass as merchantable, and brand as is before directed, each and every barrel and half-barrel, being of the materials and dimensions herein before directed and described, and which shall respectively contain the quantity and quality of salted beef or pork herein before mentioned and required, packed and secured in the manner aforesaid;

All barrels of pork or beef shall be inspected and branded.

and the said inspectors and repackers are hereby required and directed to examine and repack and brand as aforesaid, all such beef or pork brought to them for inspection or repacking, although the same may not be intended to be exported as aforesaid to any foreign market.

8. *And be it enacted,* That no beef or pork shall be repacked until the same has been in salt a sufficient time before such repacking, and every inspector and repacker of beef and pork shall carefully secure his branding irons so as to put it out of the power of his servants or others to obtain and make use of the same contrary to the true intent and meaning of this act.

Branding
irons to be
secured.

9. *And be it enacted,* That all beef and pork repacked between the first day of April and first day of November, in every year, shall, at the time of repacking the same, be pickled with a good, strong pickle, made of salt not finer than Lisbon salt, and each barrel and half-barrel shall be well trimmed and secured as before directed.

When beef
and pork
shall be
pickled.

10. *And be it enacted,* That it shall be lawful for every inspector and repacker of beef and pork, to demand and receive from the owners thereof, for inspecting and repacking every barrel of beef or pork, *twenty cents*, and for every half-barrel of beef or pork, *twelve cents*, if repacked in the store provided by them, and for inspecting and repacking every barrel of beef or pork, if inspected and repacked in any store, yard or vessel, other than their own, *twenty-five cents*, and for every half-barrel *fifteen cents*; for each hoop wanting and put on by the repacker, *six cents*; for flagging, nailing, pegging and pickling each barrel, *ten*

Compensation to
the inspector
and repacker.

cents, and for flagging, nailing, pegging and pickling each half-barrel, *six cents*, the owner finding or paying for the salt.

Casks not
to be used
a second
time.

11. *And be it enacted*, That no person shall use casks which have been emptied, after being branded as aforesaid, a second time, unless they shall first erase, scratch out and effectually deface, the repacker's brand off and from every such cask, under the penalty of fifty dollars for every such cask so used.

Penalty for
neglect or
delay,

12. *And be it enacted*; That if any inspector and repacker of beef and pork, shall neglect or delay to repack any beef or pork, when thereunto required by the owner or possessor thereof, for the space of forty-eight hours, every such inspector and repacker shall, for each neglect, pay to such owner the sum of five dollars per barrel.

and for of-
fences,

13. *And be it enacted*, That for every offence which the said packers shall commit against the true intent and meaning of this law, and be thereof convicted, he or they, so offending, shall forfeit fifty dollars, and be rendered incapable of serving again in the said office.

on persons
for shifting
or mixing,

14. *And be it enacted*, That if any person or persons shall, at any time, intermix, take out or shift, any beef or pork, that has been repacked and branded as aforesaid, every person so taking out, intermixing and fraudulently shifting such beef or pork, and being thereof convicted, shall forfeit and pay four-fold the value of the beef or pork so taken out, intermixed or shifted.

and brand-
ing with-
out au-
thority

15. *And be it enacted*, That if any person or persons, other than the said inspectors and packers, shall brand any casks of beef or pork whatever, in the manner directed by this act,

every person so offending shall forfeit the sum of twenty dollars for every cask so branded.

16. *And be it enacted,* That all the forfeitures and penalties aforesaid shall and may be recovered, with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same to effect; one half of which said forfeitures and penalties, when recovered, shall be paid to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof, and the other half to such person or persons who will sue for the same as aforesaid. Penalties,
how ap-
plied.

AN ACT to alter the time of choosing the Inspectors of the State-Prison.

[Rev. 271]

Passed October 27, 1803.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the thirteenth section of the act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed the fifteenth day of February, in the year of our Lord one thousand seven hundred and ninety-eight, as directs that the inspectors of the state-prison shall be chosen at the first joint-meeting after the annual meeting of the legislature, shall be and the same is hereby repealed. Provision
in former
law re-
pealed.

[Rev. 274]

2. *And be it enacted,* That from and after the passing of this act, the said inspectors shall be chosen during the first sitting of the legislature, in each and every year. When
chosen.

AN ACT relative to the Probate of Wills, granting
Letters of Administration and Guardianship.

Passed November 9, 1803.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the surrogate general shall at the expense of the state, cause seals to be made for every surrogates office in this state, with one uniform device, upon which shall be inscribed the name of the county for which each seal is to be used, and the words "Surrogate seal," and shall deliver the same to the several surrogates in this state, and return a description thereof to the secretary of state, who shall deposit the same in his office, there to remain as a public record.

Seals to be provided by the surrogate-general.

Surrogates to provide books, and record all letters of guardianship, &c.

2. *And be it enacted,* That each of the said surrogates shall record in books to be provided for that purpose at the expense of the county for which they shall be used, all wills proved before him, together with the proof thereof, all letters of guardianship, and all letters testamentary and administrations by him issued or granted, with all things concerning the same; and also all inventories which may be by him received, which records shall be of the same force, validity, and effect, as the like records in the registry of the prerogative office; and that the transcript of such records, certified under the hand and seal of the surrogate, shall be received in evidence in every court of this state, and have the same validity and effect, as transcripts certified by the register of the prerogative court.

3. *And be it enacted,* That each of the said

ventories by him received during the said period, to be filed by the said register in his office.

To file all administration bonds, &c.

5. *And be it enacted*, That the said surrogates shall, in their respective offices, carefully file all administration bonds by them taken, and all other instruments of writing (original wills and inventories excepted) which may be required by law, in conducting the business brought before them, and which were heretofore filed in the prerogative office.

In case of a caveat, &c. proceedings as heretofore.

6. *And be it enacted*, That where doubts arise on the face of a will, or a caveat be put in against proving a will, and whenever disputes happen respecting the existence of a will, the fairness of an inventory, or the right of administration, the proceedings shall be as heretofore.

Orphan's courts to perform certain duties heretofore done by the ordinary.

7. *And be it enacted*, That the powers and duties exercised and performed by the ordinary, relative to the admission of guardians for persons under the age of twenty-one years, shall hereafter be exercised and performed by the orphan's court of the county, in which the minor applying for a guardian may reside, or shall have real or personal estate, subject to an appeal to the prerogative court, and that letters of guardianship shall be issued under the direction of the orphan's court, by the surrogate of the county in which the application shall be made, which shall be in the following form:

Surrogates to issue letters of guardianship.

Form thereof.

"I Surrogate of the county of _____ do certify, that on the _____ day of _____ the orphan's court of the county of _____ admitted _____ of the county of _____ as guardian, of the person and property, both real and personal, of _____ of the said county of _____ being a minor, under the age of _____
Witness my hand and seal of office, &c."

8. *And be it enacted*, That each of the said Surrogates shall on the fourth Tuesday in the month of October, in every year, make a return to the register of the prerogative office, of the business done in their offices respectively, as far as relates to recording of wills, letters of administration and guardianship, and of the unfinished business remaining in the said offices, which shall be laid before the legislature, at their annual session, by the said register.

to make quarterly returns.

Which shall be laid before the legislature.

9. *And be it enacted*, That the surrogates appointed in the respective counties of this state, shall, on or before the first day of February next, and those who shall hereafter be appointed, shall, before they enter upon the execution of the duties of their offices, severally enter into bonds, unto the state of New-Jersey, in the sum of two thousand dollars, with at least two good and sufficient sureties, being freeholders of the county for which he is or may be appointed, to be approved of by any two of the judges of the inferior court of common pleas of the said county ; which bond, with the condition thereof, shall be in the form hereafter mentioned ; and shall take and subscribe the following oath, before any one of the judges aforesaid.

Surrogates to give bond

To make oath.

“I being appointed surrogate of the county of do solemnly swear, (or affirm, as the case may be) that I will well and truly, faithfully and impartially, execute the office of surrogate of the said county, agreeably to law, according to the best of my skill and understanding : so help me God”—which oath or affirmation, so as aforesaid taken and subscribed, shall, by the judge administering the same, be delivered, or safely transmitted to the secretary of this state, together with the bond

Form of the oath.

aforesaid, to be by the said secretary filed amongst the public papers of his office.

10. *And be it enacted, That* the bond to be entered into as aforesaid, by the respective surrogates and their sureties, with the condition thereof, shall be in the form following; that is to say :

Form of
the bond.

Know all men by these presents, That we of the county of _____ in the state of New-Jersey, are held and firmly bound unto the said state of New-Jersey, in the sum of two thousand dollars, to be paid unto the said state of New-Jersey, to which payment, well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Condition.

The condition of this obligation is such, That if the above bounden _____ shall well and truly execute the office of surrogate of the county of _____ and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons whatsoever concerned, as to the said state of New-Jersey, and at the expiration of his said office, shall deliver the seal, and all the books, records and papers, remaining in said office, or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to remain in full force and virtue.

Fees.

11. *And be it enacted, That* for every probate of a will, and for every letter of administration and guardianship, issued by a surrogate, he shall be entitled to one dollar ; and for

engrossing, recording and filing, the ~~like fees~~ as the register of the prerogative office, is authorized by law to receive.

12: *And be it enacted*, That every act, and parts of acts, coming within the purview of this act, and contrary thereto, shall be, and they are hereby repealed. Former facts and parts of acts repealed.

[13. *Obsolete.*]

AN ACT to incorporate parts of the townships of Roxbury and Pequannock, in the county of Morris, into a separate township, to be called the township of Jefferson.

Passed February 11, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the townships of Roxbury and Pequannock, in the county of Morris, lying within the following boundaries, to wit: beginning at the great cove on the east side of the great pond, thence running a straight line to the mouth of Stephen's brook, where it empties into Rockaway river; thence from the mouth of Stephen's brook a straight line to the top of the green pond mountain, where the road crosses the same near Mrs Jane 'Dè-camp's; thence along the top of said mountain to the Bergen line; thence along the Bergen line, to the Sussex county line; thence down the lines between Morris and Sussex counties, to the place of beginning—shall be, and the same is hereby set off from the townships of Roxbury and Pequannock, and the same is hereby established a separate township, Boundaries.

Name. to be called by the name of the township of Jefferson.

Entitled & subject to the same privileges & regulations as other townships: 2. *And be it enacted*, That the inhabitants of the township of Jefferson, shall be, and they are hereby vested with and entitled unto, all the powers, privileges, and authorities, and shall be, and are hereby made subject to the like regulations and government, which the inhabitants of the aforesaid townships of Roxbury and Pequannock are subject and entitled to; and that the inhabitants of the said township of Jefferson, be and they are hereby incorporated, styled and known by the name of "The inhabitants of the township of Jefferson, in the county of Morris," and entitled to all the privileges, advantages and authorities that the other townships in the said county are entitled unto, by virtue of an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, in the year of our Lord, one thousand seven hundred and ninety-eight.

[Rev. 276]

First town-meeting, when and where to be held. 3. *And be it enacted*, That the first town-meeting of the inhabitants after the passing of this act, shall be on the second Monday of April next, at the house late of the widow Hile Soward; and that all town-meetings thereafter, shall be held on the second Monday of April annually, at such place as the electors of the said township shall, from time to time direct and appoint.

Poor to be divided. 4. *And be it enacted*, That on the second Tuesday after the next annual meeting in said townships, the town-committees, of the said townships of Roxbury, Pequannock and Jefferson, shall meet at the house late of the widow Hile Soward, in the said township of Jefferson,

at two o'clock in the afternoon of said day, and then and there proceed to make an allotment between the said three townships of such poor persons as shall then be chargeable upon the townships of Roxbury and Pequannock; and that the township of Jefferson shall take and receive of the said townships of Roxbury and Pequannock, all such poor persons as may be reasonable for them, to take, in proportion to the taxable property contained within their respective limits, and that the said township of Jefferson shall be entitled to receive from the said townships of Roxbury and Pequannock their equal proportion of all monies which hath been raised in said townships for the support of the poor, and remains unexpended at the time of such division; *Provided*, That if either of the committees chosen as aforesaid, shall neglect to meet as aforesaid, it shall and may be lawful for such committee as shall meet, to proceed to such distribution of the poor, and such other business, as is by this act prescribed and intended to be done.

Monies raised for the poor to be divided.

Proviso.

AN ACT for the gradual abolition of slavery.

Passed February 15, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That every child born of a slave within this state, after the fourth day of July next, shall be free; but shall remain the servant of the owner of his or her mother, and the executors, administrators or assigns of such owner, in the same manner as if such child had been bound

Every child born of a slave after the fourth of July next to be free, but to remain servants until, males 25, & females 21 years of age.

to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female until the age of twenty-one years.

The person entitled to the service of such child to deliver to the clerk of the county a certificate, &c.

2. *And be it enacted,* That every person, being an inhabitant of this state, who shall be entitled to the service of a child born as aforesaid, after the said fourth day of July next, shall within nine months after the birth of such child, cause to be delivered to the clerk of the county whereof such person shall be an inhabitant, a certificate, in writing, containing the name and addition of such person, and the name, age and sex of the child so born; which certificate, whether the same be delivered before or after the said nine months, shall be by the said clerk recorded in a book to be by him provided for that purpose; and such record thereof shall be good evidence of the age of such child; and the clerk of such county shall receive from said person twelve cents for every child so registered: and if any person shall neglect to deliver such certificate to the said clerk within the said nine months, such person shall forfeit and pay for every such offence, five dollars, and the further sum of one dollar for every month such person shall neglect to deliver the same, to be sued for and recovered by any person who will sue for the same, the one half to the use of such prosecutor, and the residue to the use of the poor of the township in which such delinquent shall reside.

Clerk to record such certificate.

Penalty for not delivering the certificate to the clerk.

Children born as aforesaid may be abandoned

3. *And be it enacted,* That the person entitled to the service of any child born as aforesaid, may, nevertheless, within one year after the birth of such child, elect to abandon such right; in which case a notification of such

abandonment, under the hand of such person, shall be filed with the clerk of the township, or where there may be a county poor-house established, then with the clerk of the board of trustees of said poor-house of the county in which such person shall reside ; but every child so abandoned shall be maintained by such person until such child arrives at the age of one year, and thereafter shall be considered as a pauper of such township or county, and liable to be bound out by the trustees or overseers of the poor in the same manner as other poor children are directed to be bound out, until, if a male, the age of twenty-five, and if a female, the age of twenty-one ; and such child, while such pauper, until it shall be bound out, shall be maintained by the trustees or overseers of the poor of such county or township, as the case may be, at the expense of this state ; and for that purpose the director of the board of chosen freeholders of the county is hereby required, from time to time, to draw his warrant on the treasurer in favor of such trustees or overseers for the amount of such expense, not exceeding the rate of three dollars per month ; provided the accounts for the same be first certified and approved by such board of trustees, or the town-committee of such township ; and every person who shall omit to notify such abandonment as aforesaid, shall be considered as having elected to retain the service of such child, and be liable for its maintenance until the period to which its servitude is limited as aforesaid.

In what manner.

See act of March 8, 1806
Comp. 106.

How to be maintained and disposed of.

See act of 22th Feb. 1811.
Comp. 109.

AN ACT to repeal the third section of an act, entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February, eighteen hundred and four.

Passed March 8, 1806.

Comp.104. **Sec. 1. BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the third section of the act, entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February, in the year of our Lord one thousand eight hundred and four, be, and the same is hereby repealed: *Provided nevertheless,* That this repeal shall not affect any abandonments which have already taken place in conformity with the said section.

Comp.103. AN additional supplement to the act entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February, one thousand eight hundred and four.

Passed November 28, 1808.

Abandon-
ed chil-
dren to be
bound out. **Sec. 1. BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the trustees or overseers of the poor in the different townships of this state, upon application to them made, to bind out the children of slaves, born after the fourth day of July, eighteen hundred and four, and abandoned by the owner or owners of such slaves, according to the provisions of the third section of the act to which this is a sup-

plement, if a male, until the age of twenty-five years, and if a female until the age of twenty-one years, agreeably to the existing laws of this state, directing the manner of binding out poor children : *Provided always*, That it shall be the duty of the said trustees or overseers to give the preference to the owner or owners of the parent or parents of such abandoned children, if the said owner or owners shall see fit to retain or keep such abandoned children as are in their possession.

2. *And be it enacted*, That it shall be the duty of the trustees or overseers aforesaid, whenever in their opinion, any such abandoned child or children may be bound out, or upon application to them, or any of them, made by any person or persons, who may be willing to take any such child or children, without any premium, immediately to call upon the owner or owners of the parent or parents of such child or children, or other persons in whose possession the same may be, to deliver up to them such child or children, for the purposes of binding them out agreeably to the provisions of this act, and if the owner or owners of the parent or parents of such child or children, or other persons in whose possession such child or children may be, after demand being made as aforesaid, shall neglect or refuse to deliver up such child or children, then it shall be taken and deemed that the person or persons so neglecting or refusing to deliver up, do elect to keep such child or children without any further fee or reward, and it shall be the duty of the said trustees or overseers immediately to bind such child or children to the person or persons so electing to keep such child or children.

Owners of
the parents
may elect
to keep the
children or
not.

3. *And be it enacted,* That it shall be the duty of the trustees or overseers aforesaid, of the different townships in this state, within the month of April in every year, to publish in at least one of the public newspapers in the western, and one in the eastern parts of this state, for the space of four weeks, a correct statement (as near as may be) of the number, age and sex of abandoned children, within the bounds of their respective townships, and which at the time of such publication remain to be bound out, agreeably to the provisions of this act, in order that persons living in this state, and who may be willing to take such children, may know where to apply for the same, and the said trustees or overseers, shall be allowed a reasonable compensation for the performance of the duties required of them by this act, to be paid by the treasurer of this state, on a certificate to be signed by any three of the township committee of the proper township.

Those unbound to be advertised.

4. *And be it enacted,* That if any trustee or overseer of the poor in any township of this state wherein any abandoned child may remain unbound, shall neglect or refuse to perform any of the duties enjoined by this act, he shall forfeit and pay for each offence the sum of thirty dollars, to be recovered by any person who may sue for the same in any court having cognizance of the same.

Penalty on overseers, &c.

AN ACT concerning the Abolition of Slavery

Passed February 22, 1811.

WHEREAS it appears that large sums of money have been drawn from the treasury

by citizens of this state for maintaining abandoned black children, and that in some instances the money drawn for their maintenance amounts to more than they would have brought if sold for life—Therefore—

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the first Monday of May next, no monies shall be drawn from the treasury of this state for the maintenance and support of abandoned black children, who have been abandoned agreeably to the provisions of an act entitled "An act for the gradual abolition of slavery," passed the fifteenth day of February in the year of our Lord one thousand eight hundred and four, any law, usage or custom to the contrary notwithstanding; *Provided,* That nothing in this act shall be construed to prevent the treasurer from the payment of such sums as may be lawfully due for the said maintenance and support until the said first Monday of May next.

Comp. 103
104.
Sect. 3.

2. *And be it enacted,* That so much of the above recited act as comes within the purview of this act be and the same is hereby repealed.

AN ACT to ratify an amendment of the constitution of the United States.

Passed February 22, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the amendment to the constitution of the

The A- United States, proposed at the first session of
mendment the eighth congress, by a resolution of the
to the Con- senate and house of representatives of the Uni-
stitution ted States, in congress assembled, to the sever-
recom- al state legislatures, be, and the same is hereby,
ended by upon the part of this legislature, ratified and
Congress, made a part of the constitution of the United
ratified by States ; which amendment is in the following
this state. words, to wit :—

Manner of
electing
the Presi-
dent and
Vice-Pie-
sident.

“ The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president ; and they shall make distinct lists of all persons voted for as president and of all persons voted for as vice-president, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate ; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted ; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state, having one vote ; a quorum for this purpose shall consist

of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following; then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

“The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

“But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.”

No person ineligible for President shall be eligible for Vice-President.

AN ACT to regulate the Shad-Fisheries on South River, in the county of Middlesex.

Passed February 22, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act it shall not be lawful for any person or persons to set any net, seine, or other device across said river, nor any hoop-net, ware or fike, further into the same, than the edge of the channel thereof, on the same side where such hoop-net,

No person to set any net, seine, or other device, across said river;

nor any hoop net, ware, or fike, fur-

ther into
the river
than the
channel ;
nor to beat
or drive
said river.

Penalty for
offending
against this
act.

ware or fike is set or constructed ; and shall neither beat nor drive said river in any manner, in order to molest or disturb the natural run of shad or fish in any part of the same.

2. *And be it enacted*, That if any person or persons shall offend against this act, or any part thereof, he, she, or they, so offending, and for every such offence, shall forfeit and pay the sum of forty dollars, with costs of suit, to be sued for and recovered in the name of any person who shall make complaint thereof, before any justice of the peace in said county, the one half to the prosecutor and the other half to the overseer of the poor, to and for the use of the poor of the township wherein such offence was committed.

AN ACT to incorporate parts of the townships of Westfield and Elizabeth-Town, in the county of Essex, into a separate township to be called the township of Rahway.

Passed February 27, 1804.

Bounda-
ries.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That all that part of the townships of Westfield and Elizabeth-Town, lying within the following lines, to wit : beginning at the bridge that crosses Rahway river, a small distance below Elias Williams's saw-mill, from thence running south, thirty-eight degrees and five minutes west, one hundred and seventy chains and nine links to John Ross's mill-pond, on Robertson's branch ; thence south-westerly along up said branch as it runs until it comes

to the county line between Essex and Middlesex; thence along the said county line, as it runs, north eighty-seven degrees east, three hundred and fifty-five chains and thirty-three links to Mordecai Marsh's mill-pond on Rahway river; thence along down the said Rahway river to the sound; thence up the sound to the mouth of Thompson's creek, near Halstead's point; thence along up said creek to Dr. Isaac Morse's mills; thence continuing along up said creek to a bridge crossing the same in the lower road leading from Rahway to Elizabeth-Town; thence along the lower road as it runs, north thirty-five degrees and thirty minutes west, forty-six chains and seventy links, to land late of Benjamin Winants, deceased; thence running north, fifty-one degrees and forty-eight minutes west, one hundred and five chains and thirty-one links to where formerly stood the sign post to the eastward of the wheat sheaf tavern; thence crossing the main road to the road leading to Raritan; thence along said road by the dwelling house of Abraham Clark, esquire, deceased, and Robert Clark, until it comes to the school-house, standing on the westernmost corner of the plantation, formerly belonging to Samuel Williams, deceased, by the road; thence running north seventy degrees west, one hundred and eighteen chains to Rahway river, near Jeremiah Garthwaite's dwelling-house; thence running along down Rahway river as it runs to the aforesaid bridge, the place where it first began, shall be, and hereby is set off from the townships of Westfield and Elizabeth-Town, and made a separate township, to be called "The township of Rahway." ^{Name.}

2. *And be it enacted,* That the inhabitants

Powers, privileges, &c. of the township of Rahway shall be, and they are hereby vested with and entitled to all the powers, privileges and authorities, and shall be, and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid township of Westfield are subject and entitled to ; and that the inhabitants of the said township of Rahway, be and they are hereby incorporated, styled and known by the name of " The inhabitants of the township of Rahway in the county of Essex ;" and entitled to all the privileges, advantages and authorities which the other townships in the said county are entitled to by virtue of the laws of this state.

[Rev. 276]

[Residue of the act relates to the time and place of the first town meeting, and to the division of monies, debts, &c. and the apportionment of the poor]

AN ACT respecting Clerks in Chancery and Clerks of the Supreme Court.

Passed February 27, 1804.

Clerks in chancery and of the supreme court, hereafter appointed to give bond with sureties.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passing of this act, every person who shall be appointed clerk in chancery, or clerk of the supreme court, shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken for the due and faithful discharge of his said office, if a clerk in chancery, before the chancellor, for the time being, and if a clerk of the supreme court, before one of the justices of the supreme court, enter into bond to the state of New-Jer-

sey, with at least two good and sufficient sureties, being freeholders in said state, jointly and severally, in the sum of five thousand dollars, to be approved of by the said chancellor, or the said justice of the supreme court; which bond, with the condition thereof, shall be in the form hereinafter mentioned; and when so executed, shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary's office, and filed in the same, to be by him kept among the public papers of his office.

2. *And be it enacted*, That the bond to be entered into as aforesaid, by the said clerk in chancery, or the said clerk of the supreme court, and their sureties, with the condition thereof, shall be in the form following, that is to say :

Know all men by these presents that we A. B. C. D. and E. F. of _____ are held and firmly bound unto the state of New-Jersey, in the sum of five thousand dollars, money of the United States, to be paid unto the state of New-Jersey; to the which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents: sealed with our seals, dated the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Form of
the bond.

The condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of clerk in chancery, or clerk of the supreme court, (as the case may be) of the state of New-Jersey, and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law,

as well with respect to all persons concerned, as to the said state of New-Jersey, and at the expiration of his said office, shall deliver all monies deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then this obligation to be void, otherwise to be and remain in full force and virtue:

3. *And be it enacted*, That the present clerk in chancery, and the present clerk of the supreme court, shall within twenty days after the passing of this act, enter into bond to the state of New-Jersey, and deposit the same in the Secretary's office in the manner herein before prescribed.

The present clerks aforesaid to give bond with sureties.

4. *And be it enacted*, That the said clerk in chancery, and the said clerk of the supreme court, shall make out in writing, a fair copy of all the fees he is by law entitled to receive, and shall set the same up in public view in said office, which shall there remain for the information of all concerned.

Said clerks to make out and set up in their offices copies of all the fees they are entitled by law to receive.

Clerks in chancery and of the supreme court, to reside in Trenton.

5. *And be it enacted*, That the present clerk in chancery, and the present clerk of the supreme court, and every person who shall hereafter be appointed clerk in chancery, or clerk of the supreme court, shall reside, and keep his office within the city of Trenton.

AN ACT to provide for the establishment of Markets for the sale of Live Stock, in the several counties of this state.

Passed February 29, 1804.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is

hereby enacted by the authority of the same, That it shall and may be lawful for the board of chosen freeholders of each and every county of this state, to institute a market, once or oftener in every year, at any place or places within the said county, which in the opinion of the said board, may be most convenient for the sale of live stock, namely, horses, cattle, sheep, and hogs, from the ^{four} ~~hour~~ of eight in the morning until four in the afternoon, of any number of successive days, not exceeding four, which the said board may appoint; which time and place shall be advertised in three of the most public places in the county, at least thirty days previous to the time appointed for holding the said market.

The boards of chosen freeholders may institute markets for the sale of live stock,

2. *And be it enacted,* That it shall and may be lawful for the said board of chosen freeholders to pass ordinances and bye-laws, for the regulation of said markets; *Provided,* That the same be not repugnant to the constitution and laws of the United States; or of this state, and that the powers hereby granted to the chosen freeholders of any county, shall not extend to or interfere with the powers granted to the corporation of the city of New-Brunswick, by an act entitled "An act to institute a market at the city of New-Brunswick for the sale of live-stock," passed the twenty-third day of November, eighteen hundred and two.

and pass bye-laws and ordinances for regulating the same.

Proviso.

Comp. 87.

A supplement to the act entitled "An act for supporting Ideots and Lunatics, and preserving their estates."

Passed March 1, 1804.

'Sec. 1. BE IT ENACTED *by the court*

and general assembly of this state, and it is hereby enacted by the authority of the same;

Cases of Ideocy and Lunacy, how to be determined. [Rev 125] That all cases of ideocy and lunacy, shall be determined by an inquest on a commission of ideocy or lunacy issued by the chancellor, and the proceedings thereon shall in all respects be conducted, in the manner heretofore practised; and the said chancellor is hereby directed to transmit or cause to be transmitted, to the orphans court of the county in which such ideot or lunatic may reside, a certified copy of all proceedings which may be had thereon, within two months after such proceedings are had, which shall be forthwith recorded and filed, in the surrogate's office in the said county; and the said orphans court is hereby directed and required, on proper application for that purpose, to appoint a guardian or guardians, who shall have the care and provide for the safe-keeping of such ideot or lunatic, his or her lands, tenements, goods and chattels, in the manner and under the provisos and restrictions prescribed in and by the act to which this a supplément, any thing therein contained to the contrary notwithstanding.

Chancellor to transmit a copy of the proceedings to the orphans court of the county

Said court, on proper application to appoint a guardian.

2. *And be it enacted, That if any such ideot or lunatic is justly indebted to any person or persons, or where the income and profits of their lands and tenements, shall be insufficient for their support, and that of their household, if any they have, it shall and may be lawful for the orphans court of the county, who are hereby required, upon application and due proof thereof to them made, to appoint a guardian or guardians to sell and convey in his or their own name or names, so much of the goods and chattels, lands and tenements, of such ideot or lunatic, as shall be sufficient to discharge*

The goods and chattels, lands, &c of such ideot or lunatic may be sold to pay his debts or to support him.

his or her just debts, or for the support of his or her household, if any they have, any law to the contrary notwithstanding; which conveyances shall set forth at large the order of the said orphans court, and shall vest in the purchaser or purchasers as good and perfect an estate in the premises therein mentioned, as the said idiot or lunatic was seized of or entitled to, at the time of making such order.

3. *And be it enacted,* That the guardian or guardians, who may be authorized to sell any lands, tenements, hereditaments, or real estate, of any idiot or lunatic, shall give notice by advertisements, signed by him or them, and set up at five or more of the public places in the county, of the time and place of selling the premises, at least two months before the time appointed for selling them, and shall at the time and place so appointed, between the hours of twelve and five, in the afternoon, expose said lands, tenements and hereditaments, and real estate, to sale, by public vendue, and strike off the same to the highest bidder; and the guardian or guardians making the said sale, shall report in writing all proceedings thereon to the next orphans court, after such sale; *Provided always,* That the said guardian or guardians may adjourn the said sale, from time to time, not exceeding two months in the whole.

What notice shall be given of such sale, and how it shall be conducted

4. *And be it enacted,* That every person appointed guardian as aforesaid, shall before he enters upon the duties of his appointment, enter into bond unto the state of New-Jersey, with two or more sureties, being freeholders, in such sum as shall be approved of by the orphans court of the county, in which such idiot or lunatic may reside, conditioned that the said

Guardian to give bond with sureties.

guardian shall well and truly, and according to the true intent and meaning of the direction of the said orphans court sell and dispose of the estate of such idiot or lunatic, or such part thereof, as shall be directed by the said orphans court to be sold, and appropriate the money thence arising to the discharge of the debts of the said idiot or lunatic, and the support of his or her household, if any they have, and that he will render a just and true account to the orphans court of the said county, of all sales and monies thence arising, in the same manner that administrators are by law directed to account; which bond shall, by the surrogate, be transmitted to the register's office to be filed.

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AN ACT to prohibit clerks of the courts of common pleas, and general quarter sessions of the peace, from practicing as attorneys at law in the counties of which they are clerks.

Passed March 1, 1804.

Clerks of counties hereafter to be appointed not to practice as attorneys in the counties in which they are appointed.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the clerks of the courts of common pleas and general quarter sessions of the peace, hereafter to be appointed, shall not be allowed to practice or act as attorneys at law in any of the counties of this state, in which they may be so appointed.

2. *And be it enacted,* That if any clerk shall practice or act contrary to the prohibition aforesaid, for each offence he shall be liable to the penalty of fifty dollars, to be recovered in an

Penalty.

action of debt by any person who shall prosecute for the same, in any court where the same may be cognizable, with costs of suit, and shall also be liable to be removed from office by impeachment.



A Supplement to the act, entitled, "An act making provision for the carrying into effect the act for the punishment of crimes." [Rev. 271]

Passed March 1, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That every person who hereafter may be sentenced to hard labor only, in the state-prison, shall on the expiration of the term for which such person was imprisoned, and every person who hath heretofore been sentenced, in like manner, and whose term of confinement hath expired, be forthwith discharged by the keeper thereof, any debts which such person may owe to the institution notwithstanding; *Provided,* That it shall appear to the inspectors of the said prison, or a majority of them, that the person so confined and entitled to his or her liberation, hath labored industriously, and as far as his or her health and other circumstances would permit, during his or her confinement; *And provided also,* That no person or persons shall be entitled to the benefit of such discharge, until he or she shall make satisfactory proof to the inspectors of the state-prison, or a majority of them, that he or she hath not property sufficient to discharge said debt nor any part thereof.

The inspectors may liberate prisoners at the expiration of the term of their sentence,

provided prisoners have labored industriously, &c.

and have not sufficient property.

[This law is intended to supply the provision made

for the liberation of prisoners by the acts of Nov. 19, 1799, Rev. 449, and of Dec. 1, 1802. Comp. 25—but contains no repealing clause.]

[Rev. 371.
449, 451] A further supplement to the act entitled “An act making provision for carrying into effect the act for the punishment of crimes.”

Passed December 4, 1807.

Preamble. WHEREAS persons sentenced to imprisonment at hard labor in the state-prison, may have at the time of their conviction property wherewith the costs of prosecution, and also the expenses of finding and providing clothing and other necessaries for the said offender might be paid in case he shall not have earned sufficient to discharge the same: And whereas it is highly just and reasonable that the property of those who have been convicted of offences against the laws of this state should be made liable to, and appropriated for the payment of the costs and expenses incurred thereby,

Prisoners property liable,
to execu-
tion,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That in all cases in which the offender shall have in his own right, any estate, real or personal, or both, the same shall be bound by the judgment against such offender from the time of rendering thereof, and shall be liable for the payment of the costs of prosecution and expenses of finding and providing clothing and other necessaries during the term of imprisonment; and that for the recovery of the said costs of prosecution in such case, the clerk of

the county in which the said judgment shall be rendered, or in which such property may be found, shall record the said judgment together with a certificate of the amount of the cost taxed by the clerk in the book of judgments of the court of common pleas of said county, and shall thereupon issue execution in the name of the state against the said offender as in other cases of debt; and where any offender now is or at any time hereafter shall be indebted, at the expiration of the term of imprisonment, or in case of a pardon being granted to him for the fine and costs of prosecution and of transporting said offender to the state-prison and for the finding and providing clothing and other necessaries for the said offender, or either of them; and the said offender shall have property sufficient to discharge the whole or some part thereof, it shall be the duty of the attorney-general upon application of the inspectors of the said state-prison and statement of the sum due and owing as aforesaid by any such offender, to file a declaration in debt in the clerk's office of the supreme court in the name of the state against such offender, and to serve a copy thereof upon the keeper of the state-prison, at least ten days before the term of the sitting of the justices of the said supreme court whose duty it shall be forthwith to deliver the same to the offender; and if the said offender shall not plead to the same during the term next after the filing and service of the said declaration, the said justices of the said supreme court shall render judgment thereupon for the amount with costs, and execution shall be issued as in other cases of debt.

proceeded
against by
the attor-
ney-gener-
al & sold.

2. *And be it enacted*, That it shall be the duty of the keeper of the state-prison to pay

Sheriffs to receive the costs, and pay to clerk. to the sheriff of the county wherein the conviction shall be had, such parts of the costs of prosecution, as may be due and payable to the court, clerk, cryer, sheriff, jurors and witnesses, and the said sheriff shall pay the same to the clerk of the county for the persons severally entitled thereto.

3. *And be it enacted*, That when in the opinion of the inspectors the enlargement of any prisoner sentenced to solitary imprisonment from any portion of the term of such solitary confinement by reason of sickness, bodily inability or other good cause may be necessary, it shall be lawful for the said inspectors at their discretion so to modify or proportion the solitary confinement as in their opinion may be necessary for the security or reformation of the said prisoner; any thing in the act to which this is a supplement to the contrary notwithstanding.

A Supplement to An act making provision for carrying into effect the act for the punishment of crimes, passed the fifteenth of February, one thousand seven hundred and ninety-eight.

Passed February 22, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That so much of the twelfth section of the above-recited act as provides that the keeper of the state-prison shall be entitled to five per centum on the sales of all articles manufactured in said prison, be and the same is hereby repealed.

[Rev. 271.
449. 451]

2. *And be it enacted*, That it shall be lawful for the inspectors of the state-prison to appoint an agent in any place where they may deem the same expedient, for the sale of any articles manufactured in the state-prison, and to allow to every such agent reasonable commissions on all sales by him made.

A Supplement to an act entitled "An act for incorporating the chosen freeholders in the respective counties of this state." [Rev. 265]

Passed March 1, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the several boards of chosen freeholders in and for their respective counties, and their successors in office, shall have full power and authority to sell and convey any lands, tenements, hereditaments, goods, and chattels, holden or hereafter to be held by them for their respective counties for the use of said counties. Boards of freeholders empowered to sell and convey any lands, &c. held by them for their respective counties.

AN ACT to incorporate "The Associates of the Jersey Company."

Passed November 10, 1804.

WHEREAS it is represented to this legislature, that Richard Varick, Jacob Radcliff, and Anthony Dey, have become the proprietors by purchase from Cornelius Van Vorst, of all that certain tract or parcel of land and meadow, situate, lying and being in the township of Bergen, county of Ber- Preamble.

gen, and state of New-Jersey, commonly called Powles-Hook, bounded on the east by Hudson's River, on the north by said river, or the bay commonly called Horsimus Bay, on the south by said river, or the bay commonly called Communipau Bay, and on the west by a line drawn from a stake standing on the west side of the small creek on the south-west side of the said tract, (from which stake the flag-staff on Ellis's Island bears south one degree twenty minutes east, and from which the chimney of the house of Stephen Vreeland, on Kaywan, bears south fifty-six degrees ten minutes west, and from which the steeple of the Bergen church bears north fifty degrees twenty-five minutes west) north twenty-six degrees thirty minutes east to Horsimus Bay aforesaid : Together with the right of ferry from the said tract or parcel of land, across Hudson's River and elsewhere, and the right and title of said Cornelius Van Vorst, under the water of the Hudson River, and the bays aforesaid, opposite the said premises, as far as the right of the said Cornelius Van Vorst extends. And whereas it is represented that the said Richard Varick, Jacob Radcliff, and Anthony Dey, have divided all the said premises into *one thousand* original shares, and have by certain articles of agreement associated and become associates in interest with divers other persons in the said shares, and the said associates having presented a petition to the legislature, praying to be incorporated for the purposes hereinafter contained, and such prayer appearing reasonable :

Sec. 1. BE IT THEREFORE ENACT-
 ED, *by the council and general assembly of
 this state, and it is hereby enacted by the au-* ^{Persons}
thority of the same, That the said Richard ^{incorpor-}
 Varick, Jacob Radcliff, and Anthony Dey, and ^{ated.}
 the said other persons interested with them in
 the said premises as aforesaid, shall be and
 hereby are constituted a body corporate, by
 the name and style of "*The Associates of the* ^{Name.}
Jersey Company," and by that name shall be
 known in law, and have power to sue and be
 sued, and to defend and be defended in all
 courts of law and equity, and in all actions
 and matters whatsoever, and may have a com-
 mon seal, and renew and alter the same at their ^{Privileges}
 pleasure, and by the same name shall be and ^{and}
 hereby are made capable in law to have, hold,
 purchase and enjoy, to them and their succes-
 sors, lands, tenements, and hereditaments,
 goods, chattels, and effects, of what nature or
 kind soever, and the same to grant, demise,
 alien or dispose of at pleasure, for the benefit
 of the said associates and their legal represent-
 atives, in proportion to their respective shares
 as aforesaid: *Provided,* That the lands, tene-
 ments and hereditaments, which it shall be
 lawful for the said corporation to hold, shall
 only be the said tract and premises herein be-
 fore described, with the privileges and appur-
 tenances aforesaid, and such as shall have been
 bona fide mortgaged to the said corporation by
 way of security, or conveyed to it by way of
 satisfaction for debts previously contracted, or
 purchased at sales upon judgments which
 shall have been obtained for such debts.

2. *And be it enacted,* That the said associates
 and their successors shall have power to make
 and lay out all streets and squares upon all and ^{powers.}

every part of the said premises, and to establish such as have already been laid out, and from time to time to regulate the same, and to direct and govern the levelling, pitching and constructing of the said streets, and the raising and levelling of all lots and grounds for buildings, as well public as private, and to order and regulate the building of all docks, piers and wharves, and all store-houses and buildings thereon, and generally to make such by-laws, orders and regulations, touching all and singular the said matters, not inconsistent with the constitution and laws of this state, and of the United States, as to them shall appear proper and necessary, and to enforce the same by any penalty or penalties which they may prescribe or direct for any breach or offence against the same, not exceeding twenty-five dollars for any one offence, to be sued for and recovered in any court of this state, having cognizance thereof, in the name of the said corporation, and for the use and benefit of the said company: *Provided*, That the powers granted by this section shall cease whenever the legislature shall deem it expedient to institute a more adequate and complete corporation for the purposes above expressed.

3. *And be it enacted*, That the said associates shall have the privilege of erecting or building any docks, wharves and piers, opposite to and adjoining the said premises in Hudson's River and the bays thereof, as far as they may deem it necessary for the improvement of the said premises, or the benefit of commerce, and to appropriate the same to their own use.

Preamble. AND WHEREAS it is represented, that the legal title of all and singular the said premises is now vested in the said Richard Varick, Ja-

May erect
docks,
wharves,
and piers.

cob Radcliff, and Anthony Dey, in trust for themselves and the said other persons associated with them as aforesaid, and it is represented to the legislature, that the purchase of the same from the said Cornelius Van Vorst could not be effected on any other terms than by securing to the said Cornelius Van Vorst, his heirs and assigns, an annuity of six thousand dollars, by a mortgage of the said premises, payable in quarter yearly payments from and after the first day of May next, and that the said Cornelius Van Vorst will not consent to any other security for the same, nor accept a principal sum adequate to the annual product thereof, but hath lately, for himself, his heirs and assigns, covenanted, to accept from the purchasers of lots in the said tract, their heirs and assigns, the ground rents charged on the same by the said associates, towards the payment of the said annuity, upon certain terms and conditions agreed upon by him and them, and that on payment of the same to him his heirs and assigns, such lots shall be discharged from any further responsibility on account of the said annuity :

AND WHEREAS it is represented, that the said associates have proceeded to make valuable improvements on the said premises, and are desirous to sell and dispose of a part of the same for the purpose of further settling and improving the same, and to provide by means of such ground rents an ample fund for the payment of the said annuity, and the security of purchasers, and to vest the whole of the said premises in the said corporation : And whereas, the settlement and improvements so made, and intended to be made, promise to be

of essential advantage to the commercial interest of this state :

4. *Be it therefore enacted*, That it shall be lawful for the said Richard Varick, Jacob Radcliff, and Anthony Dey, their heirs and assigns to grant and convey all and singular the said premises, with the privileges and appurtenances thereto belonging, to the said corporation and their successors and assigns, in trust for the said associates, and that the said corporation and their successors, shall in convenient and reasonable time, proceed to sell and dispose of so many of the lots laid out, or to be laid out on the said premises, charging each lot so sold with a reasonable and annual rent, less than its annual value, as shall produce in the aggregate, by means of the rents so reserved, a sufficient fund for the annual payment of the said annuity, or such part thereof as shall remain due and unextinguished ; and that such fund or such part thereof as shall be necessary for that purpose, shall, in the first instance, be applied yearly and every year to the payment of the said annuity, or so much thereof as shall be due and unextinguished ; and that the surplus of such rents in each year only, if there be any, shall be divided among the said associates, or their legal representatives, until the said annuity shall be released or extinguished ; and in case the same shall at any time be released or extinguished in part, that then a rateable proportion, and if released or extinguished in the whole, then the whole of the said fund arising or to arise from the said rents, shall be divided or otherwise disposed of among the said associates or their legal representatives, as a majority in interest shall direct,

To form a fund for the payment of the annuity to Cornelius Van Vorst.

in proportion to the number of the said shares held by them respectively.

5. *And be it enacted*, That all contracts heretofore made for the sale of any of the said lots by the said Richard Varick, Jacob Radcliff, and Anthony Dey, or in any way concerning the premises or the improvement of the same, shall be assumed and performed by the said corporation.

Contracts heretofore made to be valid.

6. *And be it enacted*, That the said associates and their successors, shall and may on the second Monday of December next, and on the first Monday of November in every year thereafter, elect nine of their number to be the trustees of the said company, who, or a majority of whom, shall have power to manage and conduct the affairs of the said corporation, by the name and style herein above mentioned, and to sell and dispose of the said premises in manner aforesaid, and to exercise all the powers granted to the said corporation by this act, under the regulations and restrictions herein contained, and to make rules and regulations for the government of their own board, and the time and mode of transacting business therein, and to appoint all necessary officers and agents for the purposes intended by this act; and that the first election of such trustees be held at Powles Hook aforesaid, under the direction of William S. Pennington, Silas Condit, and Alexander C. M'Whorter, or a majority of them, as the inspectors of such election, and every subsequent election under the direction of three inspectors, or any two of them, to be appointed by the existing trustees for that purpose, who shall give notice in one or more of the public newspapers printed in this state, and one or more of the public news

Associates annually to elect nine trustees.

Their powers.

Inspectors of election

papers printed in the city of New-York, at least thirty days previous to every such election, of the day and place of such election, and the hours during which the same will be held ; at which elections the said associates shall elect the said trustees by ballot, and that each associate may vote at such election in person or by proxy, and shall be entitled to one vote for each share he shall hold in the said company ; and the trustees so elected shall enter upon their offices on the first Monday thereafter in each year, or as soon after as they can conveniently be sworn into office ; and shall continue in office for one year from and after the time last mentioned, and until others shall be elected and sworn in their stead ; and the persons above named, for the purpose of conducting the said first election, and the inspectors to be appointed as aforesaid for every subsequent election, shall respectively be the judges of such elections, and a decision of them or a majority of them respectively shall be conclusive as to the right of suffrage of any elector, who shall offer himself to vote in his own right or by proxy at such election ; and the said inspectors or a majority of them respectively shall determine and certify the persons who by a plurality of votes shall be elected trustees as aforesaid, which certificate shall entitle every person so certified to be elected, to be qualified, and to act as a trustee for the succeeding year ; and each inspector before he enters upon the execution of his duty as such, shall take an oath or affirmation, as the case may be, that he will well and truly and according to the best of his knowledge execute the duty of an inspector of such election, which oath or affirmation the said inspectors are hereby authorized and emp-

Their
powers
and duties.

Oath of
inspectors.

powered to administer to each other respectively.

7. *And be it enacted,* That the trustees so to be elected, shall before they enter upon their respective offices severally take and subscribe an oath or affirmation, as the case may be, well and faithfully to execute the trusts reposed in them by this act according to the best of their skill and understanding; which oath or affirmation may be made before any judge of the supreme court, or of any inferior court, or before any justice of the peace within this state, who are hereby severally authorized and required to administer the same; and in case of the death, resignation or refusal to act of any person so elected, it shall be lawful for the remaining trustees, by a majority of votes, to appoint another in his stead.

Oath of trustees.

8. *And be it enacted,* That the clerk of the county of Bergen shall appoint a deputy, who shall be sworn as such, and reside and keep an office at some place within the district of country formerly distinguished by the name of the Island of Horsimus, and which includes Powles Hook, and which island is constituted and surrounded by a certain creek called the creek of the woods or Horsimus creek, and shall keep a proper book or books for the recording of all deeds, mortgages and other writings, which may hereafter be made or executed, relating to any real estate situated within the said district or any part thereof, and all deeds, mortgages, and other writings, relating to any such real estates, being proved or acknowledged, as the same are required to be proved or acknowledged by the laws of this state, for the purpose of recording or registering the same, and being recorded or register-

Clerk of Bergen county to appoint a deputy to reside and keep an office on Horsimus island.

To record deeds, mortgages, &c

ed in the said book or books, shall be as valid and effectual in the law as if the same were recorded or registered in the clerk's office of the said county of Bergen, and it shall be the duty of such deputy so to record or register the same; and the said clerk of the said county shall be responsible for the conduct of every such deputy to be appointed by him, and be entitled to the like fees as in other cases for the like services: *Provided always*, That no deed, mortgage, or other instrument in writing, respecting and containing land not situated within the district aforesaid shall be recorded in the office hereby established.

Shares
how to be
trans-
ferred,

and ex-
penses
how to be
defrayed.

9. *And be it enacted*, That the said shares of the said associates in the said premises shall be deemed and construed to be personal estate, and shall be transferable by them, their executors, administrators or assigns; and the said trustees may prescribe the mode in which such transfers shall be made, in a book or books to be provided for that purpose; and the said associates shall be liable to contribute in proportion to their respective shares to the fulfilment of all the contracts and to all the charges and expenses already made or incurred on account of the said premises, since the purchase of the same as aforesaid, from the said Cornelius Van Vorst, and upon every transfer of any share or shares hereafter to be made, the subsequent holder of the same shall in like manner be liable to contribute for the same to all charges and expenses which shall accrue on account of the said premises, during the time he shall hold such share or shares only, and also to the payment of the said annuity during such time, and no longer; and such share or shares shall be liable for the payment of such contributions,

and on failure thereof for the space of six months after a demand made of such payment, shall be forfeited to the said company : *Provided however,* That the said trustees shall not make or incur any further expenditures on account of the said premises without the consent of a majority of the holders of the said shares in interest.

10. *And be it enacted,* That all sales at auction to be made at Powles Hook and the said Island of Horsimus shall be free from any duty to be imposed by this state for the period of fourteen years from the passing of this act.

Sales at auction to be free from duties.

AN ACT concerning contracts of real estate, made by testators and intestates in their life-time.

Passed November 13, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That where any testator or intestate hath heretofore or hereafter may, in his or her life-time, have entered into a written contract, properly attested by two or more witnesses, for the sale or conveyance of any land lying and being within this state, it shall be lawful for the executors or administrators of every such testator or intestate, or for the purchaser or claimant of such land as aforesaid, after advertising the intention of their application, at least two months in five of the most public places in the county where the said lands shall lie, and at least in one of the public newspapers in circulation in said county, to apply to the judges of the orphan's court holden for said county, pro-

Application for fulfilment of any written contract, to be made to the orphan's court, after advertisement made.

Court to order proclamation for two terms.

 ducing the said contract to the court, and it shall be the duty of the judges of said court to order proclamation to be made in open court, for two terms successively, of the purport of the application so made, that if any person or persons can shew cause why the request of the applicant or applicants should not be granted, such person or persons may appear and support the same, at least within the third term after the application has been so made.

Court may decree a fulfilment of the contract,

 2. *And be it enacted,* That the said claimant or claimants, or their legal representatives or the legal representatives of the deceased, or either of them, may appear before the said court, who shall hear the allegations (or objections, if any) of said parties, and if the court shall find no sufficient cause to the contrary, they shall decree the fulfilment of the contract, and give judgment accordingly; which decree and judgment, together with the contract shall be entered of record in the minutes of the court, and the contract shall be filed in the clerk's office of said court, and the court shall thereupon order the executors or administrators, the survivor or survivors of them, or the legal representatives of the deceased, (upon the purchase money being paid or secured to be paid, agreeably to the tenor of such contract) to make as good and sufficient a deed of conveyance to the claimant or claimants, as the testator or intestate, in his or her life-time, could have done, any act or usage to the contrary notwithstanding.

And order a deed to be made for such lands.

 Fees of court.

 3. *And be it enacted,* That the said court for every such procedure or adjudication, shall be entitled to receive the same fees as are allowed by law for directing the sale of lands by

said court, to be paid equally by the parties so concerned.

[See alphabetical reference to private acts—title Contract.]

The object of most of the private acts passed under this title, could have been carried into effect by the orphans court under the provisions of this law.

AN ACT respecting Overseers of Roads.

Passed November 19, 1804.

[Rev. 328
Sec. 19.]

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That in the several townships of this state where they maintain their highways by labor, it shall be the duty of each and every overseer of the highways in the said township to keep a book in which he shall enter the name of every person liable to labor on the highways within his district, and the amount of labor done by each person that year; a transcript of which book the said overseer shall lay before the town committee, at their annual or some other meeting, near the close of the year, under oath or affirmation that the same is just and true to the best of his knowledge and belief; and shall also transmit a true copy of said book to his successor within twenty days after his appointment.

2. And be it enacted, That it shall be the duty of every overseer in the townships aforesaid to examine the book received by him from his predecessor, and to require those persons who shall appear not to have done their proportion of labor the preceding year to perform the same.

proportion of labor, to do the same. 3. *And be it enacted*, That if any overseer shall neglect or refuse to perform the duties required of him by this act, he shall forfeit and pay the sum of ten dollars, to be sued for and recovered with costs of suit by the clerk of said township, in the name and to and for the use of said township.

Penalty on overseer for neglect or refusal.

Compensation to the overseer.

4. *And be it enacted*, That seventy-five cents per day shall be allowed every overseer in those townships where their highways are maintained by labor, for every day in which such overseer shall be employed in the duties of his office, over and above his proportion of labor, as set forth in the said book.

AN ACT to authorize the establishment of post or stone guides and mile-stones on the public roads in this state.

Passed December 1, 1804.

Sec. 1. **BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That for the better accommodation of the citizens of this state and others travelling in and through the same, that the board of chosen freeholders of each and every county in this state shall have full power and authority to place or cause to be placed at the intersection of all such public roads and highways in their respective counties, as they in their discretion may deem proper, a post, or stone, and likewise a stone at the end of each mile on all roads as aforesaid, with inscriptions engraved or painted thereon, in legible characters, the name or names of the most noted or public place or

Guides and mile-stones, by whom and where to be erected

places to which such road may lead, and also the names of such other places as may be thought proper, with the estimated number of miles to such places respectively in figures.

2. *And be it enacted,* That the board of freeholders of the respective counties, or some person or persons by them appointed, shall superintend the erecting and keeping in repair such post or stone-guides and mile-stones, at the expense of the counties respectively. How kept
in repair.

3. *And be it enacted,* That if any person shall throw down, demolish, or deface any such post or stone guides, or mile-stones, appendages, letters or figures thereon engraved or painted, or be aiding or assisting in such offence, he shall pay a fine of ten dollars, to be sued for in an action of debt, by the overseer of the highway in whose district the offence has been committed, and when recovered to be applied to the use of the township. Penalty for
injuring
guides, &c.

4. *And be it enacted,* That if any overseer shall neglect or refuse, upon information being given to him, to prosecute as aforesaid, he shall forfeit and pay for every such refusal or neglect the sum of ten dollars, to be recovered by the clerk of the township, for the use of the township: but in case judgment shall be awarded against such overseer, then and in that case the cost arising thereon shall be paid by the township of which he is overseer, and be allowed in the settlement of his accounts. Penalty on
overseer
for neglect
&c.

AN ACT concerning the surrogate's office in
the several counties of this state.

Passed December 1, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

That in every county of this state where an office hath been or hereafter may be built, at the expense of any county in this state, of materials not liable to be destroyed by fire, and the same is or shall be finished and completed so as to contain two convenient apartments, one for the use of the clerk of the county, and the other for the use of the surrogate of the said county, and the same be situate within half a mile of the court-house of the respective county, the surrogates of the several counties, and their successors in office, shall and they are hereby required, upon notice in writing being given the said surrogate by the director of the board of chosen freeholders, to remove to the office so provided, all the books, records and papers appertaining to the office of the respective surrogate.

In counties where a fire-proof office is or shall be erected, surrogate to remove his papers thereto.

Penalty for neglect or refusal.

2. *And be it enacted,* That if any surrogate in any county of this state, shall neglect or refuse, for the space of thirty days, after receiving notice as aforesaid, to remove all the books, records and papers appertaining to his said office, to the office which hath been or may be built and completed as aforesaid, every surrogate so offending shall forfeit and pay for each day he shall so neglect or refuse, after the expiration of the said thirty days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders, in the county where the delinquency shall happen,

in his own name, to be applied, when recovered, to and for the use of the county.

[3. *Obsolete.*]

AN ACT supplementary to the act respecting slaves.

[Rev.307]

Passed December 3, 1804.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That when any certificate or deed of manumission, shall have been signed or hereafter shall be signed, by one overseer of the poor of the proper township, where one only shall have been or may be elected for such township, and any two justices of the peace of the proper county, then such certificate, and the instrument or deed of manumission, made or to be made in pursuance thereof, shall be good, effectual and available in law for the purposes specified and intended in and by the said act.

One overseer's signature to certificate or deed of manumission in certain cases sufficient.

2. *And be it enacted,* That if any instrument or deed of manumission heretofore made and executed, or hereafter to be made and executed, shall be acknowledged by the party or parties, who shall have executed it, or be proved by one or more of the subscribing witnesses to it, that such party or parties signed, sealed and delivered the same, as his, her or their voluntary act and deed, before some person lawfully authorized for that purpose, or one of the justices of the peace of this state, and if a certificate of such acknowledgment or proof shall be written upon or under the said instrument or deed, and be signed by the offi-

What instrument of manumission shall be received as evidence in court.

cer before whom it was made, then every such instrument or deed of manumission, so acknowledged or proved and certified, shall be received in evidence in any court of this state, as if the same were then and there produced and proved.

Clerks of counties to record instruments of manumission.

3. *And be it enacted,* That it shall be the duty of the clerk of the court of common pleas of the county in which the owner of the slave resided, at the time of executing the instrument of manumission, to record in a well bound book of good paper, to be provided for that purpose and carefully preserved, every such instrument or deed of manumission, acknowledged or proved, and certified to have been acknowledged or proved in manner aforesaid, together with the acknowledgment or proof, and certificate written on or under the same, which shall be delivered to him to be recorded, to which book every person shall have access at proper hours, and be entitled to transcripts from the same, on paying the fees allowed by law.

Such record or transcript thereof certified by the clerk to be received as evidence.

4. *And be it enacted,* That the record aforesaid of such instrument or deed of manumission, and the transcript of such record, certified to be a true transcript, by the clerk in whose office the said record is kept, shall be received in evidence, in any court of this state, and be as good, effectual and available in law, as if the original instrument or deed of manumission were then and there produced and proved.

Clerk to give a certificate for every instrument of manumission, &

5. *And be it enacted,* That the said clerk shall give a certificate to the person who shall bring any such instrument or deed of manumission, mentioning therein the time when it was delivered to him, or brought to his office

to be recorded, its date, and the names of the parties to it, and shall certify on or under the said instrument the day of the month and the year when he received it, and the name and number of the book, and page or pages, in which it is recorded, and shall, when recorded, deliver it to the party entitled to it, or his or her order.

6. *And be it enacted,* That for services done by virtue of this act, and the act to which it is a supplement, the following and no other fees shall be allowed:—

For recording every deed of manumission with the acknowledgement or proof and certificate, for every sheet, Fees.
five cents.

For every copy of the same or of the certificate, for each sheet, five cents.

For every receipt of a deed of manumission, six cents.

For every search, seven cents.

7. *And be it enacted,* That if any clerk shall neglect or refuse to perform any service or duty required of him by this act, or by the act to which this is a supplement, he shall for every such neglect or refusal, forfeit and pay fifty dollars, to be recovered, with costs, by action of debt, by the county collector, and paid to the treasurer of this state, for the use of the state, and also shall be liable for all damages which the party aggrieved shall have sustained by reason of the non-performance of such service or duty. Penalty on clerk.

[Rev. 94]. AN ACT to repeal an act, entitled "An act to confirm and establish the charter rights and privileges of the Borough of Elizabeth," so far as the same extends to that part of the said Borough lying within the limits of the township of Rahway.

Passed November 6, 1805.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act to establish and confirm the charter rights and privileges of the Borough of Elizabeth," passed the twenty-eighth day of November, in the year of our Lord seventeen hundred and eighty-nine, so far as the said act includes and relates to that part of the said borough lying within the limits of the township of Rahway, be and the same is hereby repealed.



AN ACT to alter the time of holding the annual town-meetings in the townships of Montague, Sandistown and Walpack in the county of Sussex.

Passed November 11, 1805.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the annual town-meetings in the townships of Montague, Sandistown and Walpack, in the county of Sussex, shall be held on the second Monday in March annually, any law to the contrary notwithstanding.

AN ACT to erect and set off a new township from the township of Mendham, in the county of Morris, to be known by the name of the township of Randolph.

Passed November 13, 1805.

WHEREAS a number of the inhabitants of the township of Mendham in the county of Morris, by their petition have set forth, that they have long labored under many and great difficulties by reason of the great length of the said township ; for remedy whereof,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Mendham in the county of Morris, lying to the northward of the following line, to wit :—Beginning in the line of the township of Chester, at or near a bridge on the western side of the township of Mendham, known by the name of Horton's bridge, and thence running north eighty degrees forty-two minutes east, to a place one rod north of Nathaniel Clarke's dwelling-house, and from thence on the same course to the line of the township of Morris in said county, shall be set off from the township of Mendham, and the same shall be made a separate township, to be called and known by the name of "The township of Randolph."

2. *And be it enacted,* That the inhabitants of the said township of Randolph shall be, and they are hereby vested with, and entitled to all the powers, privileges and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid township of Mend-

ham are subject and entitled to, and that the inhabitants of the said township of Randolph shall be, and they are hereby incorporated, styled and known by the name of the inhabitants of the township of Randolph in the county of Morris, and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled to, by virtue of an act entitled An act incorporating the inhabitants of townships, designating their powers and regulating their meetings, passed [Rev. 276] the twenty-first day of February, in the year of our Lord, seventeen hundred and ninety-eight.

[Remainder of this act relates to the time and place of the township meetings, division of property and apportionment of the poor.]

AN ACT to alter the boundary line between the townships of Randolph and Chester, in the county of Morris.

Passed March 5, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*
 Comp. 145 That all that part of the township of Randolph in the county of Morris, lying west of the following line, beginning at the bridge of William Coleman's, thence up the line between Thomas Logan and Barnabas Horton, until it strikes the road at the bridge near Elias Briants, thence up the road on the line of Barnabas Horton, until it strikes the line of the township of Chester, be and is hereby set off and annexed to the township of Chester.

AN ACT to erect and set off a new township from the townships of Hanover and Morris, in the county of Morris.

Passed February 12, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all the district of the above townships of Hanover and Morris, included within the following limits, viz. beginning at a pin oak tree, standing on the bank of Passaic river, on lands of Robert Moore's, near the corner of Moses Styles, about half a mile above Col. Cook's bridge, and running thence, south eighty-nine degrees west, to a cherry tree in the northwest corner of the garden, late the property of Dr Bern Budd, deceased; thence in a direct line to the cross roads by Daniel Crane's on Loan-tica hill; from thence south, eighteen degrees west, forty-seven chains and fifty links to a stake and heap of stones on the brow of the hill back of Zophar Freeman's house, from thence south, five degrees and thirty minutes east, to the line of Aaron Ball, esquire, on Long hill, thence on the same course to the Passaic river, to the corner of land of the widow Dunham, and land of Nathaniel Little, late the property of Jacob Brittin, deceased, a small distance above Bedell's bridge, thence down the river to the place of beginning, be, and the same is hereby set off from the above townships of Hanover and Morris, and erected into a separate township to be known by the name of the township of Chatham.

2. *And be it enacted,* That the inhabitants of the said township of Chatham, shall be and they are hereby vested with and entitled unto

**Powers,
&c.** all the powers, privileges and authorities, and shall be, and are hereby made subject to the like regulations and government, which the inhabitants of either of the aforesaid townships of Hanover and Morris are subject and entitled to ; and that the inhabitants of the township of Chatham shall be and they hereby are incorporated styled and known by the name of "the inhabitants of the township of Chatham in the county of Morris," and entitled to all the privileges, authorities and advantages, that the other townships in the said county are entitled unto by virtue of an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their [Rev.276] meetings," passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight.

[Residue of the act provides for town-meetings, division of property and of the poor.]

AN ACT to incorporate parts of the townships of Bridgewater and Bernard, in the county of Somerset, into a separate township, to be called the township of Warren.

Passed March 5, 1806.

Bounds. Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the townships of Bridgewater and Bernard, lying within the following boundaries, to wit : Beginning at Passaic river, at the corner of Somerset and Essex counties, thence up said river to Dead river, on the line between Somerset and Morris ; thence up

Dead river, to the bridge over the same, near the house of Thomas Gaultry; thence on the road southerly two hundred and thirty chains to Bridgewater line, and along the same as it runs on the top of the second mountain, to the brook below Aaron Coon's mill; thence down said brook seventy chains, to the east branch of Middle brook to Moses Rigg's saw-mill pond; thence south forty-eight degrees east, one hundred chains to Bound brook; thence up the same on the line of Somerset and Middlesex, to Green brook; thence up Green brook between Somerset and Middlesex, and Somerset and Essex, to the head of Green brook; thence north eighteen degrees west, one hundred and twenty-five chains, to the place of beginning—shall be and the same is hereby set off from the townships of Bridgewater and Bernard, and the same is hereby established a separate township, to be called by the name of the township of Warren.

2. *And be it enacted*, That the inhabitants ^{Privileges} of the township of Warren, shall be and they are hereby vested with and entitled to all the powers, privileges and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid townships of Bridgewater and Bernard are subject and entitled to, and that the inhabitants of the said township of Warren, be and they are hereby incorporated, styled and known by the name of "the inhabitants of the township of Warren, in the county of Somerset," and entitled to all the privileges, advantages and authorities, which the other townships in the said county are entitled to by virtue of the laws of the state. ^[Rev. 276]

[Usual provision made for town-meetings, allotment of the poor, and division of property, &c.]

AN ACT relative to the mode of dividing real estates of intestates situate in more counties than one.

Passed March 6, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

Division of
intestates' real property situate in more counties than one.

[Rev. 43]

That where any person seized of real estate in fee simple, situated in two or more counties, hath died or shall die intestate leaving two or more children or other heirs, any of whom being under age, before a division shall have taken place, the surrogate-general, on application, may order and direct a division of such real estate to be made, agreeably to the act, entitled, "An act to alter the law directing the descent of real estates," passed the twenty-fourth day of May, seventeen hundred and eighty; the metes and bounds of each child or heir's share, to be ascertained by three indifferent persons to be appointed by the surrogate-general, and a report made thereon in writing by them, or any two of them, to the surrogate-general, at the next prerogative court after such division shall be made, which said report, after being approved of by the surrogate-general, shall be conclusive to all parties concerned.

2. *And be it enacted,* That the division aforesaid may be made, either by dividing each tract or lot of land among the children or heirs of the intestate, or by assigning each child or heir the whole or a part of a tract or lot of land of the intestate, at the discretion of the persons appointed to make such division, which division shall be recorded in the clerk's office in each of the counties where the lands lie; for

To be recorded.

which the said surrogate-general and commissioners shall be entitled to receive for their services the same fees as are allowed by the act entitled "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphan's court in the several counties of this state," passed the sixteenth day of December, in the year of our Lord seventeen hundred and eighty-four. [Rev. 59, 63]

[*Sec. 3, Repeals the act of the same title of this law, passed 3d Dec. 1804.*]

A Supplement to an act entitled "An act the better to promote the impartial administration of justice," passed the tenth day of March, seventeen hundred and ninety-seven. [Rev. 269]

Passed March 6, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That no judge of any court of record in this state, who shall have formed and delivered his opinion upon any matter in question in any cause or controversy depending in such court, shall sit in judgment upon the trial or argument of such cause, or any point in controversy therein, whether such judge at the time of delivering such opinion was attorney on record or counsel for either of the parties in such cause, or not: *Provided always,* any matter or thing herein contained shall not be construed to prevent any judge from sitting on the trial of such cause, merely because he may have given his opinion in any other cause where the

same matter in controversy shall have come in question.

2. *And be it enacted*, That no judge of any court of common pleas in this state, shall act, as clerk of such court, or as attorney at law, or as counsellor in any cause in such court, in the county in which he is or shall be appointed a judge, any licence to practice, or any custom or usage to the contrary notwithstanding.

3. *And be it enacted*, That any challenge which shall be made by virtue of this act, shall be made and determined in manner directed by the third section of the act to which this is a supplement.

[Rev. 254]

AN ACT concerning Wrecks

Passed March 8, 1808.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

Court to
appoint a
wreck-
master.

That it shall be lawful for the courts of common pleas in the several counties of this state bordering on the sea and bays, and they are hereby required at their first courts hereafter to be holden in and for the said counties, and each and every year thereafter, to appoint one or more discreet and proper person or persons, not a judge of the said court, as commissioners of wrecks in their respective counties, for the next ensuing year, who shall severally enter into bonds to the state of New-Jersey, with two or more good and sufficient sureties, to be approved of by the said court, in the sum of twenty thousand dollars for the faithful discharge of the duties of their office, and

See act of
25th Feb.
1811.

which bond shall be deposited in the secretary's office. And it shall be the duty of the clerks of the aforesaid county courts to make out a certificate under the seal of said court, for each commissioner appointed as aforesaid.

2. *And be it enacted,* That it shall be the duty of the commissioners appointed as aforesaid, on application to them made, by or in behalf of any owner, supercargo or commander of any ship or other vessel, being stranded or in danger of being stranded, or in distress, to command any constable of the said county to summon as many men as shall be thought necessary to the assistance of such ship, vessel or cargoes, who are to be under the direction of the master, owner, supercargo, consignee, insurer or agent; and the said commissioner and all others who shall assist in preserving any ship or other vessel in distress, or their cargoes, shall be paid a reasonable reward, and in default thereof, the ship, vessel or goods, shall remain in the custody of the commissioner until all reasonable charges be paid or security given for that purpose to the satisfaction of the parties: and in case the parties shall disagree touching the amount of the reward to be paid to the person employed, it shall be lawful for the commander of such vessel saved, or the owner of the goods, or any other person authorized or interested, to choose one indifferent person, being a freeholder, and also for the commissioner to nominate one other indifferent person, being a freeholder, who shall adjust and ascertain the same, and if they cannot agree, the two men so chosen, shall appoint one other indifferent person, being a freeholder, to assist them in the said adjustment, and the decision of any two of them, shall be binding

Their
duties.

Compensation.

on all the parties, to be recoverable with costs in any court in this state, having competent jurisdiction of the same.

Further
duties.

3. *And be it enacted*, That the commissioners appointed as aforesaid, shall not take upon themselves any power or authority to advertise, or in any wise dispose of any ship, vessel or cargo, or any part thereof, where there is any owner, supercargo, consignee, insurer, agent or captain present, but in all things to aid and assist him or them as he or they may direct, and for such services such commissioner or commissioners shall be allowed a reasonable compensation.

Inventory
to be
taken.

4. *And be it enacted*, That every commissioner who shall aid and assist in saving any goods or other property, shall before the goods or other property is removed, make a true and perfect inventory of all the goods or other property that may be removed under his direction, which inventory shall describe the marks and numbers upon the respective packages or casks, the kind of goods or liquors that they contain, when that can be ascertained, and the quantity as near as the same is practicable, and shall sign his name thereto, which inventory he shall carefully transcribe into a book by him to be kept for that purpose, which book shall be subject to be inspected by any owner, supercargo, consignee, insurer or commander, or other person interested in the said goods or property, and shall also be laid before the court of common pleas of the county where the said commissioner was appointed at the term in which his commission expires for their inspection.

5. *And be it enacted*, That if any person besides those employed by the commissioners

or one them, shall enter or endeavor to enter on board any vessel in distress or stranded, without leave of the captain, commanding officer, owner, or any other person authorised or interested, or in case any person shall molest them in saving such ship, vessel or goods, or shall wilfully deface the marks of any such goods before they are taken down in a book by the commissioner or other person concerned, every such person shall forfeit and pay the sum of one hundred dollars, to be recovered with costs, by action of debt, in any court where the same may be cognizable, to the use and benefit of the owner of the ship, vessel or goods, as the case may be, and in case of failure to pay such forfeiture immediately or to give security to pay the same, within twenty days, he or they shall be committed to the county gaol, not exceeding six months. And in case any goods shall be found upon any person that were stolen or carried off from any ship, vessel, or vessel in distress or stranded, the person upon whom such goods shall be found, shall upon demand, deliver the same to the owner or commissioner, or to such other person as shall be authorized by the owner or commissioner to receive such goods, and shall be liable to pay double the value thereof, with costs as aforesaid.

6. *And be it enacted,* That should any vessel or other property be cast on shore within the limits of any of the aforesaid counties without any person present to claim the same as owner, supercargo, consignee, insurer, agent or captain, the commissioners, or one of them shall take possession thereof, and after causing an inventory and record to be made as is prescribed in the fourth section of this act, he or they

Penalties.

Stealing goods.

Vessels or property cast on shore, how to be taken care of.

shall cause a true description of the marks, numbers and kinds of such goods and vessel to be advertised in one or more of the public newspapers in this state, and in one or more public newspapers when the value of the goods exceeds the sum of five hundred dollars, in the cities of New-York and Philadelphia, for the space of four weeks, and if no person shall claim the same, within twelve months, public sale shall be made thereof, but if perishable, the goods shall be sold after being advertised in two or more public places in said county, not less than five days nor more than twenty days as circumstances may require, and after all reasonable charges deducted, the residue of the money with an account of the whole, shall be transmitted by the commissioner, to the treasurer of this state, and the said treasurer shall make a record and keep an account of the same, for the benefit of the owner, who, upon proof of his property to the satisfaction of the commissioner, together with two justices, shall by their warrant or order receive the same, on paying to the treasurer one per cent for his trouble ; and should no person claim the same within one year from the date of the advertisement, the same shall be for the use of the state.

7. And be it enacted, That when any person or persons shall find any stranded property on or near the sea, or bay-shore, or in any inlet, creek or sound, above the value of ten dollars, and no owner appearing to claim the same, he or they, shall, as soon as possible, give information thereof to the nearest commissioner, for which he shall be entitled to his reasonable charges, to be ascertained in manner before directed ; and should any person finding stranded goods or other property as aforesaid, con-

Stranded
property.

conceal the same or convert them to his own use, or fail within four days to give information thereof to the nearest commissioner of wrecks in such county, on proof thereof had, he or they shall pay to the commissioner discovering the same, double the value of such property, to be recovered as aforesaid for the use of the state, if no owner appear and proves his property for the space of one year.

8. *And be it enacted,* That if any person or persons shall steal or embezzle any stranded property, or conceal the same, knowing it to have been stolen, such person or persons upon due proof thereof shall forfeit and pay to the owner or commissioner double the value of the stolen goods so proved against him or them, or found in his or their possession, to be recovered before any justice of the peace or any other competent jurisdiction, and the person or persons so feloniously taking or concealing the same, shall moreover be liable to be prosecuted on behalf of the state, and suffer as in other cases of theft.

9. *And be it enacted,* That should any commissioner appointed as aforesaid, either by fraud or wilful neglect, abuse the trust reposed in him, he shall, upon conviction thereof, forfeit and pay double damages to the party aggrieved, to be recovered with costs, by action on the case, in any court of record, and shall thereafter be incapable of acting as a commissioner: And any constable or other person summoned as aforesaid, refusing or neglecting to give the assistance required for the saving any vessel or her cargo, shall forfeit and pay the sum of five dollars, to be recovered by any commissioner before any justice of the peace

Stealing or
embezz-
ling.

Penalty on
commis-
sioner.

On consta-
ble, &c.

in the county where such duties shall be required, to and for the use of the state.

10. *And be it enacted*, That the commissioners so appointed, shall, before they enter upon the duties of their office, respectively, take and subscribe the following oath or affirmation, to wit :—

Oath.

“ I, A. B. do solemnly swear, or affirm, that I will truly and faithfully discharge the duties of a commissioner of wrecks, in the county of _____ agreeably to law, to the best of my skill and abilities : So help me God.”

Compen-
sation.

And the commissioners appointed as aforesaid in their respective counties, where there may be any stranded or wrecked property cast on shore, or any such property coming into their hands where there appears no owner to claim the same, that such commissioner for his trouble shall receive a reasonable compensation to be agreed on by the parties, or as is directed in the second section of this act.

Fa'se
lights, &c.

11. *And be it enacted*, That if any person shall put up false lights in order to bring any vessel into danger, or shall prevent the escape of a person who shall endeavor to save his life from any vessel so stranded, in danger of being stranded, or in distress, or shall wound such person with intent to kill him, or shall make or assist in making a hole in any vessel in distress, or steal her pumps, or wilfully do any act or thing tending to the immediate loss of such vessel, or whereby such vessel shall be lost or destroyed, then every person so offending shall be guilty of a misdemeanor, and on conviction shall be punished by fine, not exceeding one thousand dollars, and by imprisonment at hard labor, not exceeding three years.

12. *And be it enacted*, That this act shall not take effect, except so far as relates to the appointment of commissioners, until the first day of June next; and that the act, entitled, ^{When to} "An act concerning wrecks," ^{be in force} passed the thirty-first day of May, one thousand seven hundred and ninety-nine, shall after the said first day of June next, be, and the same is hereby repealed and made void. [Rev. 385]

AN ACT to amend an act entitled An act concerning wrecks.

Passed November 28, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That no person who shall be related within the third degree, to any person or persons claiming salvage or reward for preserving any vessel or saving any goods, agreeable to the act entitled An act concerning wrecks, passed the eighth day of March, eighteen hundred and six, or any person or persons having received ^{Comp. 152.} salvage or a reward for saving any vessel or goods within three years preceding the time that he is chosen or called upon, shall be considered as indifferent and eligible to adjust and ascertain the reward to be allowed to persons employed under the directions of the before-recited act, any thing therein contained to the contrary in any wise notwithstanding.

A Supplement to the act entitled An act concerning Wrecks, passed March eighth, eighteen hundred and six.

Passed February 28, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the bond to be executed by the commissioner or commissioners to be appointed by the court of common pleas, agreeably to the

Comp. 152, first section of the act to which this is a supplement, shall be in any sum not less than five thousand dollars and not exceeding twenty thousand dollars, at the discretion of the court.

2. *And be it enacted,* That so much of the

Comp. 152, first section of the act concerning wrecks, passed March the eighth, eighteen hundred and six, as comes within the purview of this act, shall be and the same is hereby repealed.

A Supplement to the act, entitled, "An act relative to the supreme and circuit courts," passed the sixth day of June, seventeen hundred and ninety-nine.

Passed March 10, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the supreme court of this state shall consist of a chief-justice and two associate justices.

2. *And be it enacted,* That that part of the

[Rev. 393, act entitled "An act relative to the supreme
Sec. 1] and circuit courts," passed the sixth day of June, in the year seventeen hundred and nine-

ty-nine, which requires that the supreme court of this state shall consist of a chief-justice and three associate justices, shall be and the same is hereby repealed.



AN ACT respecting clerks of the court of common pleas and general quarter sessions ; also to provide for recording the warrants of attorney, pleadings, proceedings and judgments in the county of Hunterdon.

Passed March 10, 1806.

WHEREAS it has been represented to the legislature, that from the neglect of the late clerk of the county of Hunterdon, the warrants of attorney, pleadings, proceedings and judgments, in civil causes, which have been determined in the inferior court of common pleas of said county, since the fourteenth day of February, Anno Domini, seventeen hundred and ninety-nine, have not yet been recorded as the act of the legislature entitled [Rev 355] "An act to regulate the practice of the courts of law," requireth ; in consequence of which, parties, having resorted to the proper tribunals established by law for the recovery of their rights, and having established the justice of their demands, are deprived of that security for those demands which they are entitled to, and which the regular and final entry of the judgment on record is alone calculated to afford : Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

That the clerk for the county of Hunterdon for the time being, is hereby authorized and required to enter the warrants of attorney, declarations, pleadings, proceedings and judgments, which by the neglect of the late clerk of said county, have not been recorded agreeably to the seventy-sixth section of an act entitled "An act to regulate the practice of the courts of law," passed the fourteenth day of February, seventeen hundred and ninety-nine; for which service the said clerk shall receive from the county of Hunterdon, the sum of fifty cents, for each entry by him made agreeably to the provisions of this act, to be paid by the county collector thereof, upon a certificate to him directed, by the judge or judges of the court of common pleas of said county, who shall sign said judgments, certifying the number so entered by the said clerk, and by him or them so signed.

2. *And be it enacted*, That from and after the passing of this act, every person who shall be appointed clerk of the court of common pleas and general quarter sessions for either of the counties of this state, shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the state of New-Jersey, before two of the judges of the court of common pleas of the county, for which he shall be appointed, with at least two good and sufficient sureties, being freeholders in such county, jointly and severally, in the sum of five thousand dollars, to be approved of by the said judges; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed, shall, together with the oath or affirmation of office when subscribed,

Clerks of
counties to
give bond

[Rev. 363]

be recorded in the secretary's office, and filed in the same, to be by him kept among the public papers of his office. And if any of the said clerks before they enter into the security aforesaid, shall perform any of the duties required of him or them by law in said office, he or they shall, for every such offence, forfeit and pay for the use of the state, the sum of one hundred dollars, to be recovered by any one of the judges of the court of common pleas of such county where such offence is committed, in an action of debt, with costs of suit.

3. *And be it enacted*, That the bond to be entered into as aforesaid by the said clerks and their sureties with the condition thereof, shall be in the form following, that is to say :

Know all men by these presents, that we A. B. C. D. and E. F. of are held and firmly bound unto the state of New-Jersey, in the sum of five thousand dollars, money of the United States, to be paid unto the state of New-Jersey, to the which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents : Scaled with our seals, dated the day of in the year of our Lord one thousand eight hundred and

Form of
bond.

The condition of this obligation is such, that if the above bounden A. B. shall well and truly execute the office of clerk of the court of common pleas and general quarter sessions for the county of and in all things touching and concerning the said office, shall, well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons concerned as to the said state of New-Jersey, and at the expiration

of his said office, shall deliver all the books, papers and records remaining in the same, or appertaining thereto, to his successor in office; then this obligation to be void, otherwise to be and remain in full force and virtue.

Clerks to
deliver to
their suc-
cessors
their pa-
pers, &c.

4. *And be it enacted,* That the said clerks, upon the expiration of their office, shall, in the presence of one of the judges of the court of common pleas of which they were clerks, respectively deliver to his successor, the books, papers, records and every thing appertaining to said office; which judge shall certify under his hand and seal, the said delivery to have been done agreeably to law; which certificate, together with the receipt from his said successor shall be recorded in the secretary's office of this state.

[Rev. 400] 5. *And be it enacted,* That so much of the fifteenth section of the act, entitled "An act respecting conveyances," passed the seventh day of June, in the year seventeen hundred and ninety-nine, as comes within the purview of this act, shall be and the same is hereby repealed.

Repeal.

Comp. 161

A Supplement to the act respecting the Clerks of the Court of Common Pleas and General Quarter Sessions, passed the tenth day of March, eighteen hundred and six.

Passed November 27, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the clerks of the courts of common pleas and quar-

ter sessions in the several counties of this state shall, and they are hereby required to enter of record in a book to be kept by them for that purpose, all bonds given to the state of New-Jersey by the sheriffs who shall be hereafter elected, for the fulfilment of their several duties, as required by the act passed the eighteenth day of March, seventeen hundred and ninety-six.

Clerks of counties to record sheriffs' bonds.

[Rev. 201]

2. *And be it enacted,* That the record aforesaid of such bond, and a transcript of such record, certified to be a true transcript by the said clerk, in whose office the record is kept, shall be received in evidence in any court of this state, and be as good, effectual and available in law, as if the original bond were then and there produced and proved.

Transcript of such record good evidence.

3. *And be it enacted,* That the said clerk, for recording said bond, shall receive from the sheriff so elected, the sum of thirty cents, and no more,

Compensation.

AN ACT to amend the charter granted for the incorporation of the freeholders, inhabitants of the township of Bergen.

Passed March 12, 1806.

WHEREAS the present trustees of the freeholders, inhabitants of the township of Bergen, by and with the consent and approbation of the said freeholders, duly convened, have by their petition to the legislature of the state of New-Jersey, set forth that so early as the fourteenth day of January, in the twelfth year of the reign of Queen Anne, the said freeholders, inhabitants of the town-

Preamble.

ship of Bergen, obtained a charter of incorporation, giving and granting to them certain rights privileges and immunities therein contained, and incorporating them, the said freeholders, under the name and style of "The Trustees of the Freeholders, inhabitants of the township of Bergen," which said charter was shortly afterwards, to wit, on the twenty-ninth day of January, seventeen hundred and thirteen, in all things confirmed by an act of the legislature of the then colony of New-Jersey, under which said charter of incorporation, certain real and personal property hath been since and now is held by te said frecholders; And whereas among other provisions in the said charter, the seven persons therein named as trustees of the said freeholders, and their successors when appointed, held their offices for life, and that upon the death or other avoidance of any of the said trustees, their places were to be filled up by an election of the freeholders, summoned for that purpose by the constable or constables of the town, only by the order of the surviving trustees; and the said petitioners did further set forth, that the said provision in the said charter relative to the time that the said trustees should hold their offices, and the mode of continuing their succession to office, corresponded only with the monarchical period of the government in which it originated, and did not comport with the spirit of the democratic republican form of government now so happily established, and was repugnant to the feelings of the petitioners; and the said petitioners did further set forth that the said freeholders had lately attempted to ameliorate

the mode of appointing the said trustees established by the said charter, by electing them at the annual town-meeting, without being particularly summoned by a constable under the order of the existing trustees, and that it had become doubtful, whether or not by so doing, the existence of the corporation had not become questionable, and the important rights, interests and estates by the said corporation held and enjoyed, affected and jeopardized; the petitioners therefore prayed, that the legislature would pass a law to amend the said charter in relation to the election of the said trustees and re-establish all the rights, interests and estates, now actually held and enjoyed under the said charter, and would also confirm the last election by the freeholders of the said trustees for the current year. And whereas it appears to the legislature that the contents of the said petition are true, and that the particular circumstances and inconveniences under which the said corporation labors, furnish a case highly proper and fit for the legislative amendment and interference; Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

That from and after the passing of this act, it shall and may be lawful for the freeholders, inhabitants of the township of Bergen, on every first Monday in May, hereafter, at the hour of ten o'clock in the forenoon, to meet and assemble at the same place where the annual town-meeting for the said township is held, and then and there by a plurality of the

Freeholders when and where to meet.

votes of the said freeholders, then met and assembled, to elect and choose out of the whole body of the said freeholders seven persons as trustees of the freeholders inhabitants of the township of Bergen ; which said seven persons when so elected and chosen, shall be and continue in office, for the term of one year next after such election, and for and during said term of one year, shall be invested with and shall hold and enjoy all the rights, privileges powers and authorities whatsoever, which by the before mentioned charter of incorporation, and the act confirming the same, were granted and invested in the seven persons therein named, and their successors, duly appointed conformably to the said charter, any thing in the said charter or in the act confirming the same, to the contrary in any wise notwithstanding.

To elect trustees.

Powers.

Vacancies

2. And be it enacted, That in case any one or more of the offices of the said seven trustees shall become vacant by death, resignation or otherwise, it shall and may be lawful for the remaining trustees, or a majority of them, to order and direct the person officiating as clerk to their board, to put up written notices in three of the most public places in the township at least ten days before the day of meeting, advertising to the freeholders of the said township the time and place of their assembling, for the purpose of choosing fit persons to fill up such office or offices which have become vacant as aforesaid ; and any person or persons so elected to such vacant office or offices, shall be and remain a trustee or trustees, and shall have all the power incident to the office of a trustee till the next general election of trustees shall take place.

3. And be it enacted, That the said charter of

incorporation, with all the powers, authorities, privileges, rights, interests and immunities therein contained, except as herein before altered, amended and provided for, and excepting also so much of said charter as may be repugnant to the constitution of this state and of the United States, shall be and remain firm, valid, confirmed and effectual to all intents and purposes whatsoever.

Charter
how far
continued

Present
trustees.

4. *And be it enacted*, That John Van Houten, Garret I. Van Rypen, Peter Sip, Jacob Van Wagener, Jerry Van Winkle, John Van Horn, and Casparus Prior, the persons appointed and chosen trustees of the freeholders inhabitants of the township of Bergen, by a vote of the said freeholders, and now acting as such trustees, shall be and remain trustees of the said freeholders, inhabitants of the township of Bergen, with the same powers and authorities as if they and each of them had been appointed to the office of trustee aforesaid after the manner and form prescribed by the aforesaid charter of incorporation; and they the said above named persons shall remain and continue trustees aforesaid till the next general election ordained and established in and by this act.

5. *And be it enacted*, That all deeds, mortgages, bonds, bills, notes of hand, securities, engagements and contracts, of every nature and kind, and all interests, property and estates, real and personal, of every nature and kind, given, granted to, had, held, possessed or enjoyed, by the said incorporation, shall be vested in, continue and remain to the said incorporation, in the same manner and form, in all respects and to all intents and purposes, the same as if the aforesaid trustees and their pre-

Property
vested in
the trustees.

decessors in office, had from time to time been duly elected and appointed to office, according to the mode and plan prescribed by the aforesaid charter ; and all grants, conveyances, mortgages, bonds, notes, contracts, and engagements of every nature and kind, given, made, done and entered into, by the persons acting as trustees of the freeholders, inhabitants of the township of Bergen, under an election of the said freeholders, shall be as firm, valid and effectual, to all intents and purposes, against the trustees hereby ordained and established, and their successors, as if the same trustees, so elected by the said freeholders, had been duly appointed according to the manner and form prescribed in and by the charter aforesaid.

AN ACT for the publication of law reports.

Passed March 12, 1806.

Preamble. WHEREAS the publication of the reports of adjudicated cases in the supreme court of judicature of this state, especially those that relate to causes removed from the courts for the trial of small causes into the said supreme court is highly necessary for the information of the citizens of this state, as also for the justices of the said courts for the trial of small causes, the suitors and officers thereof ; Therefore,

Reporter to be appointed. Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, there shall be appointed by the joint-meeting of the council and general assembly of this state, and commissioned by the governor of

the same, annually, a fit and proper person, skilled in the laws of this state, to collect and compile in regular order, all such cases as shall be adjudicated in the said supreme court, with the opinion of the justices of the said court thereon as shall arise on causes removed from the several courts for the trial of small causes in the several counties in this state, by certiorari, as he shall think will tend to promulgate useful information to the citizens of this state; and also to collect and compile as aforesaid the cases on all other important and intricate subjects, with the opinions of the justices of the said court thereon; and to furnish the printer of the state-laws, with such cases and opinions regularly digested with a proper index to the same, yearly; and it shall be the duty of the said printer, to print the same with the said laws, at the end thereof, that they may be distributed in the same manner as the said laws are distributed, for which the said printer shall be compensated at the same rate, and in the same manner as for printing the laws of this state.

His duties

Reports to be printed.

2. *And be it enacted,* That it shall be the duty of the justices of the said supreme court, from time to time, to furnish the person so as aforesaid appointed, with the reasons in writing for the reversal or affirmance of all judgments brought into the said supreme court by certiorari directed to any justice of any court for the trial of small causes, and also their opinions in writing on all important and intricate cases determined by them in the said court.

Justices of the supreme court to furnish their judgments and opinions.

3. *And be it enacted,* That the person so appointed shall receive as compensation for such service, the sum of one hundred dollars,

Compensation of reporter.

annually, to be paid by the treasurer of this state, on a certificate signed by the governor or vice-president, by order of council, seven of whom shall be a quorum.

AN ACT to revive and continue in force an act entitled "An act to authorize aliens to purchase and hold real estate within this state."

Passed November 7, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*
 [Rev. 123 That the act entitled An act to authorize aliens
 452] to purchase and hold real estates within this state, passed the sixth day of February one thousand seven hundred and ninety-four, be, and the same is hereby revived and continued in force for five years,* and from thence to the end of the next session of the legislature: *Provided always nevertheless,* That any foreigner or foreigners, alien or aliens, shall, previously to such purchase or purchases, declare his or their intention to become a citizen or citizens, agreeably to the existing laws of the United States on that subject.

* Will expire in 1812.

AN ACT to incorporate a part of the township of Newark, in the county of Essex, in a separate township, to be called the township of Orange.

Passed November 26, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Newark, in the county of Essex, lying and being within the following boundaries, to wit: Beginning at a spring called the Boiling Spring, on the land of Stephen D. Day, running thence in a straight line southwardly to the bridge in the highway near David Peck's; thence running southwardly in a straight line to a bridge in the highway near Sayres Roberts, in Camp-town; thence southwardly in a straight line to Elizabeth township line, where it crosses Elizabeth river; thence along the line of Elizabeth township to the line of Springfield township; thence along the same to the line of Caldwell township; thence along the line of said township to a point on the first mountain called Stephen Crane's Notch; thence southwardly to Turkey Eagle rock; thence eastwardly to a bridge in the highway near Phineas Crane's; thence eastwardly to a bridge in the highway between the house of Silas Dod and Nathaniel Dod; thence in a straight line to the Boiling Spring, the place of beginning; shall be and the same is hereby set off from the township of Newark, and the same is hereby established a separate township, to be called the township of Orange.

Boundaries.

Name.

2. *And be it enacted,* That the inhabitants of the township of Orange shall be and are hereby invested with and entitled to all the

**Powers,
privileges,
&c.** powers, privilegss and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of the aforesaid township of Newark were subject and entitled to; and that the inhabitants of the township of Orange be and are hereby incorporated, styled and known by the name of the inhabitants of the township of Orange, in the county of Essex, and entitled to all the privileges, advantages, and authorities that the other townships in the said county are entitled to by virtue of an act entitled An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings, passed the twenty-first day of February, one thousand seven hundred and ninety-eight.

[Rev. 276]

[*Rest of the act, relates to town-meetings, division of money and poor.*]

AN ACT concerning the eastern boundary of the state of New-Jersey.

Passed November 21, 1806.

Preamble. WHEREAS king Charles the second, granted to James duke of York sundry tracts of land in America whereof the now state of New-Jersey and the now state of New-York were then part, together with all the islands, soils, rivers, waters, harbors, royalties and certain powers of government in and over the same: And whereas James duke of York granted the then province and now state of New-Jersey, being described in the said grant as a tract of land adjacent to New-England, and lying and being to the westward of Long-Island and Marhattan's-Island, and bounded on the east in part by the main sea and in part by Hudson river, to-

gether with the said royalties and powers of government over the same, to John lord Berkley and Sir George Carteret, and their assigns, who used and exercised all such royalties and powers of government until they surrendered the same unto the crown of Great-Britain: And whereas afterwards the said respective provinces of New-Jersey and New-York became several independent sovereign states, in virtue whereof and of the premises aforesaid the said state of New-Jersey became vested with full right and lawful authority to exercise jurisdiction in and over the said Hudson river and the said main sea, and all the ports, harbors and havens lying adjacent to and along the Jersey shore and coast in such manner as belongs to a sovereign and independent state to use and exercise: And whereas it is highly expedient that the state of New-York and the state of New-Jersey should enter into a mutual agreement in respect to the exercise of their several and respective jurisdictions and their several claims of territory wherever they may be supposed to interfere, in such way as may best promote mutual accommodation, harmony and good understanding between them forever:—To these ends, therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That Aaron Ogden, William S. Pennington, James Parker, Lewis Condict, and Alexander C. Macwhorter, esquires, or a majority of them, Commissioners, their powers and duties. be commissioners with full power and authority in behalf of New-Jersey, to meet and make

a final agreement in regard to the premises, with commissioners in behalf of the state of New-York, to be appointed by a law of that state with like full powers, if to them it shall seem expedient, in such manner as finally to settle the limits and extent within which they shall exercise their rights of jurisdiction respectively in and over all the waters lying and being between the shores of the said states respectively, and further, finally to settle and determine the eastern boundary line of the state of New-Jersey as to them by mutual agreement may seem just and reasonable; which agreement in writing, signed and sealed by the said commissioners respectively, if made on or before the fifteenth day of November next, shall become binding on this state when confirmed by the respective legislatures of New-York and New-Jersey.

2. *And be it enacted*, That the said commissioners do meet at such times and places as may be mutually agreed on between them.

3. *And be it enacted*, That the governor of this state shall immediately transmit to the governor of New-York a copy of this act, duly certified, in order that he may lay the same before the legislature of that state at their next session; and that the said governor of this state, have power to appoint a commissioner or commissioners for the purposes aforesaid in behalf of the state of New-Jersey in the room of any commissioner or commissioners named herein who may die or decline to act as such.

Duty of
governor.

AN ACT to preserve and support the jurisdiction of this state.

Passed December 3, 1807.

WHEREAS the meetings of the commissioners lately appointed on the part of this state, and of the state of New-York, respectively, have failed to produce an amicable adjustment of the *eastern boundary line of this state* : And whereas it has now become highly expedient to bring the existing controversy respecting the said boundary line, to a legal conclusion and determination, and in the mean time necessary to preserve the lawful jurisdiction of this state, free from all interruption and usurpation : Therefore,

Comp. 175.

Preambles

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the boundary lines of the county of Bergen, are hereby declared to be the middle or midway of the waters adjoining the said county.

Boundary line.

2. *And be it enacted,* That if any person not authorised under the authority of this state, or of the United States, shall execute, or attempt to execute any legal process within the state of New-Jersey, such person shall be deemed guilty of a misdemeanor, and being thereof duly convicted, shall be sentenced to pay a fine not exceeding two thousand dollars, and to imprisonment at hard labor in the state-prison not exceeding seven years : *Provided,* that nothing in this act shall extend to any person who shall serve a process for the attendance of a witness before any court of justice, or may be proceeding against any person

Penalty for intrusion.

who has escaped or may be attempting to escape from his bail.

Duty of magistrates.

3. *And be it enacted*, That it shall be the duty of all magistrates, sheriffs and constables within this state, to cause to be apprehended and secured for trial, all offenders against this act.

Appropriation of money.

4. *And be it enacted*, That the sum of three thousand dollars be appropriated under the direction of the governor of this state, for the time being, who is hereby authorised and empowered, at his discretion, to prosecute and defend to final issue or judgment, any suit or suits which he may deem necessary for trying and finally determining the said jurisdictional line between this state and the state of New-York.

Negotiation.

5. *And be it enacted*, That if the state of New-York shall, at any time before the first day of May next, empower commissioners to renew or enter into friendly negotiation with the state of New-Jersey, for the settlement of the aforesaid eastern boundary, it shall in that case be lawful for the governor, or person administering the government of this state, on receiving due *notice thereof, to renew the powers of the commissioners appointed for that purpose at the last session of the legislature, and to authorize them to settle the controversy; and that he be also empowered to stay proceedings at law, if he deem it expedient, whilst such negotiations are pending.

Comp. 175

[* *No notice received.*]

A Supplement to an act entitled An act to enable the owners of tide swamps and marshes to improve the same; and the owners of meadow already banked in, and held by different persons, to keep the same in good repair—passed the twenty-ninth day of November, one thousand seven hundred and eighty-eight. [Rev. 84]

Passed November 27, 1806.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be lawful for the owners or possessors of two-thirds of any body of meadow, who have subjected or shall subject themselves to the before-recited act, and in all cases where the commissioners have or may lay off to each owner or possessor their proportion of such bank, sluices, water-works and water-courses to uphold and maintain, to certify under their hands to the clerk of the court of the county in which such meadow shall lie, that they have agreed to become subject to this supplement; which certificate it shall be the duty of such clerk to record in the road book of such county, for which he shall receive the same fees per sheet as are allowed by law for the recording of deeds. Acceptance of this act how to be certified.

2. *And be it enacted,* That after such a certificate shall have been recorded as aforesaid, it shall be lawful for any owner or possessor to call a meeting of such company by serving each owner or possessor with a notice in writing or leaving the same at his or her dwelling-house or usual place of abode, setting forth the time and place of such meeting, at which time and place the said company shall by plurality Meeting to choose managers and clerk.

of voices of those who shall meet, proceed to the choice of two managers, being owners or possessors in the said company, to continue for the term of one year, or till others shall be chosen; and in case of the death, removal or disability of any manager chosen in manner aforesaid, a meeting of the company may be called in the manner herein before directed, for the purpose of choosing a manager to supply such vacancy, and every manager so chosen shall be vested with the same powers, perform the same duties, and be subject to the same penalties as if he had been elected in the manner herein before mentioned or at any annual meeting of the company; and the said company shall choose a clerk in the same manner as managers are hereby directed to be chosen, who shall record all their proceedings in a book to be provided for that purpose; and every manager in performing any of the duties in this act required, shall receive one dollar per day, and in case of neglect or refusal to perform such duties after being thereunto required, he shall forfeit and pay for every such neglect or refusal the sum of fifteen dollars, to be recovered by action of debt, by any owner or possessor who shall sue for the same, to be applied toward the support of the sluices and waterworks of the company.

Fees and penalties.

3. *And be it enacted*, That it shall and may be lawful for all managers appointed agreeably to this act, to view the banks, waterworks and water courses and to see that they are kept in good repair, and if any owner or possessor shall neglect or refuse to repair his or her bank, water works, or water courses laid off to him or her as aforesaid, then it shall be lawful for the manager or managers, after five days 99.

Duties of managers.

notice in writing being given to such owner or possessor, to enter on the premises and do all such repairs as may be necessary ; and it shall be the duty of the managers to stop, mend or put up, any breach in the bank of any owner or possessor without delay, if the person having such breach shall not immediately proceed to stop the same, and in performing any of the said duties he shall do as little injury to the owners of the soil as possible ; and it shall be the duty of the managers to erect any wharf or wharves that may be necessary for the preservation of the bank, and to cause the bank to be mowed and kept clear of brush and rubbish.

4. *And be it enacted*, That when any manager appointed as aforesaid shall have done any repairs to the bank, water-works, or water courses, or have stopped any breach in the bank, or erected any wharf or wharves for the preservation of the bank of any owner or possessor so laid off to him or her to maintain and uphold, he shall within ten days after the completing thereof, present his account for such repairs, to such owner or possessor, which account shall be attested by his oath or affirmation if required ; and if such owner or possessor shall neglect or refuse to discharge the same within twenty days thereafter, then it shall be lawful for such manager on five days notice being given by public advertisement in five of the most public places in the neighborhood, to sell at public vendue so much grass as may be on said owner's or possessor's meadow as will be sufficient to discharge such demand, but if the grass on the meadow should not be sufficient to satisfy the same, then to lease at public vendue as aforesaid so much of the meadow of such owner or possessor as will

Accounts
for repair-
ing how to
be recover-
ed.

Further
duty of
managers.

be sufficient to discharge such demand with reasonable cost, to any person who will pay such demand for the shortest term, and it shall be lawful for such manager to make and execute a lease to such purchaser for such term, which said lease shall be good and effectual in law and shall vest the possession thereof in the purchaser, and bar the owner and all others during the term. And in all places where a sluice, dam, stopping or water-works is or shall be laid off, to be supported or upheld by a certain portion of said meadow or the owners or possessors thereof, it shall be the duty of any manager appointed as aforesaid, to stop any breach in such dam and to erect and lay any new sluice or erect any other water-works that may be necessary, and to keep the whole in good repair; and to enable such manager to do and perform the same it shall be lawful for him to make assessments from time to time on the valuation of each owner's or possessor's meadow made by the commissioners under the before recited act, and in case any owner or possessor shall neglect or refuse to pay or discharge the sum for which he or she may be so charged on any such assessment, then it shall be lawful for the said manager to proceed against him or her for the recovery thereof, in the manner herein before mentioned, or by action of debt, in which case he shall produce the assessment in evidence, and it shall be necessary in either case before he shall proceed that his account shall be attested by his oath or affirmation. And that every such manager shall at the annual meeting of the said company produce such assessment, together with an account of his expenditures for the preceding year, and pay over the balance if any

in his hands to the succeeding ~~managers~~ ^{of} managers to be appropriated to the purposes for which such assessments were made.

5. *And be it enacted*, That in all cases in which the operation of this supplement shall be commenced in the manner directed in the first section, it shall become a law of this state, any thing in the before-recited act, to which this is a supplement, or any law, usage or custom, to the contrary notwithstanding.

When this act shall become a law.

A Supplement to an act entitled "An act respecting suits for the recovery of monies due to the state," passed the twenty-first November, one thousand seven hundred and ninety-nine. [Rev. 452]

Passed November 28, 1806.

WHEREAS it appears by the report of the treasurer of this state, that there are divers accounts still unsettled on which monies are stated to be due to this state, and it is expedient that a settlement thereof be speedily effected: And whereas it may so happen that delinquencies may hereafter arise, and that fines and forfeitures made payable to the use of this state at the treasury office may be incurred, which it may be necessary to prosecute for the recovery thereof—

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That it shall be the duty of the treasurer of this state and of the secretary of state, in cases appertaining to their offices, to commence suits in the name of the state of New Jersey, in the

Suits in the name of the state.

supreme court of judicature, for the recovery of all sums of money now due or which may hereafter become due to this state, and the same to prosecute to final judgment in the said supreme court, with costs of suit—any law to the contrary in any wise notwithstanding.

AN ACT to alter the time of holding the February term of the courts of common pleas and quarter sessions of the peace in the county of Cumberland.

Passed November 19, 1807.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the courts of common pleas and general quarter sessions of the peace in and for the county of Cumberland, shall be held annually on the third Tuesday of Februrry, instead of the last Tuesday, as heretofore, any thing in any former law to the contrary notwithstanding.

[Rev.303]

AN ACT to prohibit tavern-keepers, store-keepers, confectioners and hucksters, from entertaining minors, under the age of twenty-one years, at colleges, academies and schools, for the purposes of instruction, and from selling to them strong drinks.

Passed November 20, 1807.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is*

hereby enacted by the authority of the

That from and after the passing of this act, it shall be unlawful for any tavern-keeper in this state, to receive and entertain at his or her house of public entertainment, any minor under the age of twenty-one years, who is a scholar or member of any college, academy or school within this state. And if any such tavern-keeper shall receive and entertain any such minor or scholar, or sell, or directly or indirectly supply him with any wine, ardent spirits, porter, or strong drink of any kind, he or she shall for each offence forfeit and pay the sum of ten dollars, to be recovered by action of debt, with costs of suit, by the parent or guardian of such minor, or by any other person who shall sue for the same, one half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy or school, of which such minor may be a member. *Provided always,* That nothing in this act, shall prevent the reasonable entertainment of such minor in coming to or returning from such college, academy, or school, and until he is provided with lodging and board, according to the usage and practice of such college, academy, or school.

Tavern keepers not to entertain minors, who are scholars, &c.

Penalty.

Proviso.

2. *And be it enacted,* That from and after the passing of this act, it shall be unlawful for any store-keeper, confectioner, or huckster, within this state, to sell, or directly or indirectly to supply any minor, who is a member of any college, academy or school, within this state, at the place where such college, academy or school, is situate, or within three miles therefrom, with any wine, ardent spirits, porter, or other strong drink, without the special permission in writing, of the president, princi-

Store-keepers, &c. not to supply such minors with strong drinks.

pal master, or teacher, of the said college, academy, or school: and if any store-keeper, confectioner or huckster, shall sell, or directly or indirectly supply any such minor, with the said liquors, or any of them, without such permission, he or she shall for each offence forfeit the sum of ten dollars, to be recovered by action of debt, with costs of suit, by any such parent or guardian, or by any other person who shall sue for the same, one half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy, or school, of which such minor is a member.

Penalty.

AN ACT to ratify and confirm the proceedings
of the Medical Society of New-Jersey.

Passed December 1, 1807.

THE Medical Society of New-Jersey, having by their memorial to the legislature set forth, that by reason of the death of a considerable number of their members, the removal of several others, and the present scattered situation of the remainder, it has become very difficult, if not impracticable, to convene the number requisite by their charter to form a quorum to transact the ordinary business of the society, whereby several years have elapsed without their being able to constitute a board: And it being further represented, that by special notice a meeting was called to be held in the city of New-Brunswick in the month of June last when *nine* members only were assembled, (although a number of other respectable practitioners attended by invitation)—notwithstanding, it was deemed

Preamble.

advisable to re-organize the society by the election of its several officers, and the admission of the attending physicians as members, confiding in the clemency and wisdom of the legislature to ratify and confirm such their proceedings, and praying their aid in the premises: And whereas the legislature are desirous of again enabling the society to carry into effect the good purposes of their institution:—Wherefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the acts and proceedings of the Medical Society of New-Jersey, consented and agreed to at their meeting in the month of June last, (so far forth as respects the choice of their several officers and the admission of a number of new members) shall be and the same are hereby declared to be as valid and effectual to all intents and purposes as if done and executed by a quorum of the said society constituted agreeably to the *fifth* section of the act entitled “An act for incorporating a certain number of the physicians and surgeons of this state, by the style and title of ‘*The Medical Society of New-Jersey* ;’” any thing in the said act to the contrary in any wise notwithstanding. Proceedings of June last confirmed. [Rev. 101]

And to prevent the like inconvenience in future,

2. *Be it further enacted,* That the fifth section of the before recited act shall be and the same hereby is repealed, and in lieu thereof, *It is enacted,* That the said society or any nine of the members when met, whereof the president or vice-president and one of the secretaries always to be a part, shall constitute a Number to constitute a quorum.

quorum to do all business relative to the society. *Provided always,* That no measure entered into at any meeting of the society, where not more than thirteen members are present, shall be binding, unless seven be consenting thereto; and in all other cases where more than thirteen are present a majority of the members shall decide.

Time of
meeting
altered.

3. *And be it enacted,* That so much of the fourth section of the before recited act as requires the annual choice of officers to be on the first Tuesday in November, shall be and the same is hereby repealed; and henceforth it shall and may be lawful for the members of the said society to meet and elect their officers and to transact the other business of the society on the second Tuesday in June yearly and every year.

AN ACT relative to the corporation for the relief of the widows and children of clergymen in the communion of the Protestant Episcopal Church in America, and for instituting a new corporation in this state for similar purposes,

Passed December 3, 1807.

Preamble. WHEREAS the corporation for the relief of the widows and children of clergymen in the communion of the Protestant Episcopal church in America, consisting of members residing in the several states of Pennsylvania, New-Jersey and New-York, and having for its object to afford relief to the widows and children of clergymen of that description in those states has been

found too extensive, and the residence of the members in different states, many of them at a great distance from each other, renders the transaction of business difficult and precarious, and proves an obstacle to the due execution of their charitable institution; for which reason the corporation have determined to divide their property, so as to create a separate fund for the relief of widows and children of clergymen of the above description, in each of the said states, to be committed to the management of the members of the corporation and their successors, residing in the said states respectively.—And whereas the aid of the legislature in the premises appears to be requisite; Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That Henry Waddell, Charles H. Wharton, John Croes, Samuel Meredith, Samuel Ogden, John Stevens, Joshua M. Wallace, Robert Morris, William Chetwood, William Cox, Charles Higbee, Jonathan Rhea, Joseph M'Ilvaine, George Hancock, and James Parker, and all the other members of the said existing corporation, who now reside in the state of New-Jersey, shall be, and become and are hereby declared to be a body corporate and politic in the law by the name and style of "The corporation for the relief of widows and children of clergymen of the Protestant Episcopal Church in the state of New-Jersey," and shall have the like succession, powers and capacities, and be subject to the like restrictions, laws and regulations as the said corporation is

Corporation.
Name.
Powers, &c.

by law subject or entitled to ; except that the said persons to be relieved by the said corporation hereby instituted, shall be the widows and echildren of clergymen of the above description, who resided, or shall hereafter have resided in this state, and no others.

Officers. 2. *And be it enacted,* That Henry Waddell, shall be the first president, William Coxe, the first treasurer, and John Croes, the first secretary of the said corporation.

Former corporation to cease. 3. *And be it enacted,* That when the said former corporation shall signify their assent thereto, under their common seal, and deliver or assign to the corporation hereby created, their dividend or share of the said trust property, the said former corporation shall cease to exist within this state, to all intents and purposes soever.

And in order to facilitate the transaction of business by the said corporation hereby created,

Quorum. 4. *Be it further enacted,* That seven of the members of the said corporation duly assembled, shall be a sufficient number for the transaction of all business appertaining to their institution.

AN ACT for the better regulation of fishing in the Hackensack river in the county of Bergen.

Passed December 3, 1807

Preamble. WHEREAS the laws for regulating the fisheries in Hackensack river, in the county of Bergen, heretofore passed are found to be injurious to the inhabitants who are or may be entitled to the right of fishing in said river : for remedy whereof,

[Rev. 79]

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* **Obstruc-**
 That from and after the passing of this act no **tions not**
 person or persons whatsoever, shall be allowed **to be**
 to affix, fasten or set any net or nets or other **placed in**
 device or devices in said river that may tend **the river.**
 obstruct or hinder the fish from going up or
 down the same, which shall extend to more
 than one fourth part of the width of said river
 at any one place, leaving the river free and
 clear of any such obstruction. *Provided al-*
ways, That nothing in this act contained,
 shall extend to prevent any person or persons
 from drawing or sweeping with seines or nets
 as heretofore.

2. *And be it enacted,* That all and every
 person or persons whatsoever who shall fix,
 fasten, or set any net or nets, device or devices
 (or cause the same to be done) contrary to the **Penalty.**
 provisions of the preceding section of this act,
 shall forfeit and pay the sum of fifteen dollars
 for every such offence to be recovered by ac-
 tion of debt, before any justice of the peace of
 said county, with costs of suit, to be applied
 one half thereof to the use of the poor of the
 township where the offence shall have been
 committed, and the other half to any person or
 persons who shall sue for and prosecute the
 same to effect.

3. *And be it enacted,* That that the act enti- **Former**
 tled "An act for the regulation of the fisheries **acts re-**
 in Hackensack river," passed the second day **pealed.**
 of November, seventeen hundred and eighty-
 six, and the supplement thereto passed the **[Rev. 79]**
 twenty-seventh day of November eighteen
 hundred and six, be and the same are hereby
 repealed.

A Supplement to the act entitled An act authorizing the justices of the supreme court to appoint commissioners to take special bail and to administer oaths and affirmations in causes depending in the said court.

Passed December 4, 1807.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*
 [Rev. 124] That so much of the above-recited act to which this is a supplement, as requires an affidavit to be administered by the clerk of the supreme court of the due taking of the recognizance of bail or bail-piece by some person present at the taking thereof, shall be and the same is hereby repealed.

AN ACT respecting Forfeited Estates.

Passed November 22, 1808.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*
 That John Outwater, Peter Ward, and Garret G. Lansing, of the county of Bergen, John Dod, Charles Clark, and Enos Martin, of the county of Essex, Thomson Stelle, Staats Van Deursen, and John L. Anderson, of the county of Middlesex, James R. English, Major John Stillwell, and John S. Holmes, of the county of Monmouth, John Frelinghuysen, Peter D. Vroom, and Joseph Annin, of the county of Somerset, John Black, Joseph Budd, and Charles Ellis, of the county of Burlington,

Com-
 mis-
 sioners ap-
 pointed.

Amos Cooper, Job Brown, and Matthew Collins, of the county of Gloucester, Jerediah Dubois, John Nichols, and Thomas Bines, of the county of Salem, Henry Swain, John Dickinson, and Robert Edmunds, of the county of Cape-May, George C. Maxwell, James Linn, and Andrew Bartles, of the county of Hunterdon, William Monro, Jesse Upson, and Silas Condict, of the county of Morris, Timothy Elmer, Moses Burt, and Enoch Burgin, of the county of Cumberland, and George Bidleman, William Armstrong, and Richard Edsall, of the county of Sussex, be, and they are hereby appointed commissioners for the several counties in which they reside, and for which they are respectively named, and the act or signature of any two of them shall be as good and valid in law as if all three had acted together.

2. *And be it enacted*, That all estates real, of what nature or kind soever, forfeited to or vested in this state, in pursuance to an act of Assembly passed the eleventh December, one thousand seven hundred and seventy-eight, entitled, "An act forfeiting to and vesting in the state of New-Jersey, &c." which remain unsold by the state, shall be disposed of by virtue of a writ or process issuing out of the court of common pleas in the county in which such estate is situated, directed to the commissioners of the said county, or any two or more of them; which writ or process the clerk of such court is hereby required to issue, on application to him made for that purpose by such commissioners, and moreover to record the same in a book kept for the purpose of recording executions issued out of the court of said county, before the delivery thereof; and the said commissioners shall thereupon proceed to sell at

[Rev. 40]

Their duties, power, &c.

public vendue, all such forfeited estates, giving notice of the time and place of sale at least two months before the day prefixed for the same, by advertisement in the newspapers published in this state, and also in three or more of the most public places in the county, where any such estate may lie, particularly describing the premises to be sold; and such sale shall take place between the hours of twelve and five in the afternoon of the day of sale, subject to adjournment at the discretion of said commissioners, for any time not less than fourteen days; and after the receipt of the full purchase money for each estate, shall in their own names make seal and deliver to the purchaser or purchasers, by deed poll, a good and sufficient conveyance for the same, therein reciting the writ by which they were directed to sell such estate, and granting and conveying to the said purchaser or purchasers, all the right, title, interest, property, claim or demand whatsoever, either in law or equity, which the person forfeiting had, or ought to have had, of, in and to the said bargained premises, at the time of committing the offence for which the same became forfeited; by which deed the purchaser or purchasers shall in every case be, and is and are hereby declared to be vested in as good and perfect an estate in the said bargained premises, as the person forfeiting was vested in at the time of committing the offence as aforesaid, and shall have, hold and enjoy the said bargained premises as fully in every respect, as the person forfeiting held, or might or ought to have held the same, at any time before committing the offence for which the same became forfeited as aforesaid; and shall moreover be entitled to all such deeds, conveyances, and

other writings respecting the title of such un-
gained premises, as can be found or obtained.

3. *And be it enacted*, That if any process or proceeding, by virtue of which any such sale may be made as aforesaid, shall hereafter be reversed, or made void for error, or any other cause whatsoever, such reversal shall not affect or injure, or be of force, or in anywise operate against any bona fide purchaser under this act, but against the state only; and in every such case the plaintiff in error, or person injured by the sale of any estate, shall apply to the legislature to be indemnified out of the public treasury, to the amount of the purchase money for such estate.

Indemni-
fication
how to be
made.

And whereas it hath been suggested to the legislature, that there is considerable real estate which was forfeited to this state during the late revolutionary war, which remains unsold and undiscovered; therefore,

4. *Be it enacted*, That any person or persons who shall give information of, or discover to the commissioners by this act appointed; any real estate forfeited agreeable to the laws of this state, unsold and heretofore undiscovered, and so situated that the state shall derive an advantage from the discovery so made, the commissioners in such case are hereby authorized to allow to such informant or informants, discoverer or discoverers, at their discretion, a reward, which shall in no case exceed thirty-five per cent on the amount of the benefit accruing to the state, in consequence of such information or discovery.

Reward
for discov-
ering for-
feited es-
tate.

5. *And be it enacted*, That the said commissioners shall pay into the treasury of this state, the monies arising from any sale made in pursuance of this act, within three months af-

Compen-
sation of
commis-
sioners.

ter such sale ; that it shall be their duty to exhibit their proceedings before the legislature annually, within the first or second week of their first sitting ; and they shall receive such per cent on the amount of monies by them paid into the treasury, as the legislature, on viewing a statement of their proceedings, may allow.

Vacancies
how to be
filled.

6. *And be it enacted*, That in case of resignation, refusal to serve, death, or other disability, of any commissioner or commissioners appointed as aforesaid, it shall and may be lawful for the governor for the time being, to fill up such vacancy by a new appointment in writing, under his hand and the seal of the state ; and the commissioner or commissioners so appointed shall be vested with the same powers, perform the same duties, and be entitled to the same rewards, as the commissioners appointed by this act. And each and every commissioner, who after having accepted his appointment, shall neglect or refuse to perform any duties required of him by this act, shall for every such neglect or refusal, forfeit and pay the sum of one hundred dollars, to be recovered by the attorney-general, in an action of debt, at the suit of the state, in any court of record where the same may be cognizable ; and any commissioner having any monies in his hands or possession, arising from the sale of such estate, and who shall neglect or refuse to account for the same, or shall make default in paying the said monies into the treasury, shall be subject to an action or actions of debt, at the suit of the treasurer for the time being, for the recovery of the same, with interest and costs of suit.

Penalties.

AN ACT supplementary to an act entitled ~~An act~~ to incorporate a part of the township of Trenton [Rev.116] in the county of Hunterdon.

Passed November 22, 1808.

WHEREAS the old gaol in Trenton has been converted into a banking-house, whereby the said city is deprived of a place of confinement for criminals or offenders against the law ; Therefore, Preamble.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the mayor, recorder, and aldermen, of the said city, or either of them, to commit every person or persons, offender or offenders, whom by law they or either of them are authorized to commit to gaol or imprison, to and in the work-house now erecting on Academy-street in the said city, and the same is hereby declared to be the common gaol of the said city ; and the keeper of the said gaol, to be appointed by the common council of the said city, is hereby required to receive such person or persons so committed, and him, her or them, to keep in close and safe custody, until thence discharged by due course of law. Mayor, &c. may commit to the new gaol.

2. *And be it enacted,* That the said work-house or common gaol herein before mentioned. shall be deemed, esteemed and taken to be a work-house within the intent and meaning of the fifth, sixth and seventh sections of the act entitled An act for the establishment of work-houses in the several counties of this state, passed the twentieth of February, one thousand seven hundred and ninety-nine ; and Said gaol declared to be a work-house. [Rev.379]

also of the act entitled An act to describe, apprehend and punish disorderly persons, passed the tenth of June, one thousand seven hundred and ninety-nine; *Provided*, That no magistrate but the mayor, recorder, and aldermen of said city, or either of them, shall have authority to commit any person to the said work-house.

[Rev. 410] *Duties of the keeper.* 3. *And be it enacted*, That of the keeper of the said work-house or gaol shall be required the same duties in respect to the safe-keeping of the persons committed to his custody by virtue of this act, as are required of the sheriff or keeper of the common gaol of the several counties of this state; and the said keeper of the said work-house or gaol shall be subject to the same pains, penalties and forfeitures for failure of duty, misconduct in office, and voluntary or negligent escapes, to which the sheriff or keeper of the common gaol of the several counties of this state is by law subject and liable.

Mayor, &c. justices of the peace. 4. *And be it enacted*, That the mayor, recorder and aldermen of the said city of Trenton, and each of them, shall hereafter be deemed, esteemed and taken to be a justice of the peace within the intent and meaning of an act entitled An act constituting courts for the trial of small causes, passed the fifteenth of March, one thousand seven hundred and ninety-eight, and of the several acts supplementary thereto.

[Rev. 313] *Comp. 49.* *Extent of their jurisdiction.* 5. *And be it enacted*, That the territorial jurisdiction of the said mayor, recorder and aldermen, and every of them, shall be co-extensive with the limits of the said city of Trenton, and that they may in causes depending before them, award writs of *subpoena ad testificandum* into any of the counties of this state;

but that the said mayor, recorder and aldermen, or either of them, shall not have jurisdiction of any civil action where the defendant or defendants, or one of them, does not reside within the said limits.

6. *And be it enacted*, That it shall be the duty of the marshal and of the constables of the said city to execute and return all precepts, summons, warrants, writs and other process, to be issued by the said mayor, recorder, aldermen, or either of them, and to the said marshal and constables or any of them directed and delivered, and also to do, execute and perform all duties, matters, acts and things which by the said last mentioned act and the acts supplementary thereto, the constables of the several townships are required to do, execute and perform; and the said marshal and constables shall be liable to the same actions, recoveries, pains, penalties and forfeitures for neglect of duty and misconduct in office, to which the constables of the several townships in this state are subject and liable.

Duties of
marshal &
constables

7. *And be it enacted*, That the eighth section [Rev. 118] of the act to which this a supplement, be and the same is hereby repealed.

AN ACT to set off a part of the borough of Elizabeth in the county of Essex, and to incorporate the same into a separate township to be called the township of Union.

Passed November 23, 1808.

WHEREAS a number of the inhabitants of the said borough of Elizabeth have by their petition set forth, that they find themselves

Preamble:

much injured by being as they are at present a part of the borough of Elizabeth, and as such obliged to furnish their quotas of jury-men four times in a year to attend the mayor's court, where but little business is done and in which they are seldom interested; and also being compelled from time to time by taxation to pay money for the building and repairing their court-house, without being in the least exonerated thereby from their services or expenses as it respects the county; For remedy whereof,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the borough of Elizabeth lying within the following bounds, to wit—

Bounds. Beginning at a fork in the road leading from the dwelling-house of Benjamin Mulford past the house of Robert Clark to Crane's mills, and in the line of the township of Rahway; thence up the road leading past the said Benjamin Mulford, and the dwelling-house of William Crane, esquire, until it strikes a road running a northerly course from the dwelling-house of Oliver Crane; thence up the said road until it strikes the mouth of the road leading from James Crane's to Stephen Crane's tavern; thence in a direct line to a bridge commonly known by the name of Trotter's bridge; thence on a direct line to the mouth of the road leading from the main road which leads from Elizabeth-town to Newark, and near the dwelling-house of John Pierson; thence up the said road past the house of Lewis Mulford, to the fork of the road leading to Lyons Farms meeting house, and the road leading to New-

ark, past the house of capt. Obadiah Meeker ; and from thence in a direct course until it strikes the line which separates the township of Newark from the borough of Elizabeth, near Dividend hill ; thence up the Newark line until it strikes the line of the township of Orange ; thence along the Orange line until it strikes the line of the township of Springfield ; thence along the line of the township of Springfield until it strikes the township of Rahway ; thence along the line of the said township of Rahway to the place of beginning ; shall be and hereby is set off from the borough of Elizabeth, and erected into a separate township to be known and called by the name of "The township of Union."

2. *And be it enacted*, That the inhabitants of the township of Union shall be and hereby are invested with and entitled to all the powers, ^{Powers,} privileges and authorities, and shall be and are ^{&c.} hereby made subject to the like regulations and government, which the inhabitants of other townships in this state are subject and entitled to ; and that the inhabitants of the township of Union be and are hereby incorporated, ^{Name.} styled and known by the name of "the inhabitants of the township of Union in the county of Essex," and entitled to all the privileges, advantages and authorities that the other townships in the said county are entitled to by virtue of an act entitled An act incorporating the ^[Rev.276] inhabitants of townships, designating their powers, and regulating their meetings, passed the twenty-first day of February, one thousand seven hundred and ninety-eight.

[3. *Relates to town-meetings.*]

[4. *Respects settlement of accounts and distribution of the poor.*]

5. *And be it enacted*, That the act entitled An act to establish and confirm the charter rights and privileges of the borough of Elizabeth, passed the twenty-eighth day of November, seventeen hundred and eighty-nine, so far as the said act includes and relates to that part of the said borough lying within the limits of the township of Union, be and the same is hereby repealed.

[Rev. 94]

Repealing
clause.

AN ACT for securing the laws, and relative to the office of the prerogative court.

Passed November 25, 1808.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the clerk of the assembly and the secretary of council, shall within three weeks after the termination of each sitting of the legislature, deliver to the secretary of state for the time being, all bills passed into laws, or such as may hereafter be passed; to be filed in his office in such order that the laws of every sitting of the legislature shall be kept in separate bundles, and the year in which the same was passed shall be endorsed on each bundle, that the same may be recurred to by the legislature, and not be delivered to any person or persons whatever: but the secretary for the time being, shall give copies to such persons as may make application for the same; which copies, when certified by him under his hand and seal, as a true transcript, shall be received in evidence in any court of this state, and be as good, effectual and available in law, as if the

Secretary
to file all
laws.

original was then and there produced and proved; for which service the secretary of state shall be entitled to receive, for a certified copy of each law, from the person or persons making application for the same, six cents per sheet, and for filing each law and marking each bundle ten cents, to be paid by the treasurer of the state; *Provided nevertheless*, That he shall not receive any compensation for filing or arranging any laws at present in said office. Fees.

2. *And be it enacted*, That it shall be the duty of the register of the prerogative court to record the names of the testators of all wills which he may receive, in alphabetical order, and the year in which such wills were proved, in a book to be by him provided for that purpose, and to file the said wills in his office, the wills of each year and county to be put up by themselves, and marked with the year and county; and in like manner to record the names of all intestates, inventories of whose estates he may receive, and to file the said inventories in manner aforesaid. To record testators, intestates, &c.

3. *And be it enacted*, That instead of the fees heretofore paid to the said register for filing wills and inventories, he shall be paid for each will by him to be recorded and filed as aforesaid, twenty-five cents, and for each inventory twelve cents; which fees it shall be the duty of the surrogates of the several counties of this state to demand and receive for the use of the said register, at the times of proving said wills, and in cases of intestacy, at the times of-issuing letters of administration, and to pay forward the same to the said register, at the time they are directed by law to transmit to Fees. [Rev. 397] the register of the prerogative court, the wills and inventories by them received.

AN ACT to regulate the fisheries in the river
Delaware, and for other purposes.

Passed November 26, 1808.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no seine or net shall be cast, drawn, or in any wise made use of, by any person or persons whomsoever, in the river Delaware, within the jurisdiction of this state, from Saturday twelve o'clock at night until twelve o'clock on Sunday night, and that no more than one seine or net shall be cast, drawn, or in any wise made use of, in any one pool or fishing place, by any person or persons whomsoever, in the aforesaid river from the station-point, or north-west corner of this state, to the southern point of Newbold's or Biddle's island in the county of Burlington, and from thence down opposite the circular boundary of the state of Delaware, not more than two nets, within any one term of twenty-four hours, to begin at sun-rising and to continue until sun-rising the next day following; and if any person or persons whosoever, shall cast, draw or make use of any seine or net in the said river, or shall be aiding or assisting therein, within the term or terms aforesaid, contrary to the true intent and meaning of this act, every person or persons so offending, and being thereof legally convicted before any justice of the peace of the county where the offence is committed, shall forfeit and pay the sum of fifty dollars for each and every such offence, together with costs of prosecution, to be paid to the collector of the

What
hours may
be fished
in.

Penalty.

county where the offence has been committed, for the use of said county.

2. *And be it enacted*, That if any person or persons shall cast, draw or make use of any shad seine or shad net, for the purpose of catching fish in the river Delaware, within the limits of this state, below the falls of Trenton, after the tenth day of June, or between the said falls and opposite the mouth of the river Lehigh, after the fifth day of June, or in any other part of the river Delaware between the mouth of the river Lehigh and the station point, or northwest corner of this state, after the tenth day of June in each and every year, every person or persons so offending, and being thereof legally convicted before any justice of the peace in and for the county where he or they may be apprehended, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be applied to the use aforesaid, and likewise pay costs of prosecution.

How long fishing may continue.

Part of this section repealed—see supplement annexed

And in order to ascertain what shall be deemed and held to be a pool or fishing place within the meaning of this act,

3. *Be it enacted*, That from the place or places where seines or nets are usually thrown in, to the place or places where they have been usually taken out, or from the place or places where they may hereafter be thrown into the water, to the place or places where they may be taken out, shall be deemed and held to be a pool or fishing place within the meaning of this act.

Pool or fishing place

4. *And be it enacted*, That if any person or persons shall be found making use of any seine or net contrary to the true intent and meaning of this act, every such person or persons so offending, shall in addition to the penalty afore-

Seine may be forfeited.

said, forfeit the seine or net so made use of; which seine or net shall, by order of the court before whom such person or persons shall be convicted, be exposed to public sale, after giving five days notice thereof by advertisement; and the money arising therefrom shall be paid, in the manner and for the use aforesaid, the costs of such prosecution and sale being first deducted.

Weirs,
racks, &c.
unlawful.

5. *And be it enacted*, That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting, repairing or maintaining any weir, rack, basket, fishing-dam, or pound, or shall make use of any swab or bush-net, or shall fix, fasten, set, or otherwise make use of any gilling-seine or drift-net, anchor any engine, or make use of any device whatsoever, except fishing with sweeping seine, hooks and lines, darts, scoop-nets and eel baskets, for taking fish in the river Delaware, within the limits aforesaid, every person or persons so offending, and being legally convicted thereof, by the oath or affirmation of one or more credible witness, or by his or their own confession, before any court having competent jurisdiction, where such offender may be apprehended, shall forfeit and pay the sum of one hundred dollars, together with costs of suit, to be recovered and applied as aforesaid.

Penalty.

Wing-
dams un-
lawful.

6. *And be it enacted*, That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding or assisting in erecting, building, setting up, repairing or maintaining any wing dam, or placing any other obstruction injurious to the navigation of said river as aforesaid, except such mill dams as have been or hereafter may be put up in

pursuance of any special act of the legislature, and being thereof legally convicted, before the court of quarter sessions of the county where the offence has been committed, shall forfeit and pay the sum of one hundred dollars, to be paid to and applied for the use aforesaid. *Penalty.* *Provided always,* That wherever the land of any person along the said river, is situated so low as to make it difficult to keep a fence, in such case they shall be allowed the privilege of making a wall or rack, sufficient to answer the purpose of preventing cattle from going round, with making and providing a sufficient passage near the shore, at least eleven feet wide, sufficiently deep for boats to pass through, until the water is so low as to go conveniently round the said wall. *Proviso.*

7. *And be it enacted,* That the constables of each respective township, borough, or district, which shall be bounded by or adjoining any part of the river Delaware as aforesaid, shall and he hereby is strictly enjoined and required diligently to enquire inspect and view, once every week, from the first day of April until the tenth of June in every year, such parts of said river as shall be adjoining his respective township, borough or district, and having any knowledge of any offences against this act, he shall forthwith give information to some justice of the peace, who shall immediately issue forth his warrant, directing the constable to bring forthwith before him such transgressor or transgressors and have them dealt with according to law, and if any of the aforesaid constables shall neglect to perform the duties enjoined on him or them by this act, he or they so offending and being thereof legally convicted before any justice of the proper county *Duty of constables.*

- where such delinquent may reside, shall forfeit and pay the sum of twenty-five dollars for each and every such offence, to be levied and recovered as other sums to the like amount, to be paid to and applied for the use as aforesaid, and each of the constables while performing the duties enjoined on them by this act, shall be allowed at the rate of one dollar per day, to be paid by the county collector, each constable having an exact account of the number of days he or they have been employed under the directions of this act, regularly attested before one of the justices of the peace of their respective townships.
8. *And be it enacted,* That the collector of each respective county adjoining the river Delaware, within the limits aforesaid, shall every year, before they settle their accounts, enquire of the justices of the peace of the several townships adjoining the river Delaware, within their county, to know whether they have any money in their hands arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt and their respective counties credit for the same. And if either of the collectors, from his or their own knowledge, or the information of any other person, shall have knowledge of any transgressions against this act, which either of the aforesaid constables have either neglected or refused to prosecute agreeably to the directions of this act, he or they are hereby strictly enjoined and required, under the penalty of twenty-five dollars, immediately to give information to one of the justices of the peace of the respective township, borough or district, which said justice is hereby enjoined and required forthwith
- Penalty.
- Compensation.
- Collector's duty.
- Penalty.

to proceed against any such delinquent agreeably to the directions of this act.

9. *And be it enacted,* That the constables of each of the several townships adjoining to the said river Delaware, from the tide water up to the station point or north west corner of this state, shall be, and they are hereby enjoined and required, under the penalty of fifty dollars, to view, once at least in every fourteen days, from the first day of August to the first day of December in every year, such parts of said river as shall be adjoining his or their respective townships, and if on any such view, he or they shall find any fish dam, basket, pound, or such like device, for taking fish within the said river, he shall thereupon give notice to the next justice of the peace of the township or county so adjoining, which justice is hereby required to issue forth his warrant to one of the constables of the township adjacent to the fish dam, basket, pound or other device as aforesaid so erected, or in which they or any of them shall be erected, enjoining and requiring the said constable forthwith to remove, or cause to be removed, every such fish dam, basket, pound or other device aforesaid, and for that purpose to summon so many of the inhabitants of said township as may be necessary to throw down, remove and destroy such fish dam, basket, pound, or other device aforesaid, giving them three days previous notice. And the said constable shall make return of his proceedings to the said magistrate in ten days thereafter; and if any such constable to whom such warrant shall be directed, shall refuse or neglect to perform the duty hereby enjoined or required of him, he or they so offending, and being thereof legally convicted,

Further
duties of
constables.

Of jus-
tices.

Return.

- shall for every such offence forfeit and pay to the collector of the township where such offender shall reside, the sum of one hundred dollars for the use of said county ; and if any inhabitant so summoned, shall refuse or neglect to attend in person or to send another able person in his room, to assist in throwing down, removing, and destroying such fish-dam, basket, pound or other device aforesaid, in such manner as the said constable shall order and direct, he shall forfeit and pay the sum of four dollars for every such offence to the overseers of the poor of the township whose inhabitants have been so summoned, for the use of the poor of the same, to be recovered and levied as debts of like amount are by law recoverable. *Provided always,* That any person or persons who shall be convicted under this act, before any justice of the peace, he or they shall have a right to appeal to the court of quarter sessions within ten days after such conviction.
10. *And be it enacted,* That if any person or persons whoever, shall cast or lay out, or cause to be laid out, any seine or net into the river Delaware, within the jurisdiction of this state, beyond the right angle of the shore, and where his line strikes the river at low water mark a going out, or suffer it to swing beyond the right angle of the shore of the river, and where his line strikes it at low water mark a coming in, (except by unavoidable accident) every person or persons so offending, and being thereof legally convicted, shall forfeit and pay the sum of twenty-five dollars for each and every such offence, with costs and damage, to be paid to the person against whose land such trespass shall be committed, if he shall sue for the same,
- Penalties.
- Proviso.
- Sweep of the seines.
- Penalty for extending it.

within six months after such trespass has been committed.

And whereas, it is provided by the agreement of the commissioners appointed by the legislature of this state and of the state of Pennsylvania, to divide the islands and settle the line of jurisdiction in the river Delaware, that the legislature of each of these states should have and exercise the right of regulating and guarding the fisheries on the said river annexed to their respective shores, in such manner that the said fisheries may not be unnecessarily interrupted during the season of catching shad, by vessels riding at anchor on the fishing ground, or by persons fishing under a claim of a common right to the said river :— Therefore,

11. *Be it enacted*, That if any ship, vessel or raft, shall, during the season of catching shad in the Delaware, come to anchor at the same, on any fishing ground where shad are usually taken, and shall not immediately be removed from the said fishing ground, if such removal can be done with safety, on application for that purpose by the owner or occupier of such fishery, to the captain, pilot, or person having the command of the said ship, vessel or raft ; or if any such ship, vessel or raft, be wilfully run on shore on any such fishing ground, then such captain, pilot, or person having the command, as aforesaid, shall forfeit and pay sixty dollars, to be recovered by action of debt, with costs, by the said owner or occupier.

[12, *Relates to the passing of a similar law in Pennsylvania—and which passed 23d Feb. 1839.*]

13. *And be it enacted*, That the act entitled An act to regulate certain fisheries in the river Delaware, passed the thirteenth day of June, seventeen hundred and ninety-nine, and all

No vessels
or rafts to
anchor on
fishing
grounds.

Penalty.

[Rev 416]
Former
acts re-
pealed.

other acts heretofore passed relative thereto, be and the same are hereby repealed.

AN ACT supplementary to the act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, eighteen hundred and eight.

Comp 204.

Passed November 20, 1809.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be lawful to make use of shad seines or shad nets for the purpose of catching fish in the river Delaware within the limits of this state; between the foot of the falls of Trenton and opposite the mouth of the river Lehigh, until the fifteenth day of June, and between the mouth of the river Lehigh and the station point or north-west corner of this state until the twentieth day of June in each and every year, subject in all cases to the same regulations, fines and penalties, pointed out in the act to which this is a supplement.

[2, *Relates to a similar law in Pennsylvania, which passed, &c.*]

3. *And be it enacted,* That all such part or parts of the second section of the act to which this is a supplement as comes within the purview of this act, be and the same is hereby repealed.

See Comp. p. 205, Sec. 2.

AN ACT to erect and set off a new township from the township of Springfield in the county of Essex.

Passed November 8, 1809.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That all the district of the township of Springfield in the county of Essex included within the following limits, viz. Beginning in the line that divides the townships of Westfield and Springfield at the head of Green brook, thence north twelve degrees and twenty minutes east to the south side of the road running from New-Providence to Springfield and a little east of the dwelling-house of Amos Potter, esquire, thence north forty-one degrees and fifty-five minutes west to the race of the saw-mill of Benjamin Bonnel deceased, thence into the bed of the river Passaic in the Morris county line, thence up the bed of said river and along the Morris county line until it strikes the line of Somerset county, thence along said line of Somerset county until it strikes the line that divides the townships of Westfield and Springfield, thence along said line to the place of beginning, be and the same is hereby set off from the above township of Springfield, and erected into a separate township, to be known by the name of the township of New-Providence.

2. *And be it enacted,* That the inhabitants of said township of New-Providence shall be and they are hereby vested with and entitled unto all the powers privileges and authorities, and shall be and are hereby made subject to the like regulations and government, which the inhabitants of other townships in this state are

Name. subject and entitled to ; and that the inhabitants of the township of New-Providence shall be and they are hereby incorporated styled and known by the name of "The inhabitants of the township of New-Providence, in the county of Essex," and entitled to all the privileges, authorities, and advantages, that the other townships in the said county are entitled unto, by virtue of an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February in the year of our Lord one thousand [Rev 276] seven hundred and ninety-eight.

[This act has the usual provision for town-meetings, division of property and poor.

A supplement to the act entitled An act to revive and extend the act entitled An act for the relief of persons imprisoned for debt—passed the eighteenth day of March, seventeen hundred and ninety-five.

Passed November 17, 1809.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*
 That the act entitled "An act for the relief of [Rev. 184] persons imprisoned for debt," passed the eighteenth day of March seventeen hundred and ninety-five, be revived and extended to all persons in actual confinement for debt or damages in any of the jails of this state at the time of the passing of this act, excepting that part of said act contained in the proviso of the sixth section of the same directing the payment of a
Former act revived

weekly sum by the creditor to the debtor when [Rev. 185,
remanded by the court, which part of said sec- 186.]
tion is and shall be hereby repealed.

2. *And be it enacted,* That in any case in which it shall appear to the court or be alleged under oath or affirmation by any one or more of the creditors, or by any person in their behalf, that he or she verily believes that the conduct of the debtor, either before or after his or her application for the benefit of the act hereby revived, has not been fair and honest in not making a fair and honest surrender of all his or her estate, or by acting in collusion with some friend in conveying, assigning, transferring, or selling under value, any part of his or her estate, either real or personal, for the purpose of enabling said debtor to take the oath or affirmation required by law in support of his application, or with an intention to deprive his or her creditors from any benefit therefrom, or that said debtor hath in any manner or by any ways or means or under any pretence whatever put out of his or her possession into the possession of any other person or persons, any part of his or her estate, or endeavors to evade a fair surrender of all his or her estate without having received the full value thereof, or hath not surrendered the full amount of the value of the same to the creditors; in consequence of his or her having thus fraudulently acted as aforesaid it shall be the duty of the court before whom the application shall be made, to remand said debtor to prison, who shall then proceed to trial and judgment according to the provisions of this act and of the act hereby revived.

Discre-
tionary
power of
the court.

3. *And be it enacted,* That if after trial had and judgment obtained against said debtor it shall appear to the court that a conveyance or

Assignees may be appointed. transfer hath in any way whatever been made by said debtor of any part of his or her estate either real or personal, to any person or persons whatever, with an intention to defraud his or her creditors of the just amount of such estate by avoiding a fair surrender thereof either directly or indirectly, it shall be the duty of said court before whom such application shall be made, to appoint an assignee or assignees who shall and may when duly authorized and empowered by any one or more of the creditors of such debtor in writing under his or their hands and seals, to offer to refund to any person or persons so fraudulently holding and possessing the estate of such debtor, the sum so paid by him, her or them with the interest accrued thereon, and demand the estate either real or personal so holden, in behalf of said creditors, and on refusal to deliver or re-convey the same to said assignee or assignees, he or they shall or may prosecute such person or persons for the same or for the value thereof, after allowing the sum so as aforesaid offered to be refunded, in any court in this state having competent jurisdiction thereof.

[Sec. 4 and 5 provides for extra courts and attendance of clerks on application of persons in actual confinement on 17 Nov. 1809.]

AN ACT for the relief of persons imprisoned for debt.

Passed November 1, 1810.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, [Rev 184] That so much of the act entitled An act for the

relief of persons imprisoned for debt, passed the eighteenth of March one thousand seven hundred and ninety-five, as is not repealed by the supplement passed November seventeenth one thousand eight hundred and nine, together with the said supplement, entitled A supplement to the act entitled An act to revive and extend the act entitled An act for the relief of persons imprisoned for debt, be and the same are hereby revived, and every matter and thing in said act and supplement contained, continued in force for the benefit of all and every person or persons who now are or hereafter may be in actual confinement for debt or damages in the common prison of any county within this state. Comp 214.

=====

AN ACT to repeal in part an act entitled "An act for the relief of persons imprisoned for debt," [Rev. 184]
passed November first, one thousand eight hundred and ten.

Passed February 11, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act for the relief of persons imprisoned for debt," passed the first day of November in the year of our Lord one thousand eight hundred and ten, be and the same is hereby repealed, so far forth *as relates to debts contracted before the passing of the same—Provided,* That nothing in this act shall be construed to prevent those who are in actual confinement at this time in any of the jails Comp. 216

of this state from taking the benefit of the above recited act.

[It appears by the three foregoing acts, pages 212, to 218, of this Compt. that the "act for the relief of persons imprisoned for debt," Rev. 184 to 189, is extended to all persons who hereafter may be in actual confinement for debts contracted ~~BEFORE~~ Nov. 1, 1810.

AN ACT to repeal part of two certain acts respecting the great road leading from Perth-Amboy to Salem.

Passed November 24, 1809.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That so much of the eighteenth section of the act entitled An act making provision for working and repairing the highways, passed the sixteenth day of March seventeen hundred and ninety-eight; and so much of the sixteenth section of the act entitled An act relative to the laying out, vacating and altering of roads, passed the first day of June, seventeen hundred and ninety-nine, as confirms and declares unalterable the great road from Perth-Amboy to Salem, be and the same is hereby repealed. And the said road shall hereafter be subject to be vacated and altered by the surveyors of the highways in the manner prescribed by the laws now or which hereafter may be in force for laying out and repairing the highways in this state. *Provided always*, That nothing in this act shall be construed to authorize contracting any part of the said road which passes through any town or village to a less width than is now opened and established.

[Rev 325
328.]
Sec. 18.

[Rev 399]

AN ACT respecting writs of scire facias.

Passed November 28, 1809.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no judgment shall be entered in any of the courts of record in this state on suits which shall be commenced by writs of scire facias, or execution issue on judgments attempted to be re-
 Scire fa-
 cias to be
 served,

ceived by scire facias, unless the sheriff or officer to whom the writ is directed, shall actually have served the same, either personally on the defendant or by leaving a copy of the writ with some white person of the age of fourteen years at least at his or her usual place of abode, at least six entire days before its return, or as directed in the next section of this act.

2. *And be it enacted,* That whenever a writ of scire facias shall issue either to recover a
 or publish-
 ed four
 weeks.

forfeited recognizance, or to revive a judgment, and the defendant has removed out of the jurisdiction of the court issuing the process or cannot be found by the officer to whom the writ is directed, it shall be lawful for the plaintiff, after having caused the writ to be published at least four weeks in one of the public papers of this state and in one public paper in each of the states of New-York and Pennsylvania; or after having caused a copy of the said writ to be served on the defendant at least twelve days before the return thereof; and on proof to the said court that the said notice has been given, or the said copy served as aforesaid, in either case to proceed as though the writ had been served in the manner prescribed by the first section of this act.

[3. Repeals the act of 14th March, 1806, of the same title of this law.]

[Rev 374] A. Supplement to an act entitled An act to issue commissions for the examination of witnesses, and to take their depositions in certain cases, passed the eighteenth day of February, one thousand seven hundred and ninety-nine.

Passed November 29, 1809.

Quarter sessions may issue commissions to take depositions of non residents in any suit of a civil nature.

Sec. 1. **BE IT ENACTED** by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That if a material witness in any action or suit of a civil nature in the court of general-quarter-sessions of the peace of this state reside out of this state, or if in this state be ancient or very infirm, or be sick, or bound on a voyage, or about to go out of this state, it shall and may be lawful for the said court in which such action or suit is depending, on affidavit or proof thereof to the satisfaction of the said court, and upon motion made by or in behalf of either party in open court, and on such terms as the said court shall direct, to award and issue under the seal of the said court a commission to such person or persons as the said court may think fit, authorizing such person or persons to proceed in taking such depositions in the same manner as is directed in the act to which this is a supplement, for commissioners appointed by the superior courts, and every thing therein contained respecting taking depositions to extend in as full and as ample a manner in all cases of a civil nature to the court of general quarter-sessions of the peace as is therein directed to the superior courts.

[Rev 374]

AN ACT authorizing the printed laws of this state to be read in evidence in any court in this state.

Passed October 31, 1810.

Sec. 1. BE IT ENACTED' *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all the laws heretofore printed, and also that may hereafter be printed by the authority of this state, shall before any court in this state be received in evidence, any thing in any law to the contrary notwithstanding.

AN ACT to tax Bank-Stock.

Passed November 2, 1810.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the president and directors of "the Newark banking and insurance company;" the president and directors of the branch of the Newark banking and insurance company established at the city of Jersey, and commonly called "the Jersey bank;" the president and directors of "the Trenton banking company;" and "the president and directors of the New-Brunswick bank;" be and they are hereby respectively required to pay or cause to be paid into the treasury of this state, on or before the first day of January next, and on or before the first day of January in every year thereafter, the one half of one per cent upon the whole amount of capital stock actually subscribed and paid in, and which shall hereafter

See alphabetical reference to private laws, title Banks.

Amount of tax.

be subscribed and paid in to such bank or company.

Treasurer
to prose-
cute.

2. *And be it enacted*, That in case of the neglect or refusal of the president and directors of either of the said companies to pay or cause to be paid into the treasury of the state, the amount of tax levied upon such company by this act, for the space of thirty days after the annual period in the first section of this act prescribed, it shall be the duty of the treasurer of this state to make return to one of the justices of the supreme court of the amount of the tax levied as aforesaid and unpaid, whose duty it shall be to issue a warrant under his hand and seal, in the name of the treasurer of the state, directed to the sheriff of the county where the goods, chattels, lands, tenements and hereditaments and real estate of such delinquent company are situated, requiring him to levy the tax so in arrear, with interests and costs, by distress and sale of the personal and real estate of such delinquent company, who shall proceed to make levy and sale thereof, as in other cases where executions issue against personal and real estate, and shall pay the amount levied to the treasurer of the state, and in default thereof shall be proceeded against in the manner prescribed by the act entitled "An act concerning sheriffs."

[Rev 201]

AN ACT relative to the accounts of the treasury and the state-prison.

Passed November 3, 1810.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is

hereby enacted by the authority of the same,
 That it shall be the duty of the treasurer of the
 state, and of the keeper of the state-prison, for
 the time being, and they are hereby required
 to have their respective accounts of the treasury
 and of the state-prison ready for examination
 and settlement on the fourth Tuesday of Oc-
 tober in every year, and that to this end they
 be and are hereby authorised to close their ac-
 counts for the year on the fifteenth day of Oc-
 tober in every year hereafter.

Accounts
 of treasury
 and state-
 prison.

AN ACT for the protection of Steam-Boats own-
 ed and navigated by citizens of this state.

Passed January 25, 1811.

WHEREAS in and by an act of the legisla-
 ture of the state of New-York, passed
 April the eleventh in the year of our Lord
 one thousand eight hundred and eight, it is
 provided that no person or persons, without
 the license of the persons entitled to an ex-
 clusive right to navigate the waters of that
 state (under a law of the same) with boats
 moved by steam or fire, or those holding a
 major part of the interest in such privilege,
 shall set in motion or navigate upon the
 waters of the said state or, within the juris-
 diction thereof, any boat or vessel moved
 by steam or fire; and that the said person or
 persons so navigating with boats or vessels
 moved by steam or fire, in contravention of
 the said exclusive right, shall forfeit such
 boat or boats and vessels, together with the
 engine, tackle and apparel thereof, to the
 persons claiming such exclusive right: And

Preamble.

whereas the state of New-York do unjustly claim a jurisdiction exclusively of the state of New-Jersey, over all the waters lying and being between the shores of the two states; And whereas the citizens of New-Jersey have a full and equal right to navigate and have and use vessels or boats upon all the waters lying between the states of New-Jersey and New-York, in all cases whatever, not prohibited by the constitution or any law of the United States: Therefore,

Comp 174
to 178.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That in case any person or persons shall under color of any law of the state of New-York seize and take into possession any boat whatever moved by steam or fire, belonging, or to belong in part, or in whole, to a citizen or citizens of New-Jersey, lying on waters between the ancient shores of the said states of New-Jersey and New-York, under pretence of any violation of the law of New-York before mentioned; that then and in such case, it shall and may be lawful for any owner or owners in part or in whole of such boat, as may have been seized as aforesaid, to seize and take into possession any boat or boats moved by steam or fire, belonging to or possessed in part or in whole, by any citizen of the state of New-York, lying and being within any river, creek or bay, the whole waters whereof are within the territorial jurisdiction of New-Jersey, exclusively of New-York; which boat or boats so seized as aforesaid shall be forfeited, together with the engine, tackle and apparel thereof, to the owner or owners, as the case

may be, of such boat or boats which may have been seized as aforesaid under the law aforesaid of the state of New-York: *Provided always*, That nothing in this act contained shall be so construed as to have any operation against any patent, right, or privilege, obtained under the constitution, or any law of the United States, or to interfere with the jurisdiction of the courts of the United States, or so as to authorize any detention of any boat or boats with their appurtenances aforesaid, seized in virtue of this act, after there shall have been a full delivery of such boat or boats, with their appurtenances aforesaid, which may have been seized or forfeited under color of the act aforesaid of the state of New-York, in as ample and complete condition as they had been at the time when such boat or boats may have been seized or forfeited as aforesaid, to such person or persons as may then have been the owner or owners thereof.



AN ACT to regulate Gun-Powder Manufactories
and Magazines within this state.

Passed February 7, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the first day of May next no person or persons whatsoever, shall be permitted within this state to erect or establish, or cause to be erected or established, any manufactory which shall be actually employed in manufacturing gun-powder, either by himself or any other person, either on his own land or

the land of another, within the distance of a quarter of a mile from any town or village or house of public worship; or within the distance of a quarter of a mile from any dwelling house, barn or out house, without the consent under hand and seal of all and every the owner or owners of such dwelling-house, barn or out house, as aforesaid; and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined any sum not exceeding two thousand dollars: *Provided*, That nothing in this section shall be so construed as to prevent the completing, rebuilding or repairing any powder mill now erected or erecting in this state on the site on which the same shall be now erected or erecting.

2. *And be it enacted*, That no person or persons hereafter shall be permitted to erect or cause to be erected any powder magazine within this state, either upon his own land or the land of any other person, and actually deposit gun powder therein, within the distance of half a mile from any town or village, house of public worship, dwelling-house or out house. And any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of two thousand dollars.

AN ACT to ratify an amendment to the constitution of the United States.

Passed February 13, 1811.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is

hereby enacted by the authority of the senate.
 That the amendment to the constitution of the United States, proposed by a resolution of the senate and house of representatives of the United States of America in congress assembled, to the legislatures of the several states, which proposed amendment is in the following words, viz.

“If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them,”

Be, and the same is hereby, upon the part of this legislature, and in the name of this state, ratified and made a part of the constitution of the United States.

AN ACT to prevent Horse-Racing.

Passed February 15, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That all racing, running, pacing or trotting of horses, mares or geldings, for money, goods or chattels, or other valuable thing, shall be and hereby are declared to be common and public nuisances and offences against the state, and the authors, parties, contrivers and abettors

Racing indictable.

thereof shall be prosecuted and proceeded ~~and~~ against by indictment.

Horses,
&c. for-
feited.

2. *And be it enacted,* That each horse, mare or gelding, used or employed in any race on which any bet or wager is laid, or any purse of stakes made, shall thereby be liable to be forfeited to this state, and may at any time within six months thereafter be seized by any constable or overseer of the poor of the township in which such race shall have been run, or the sheriff or any of his deputies of the county in which such township is situate; and in case of seizure as aforesaid, the officer so seizing shall make information against such horse, mare or gelding, to the next court of common pleas in such county, and such court shall proceed to hear and decide on such seizure, and in case such horse, mare or gelding, shall be judged forfeited, such court shall order a sale thereof at public vendue, and direct the avails (first deducting the charges of condemnation) to be paid to the collector of the county for the use of the state.

Bets, &c.
void.

3. *And be it enacted,* That all wagers and bets which shall be laid, betted or made, on the racing, running, pacing or trotting, of horses, mares or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages or other securities, or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons, where the whole or any part of the consideration thereof shall be for any money, goods, chattels, or other thing, won, laid or betted, on the racing, running, pacing or trotting of horses, mares or geldings, shall be utterly void and of none effect.

4. *And be it enacted,* That it shall and may

be lawful for any person who shall lose any money, goods, chattels, or other valuable thing, on the racing, running, pacing or trotting of horses, mares or geldings, and shall pay or deliver the same or any part thereof to the winner, or other person for his use or in his behalf, to recover the same or the value from such winner, with costs, by action of debt, or on the case, in any court of record having cognizance thereof: *Provided always*, that such suit shall be instituted within six calendar months after such losing and payment or delivery as aforesaid.

Losses
may be re-
covered.

5. *And be it enacted*, That if any person shall contribute or collect, or shall ask or desire any other to contribute or collect any money, goods or chattels, to make up a purse, plate, or other thing, to be run, paced or trotted for as aforesaid at any place in this state, such person so offending shall forfeit and pay the sum of thirty dollars for each offence.

Penalty
for making
up a purse.

6. *And be it enacted*, That if any person shall run any horses, mares or geldings, at any place where ten persons or more shall have convened together, although no money, goods or chattels, or other valuable thing, shall be betted, wagered or laid thereon, or shall be aiding, assisting, or any way concerned therein, every person so offending shall forfeit and pay the sum of fifteen dollars for each offence.

Penalty for
running
where no
bet is
made.

7. *And be it enacted*, That if any person or persons shall let or rent his, her or their land, for the purpose of running, pacing, or trotting any horses, mares or geldings, or shall knowingly and wilfully suffer the same to be used for the purposes aforesaid, every person so offending shall forfeit and pay the sum of fifty dollars.

Penalty
for letting
land for
racing.

Penalty
for adver-
tising
races, &c.

8. *And be it enacted,* That if any person or persons within this state, shall print or cause to be printed, set up or cause to be set up, any advertisement mentioning the time and place for the running, pacing, or trotting, of any horses, mares or geldings, or shall knowingly suffer any advertisement as aforesaid to be set up in or upon his, her or their dwelling-house, or out-house, or shall knowingly suffer the same to remain up as aforesaid, every person so offending shall forfeit and pay the sum of fifteen dollars.

How pen-
alties shall
be recov-
ered.

9. *And be it enacted,* That all and every of the penalties in the fifth, sixth, seventh and eighth sections of this act prescribed, shall be sued for and recovered by the overseer or overseers of the poor of the township where the offence shall have been committed, in the name of such township, within six calendar months thereafter, by action of debt with costs of suit, in any court having cognizance thereof, and shall be applied to the use of the poor of said township, or in counties where trustees of the poor are or may be incorporated, shall be paid to such trustees for the use of the poor of the county: and further, it is hereby declared to be the special duty of every such overseer of the poor, on his own knowledge of the fact or on information thereof by any person or persons, without delay to institute and prosecute to effect all and every such suit and suits, under the penalty of ten dollars for every default, to be recovered by any person or persons who will sue for the same, by action of debt, with costs of suit; and that in case of a failure in any such suit or suits so to be brought by the said overseer or overseers of the poor, the costs awarded against him or them shall be paid or

reimbursed out of any monies appropriated for the use of the poor.

10. *And be it enacted*, That the said overseer or overseers shall be entitled to retain in his or their hands twenty-five cents on every dollar that he or they may receive by virtue of this act, as a compensation for his or their trouble. Fees of overseer.

11. *And be it enacted*, That if any person or persons shall assault, beat, or otherwise ill treat any officer designated in this act, in the execution of his official duty, every person so offending shall be guilty of a high misdemeanor, and upon conviction shall be punishable by fine, or imprisonment at hard labor, or both, the fine not to exceed the sum of five hundred dollars, nor the imprisonment the term of two years, at the discretion of the court. Penalty for ill-treating any officer.

12. *And be it enacted*, That the act entitled "An act concerning horse-racing," passed the third day of March, in the year of our Lord seventeen hundred and ninety-seven, and all other acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed. [Rev 241] Former act repealed.

A supplement to an act entitled An act for the preservation of Oysters, passed the twenty-sixth day of January one thousand seven hundred and ninety-eight. [Rev. 262]

Passed February 20, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

That from and after the passing of this act, it shall not be lawful for any person or persons to rake, tong or otherwise gather or carry away, any oysters, other than wading in and picking up by hand the same, within the following bounds in the river commonly called or known by the name of the North or Navesink river, laying within the county of Monmouth, and dividing the township of Shrewsbury from the township of Middletown, above a direct line from the store-house of Barnes I. Smock on the Shrewsbury side of said river, to the dwelling house of Thomas Layton on the Middletown side of the river aforesaid, for the term of ten years from the passing of this act; and if any person or persons shall be found offending against the true intent and meaning of this act, he, she or they so offending shall forfeit and pay for every such offence the sum of ten dollars, to be prosecuted for in an action of debt with costs of suit, before any justice of the peace in the county of Monmouth, by any person who shall sue for the same, the one half to and for the use of the prosecutor, and the other half to be paid to the county collector to and for the use of the poor of said county, any thing in the above recited act to which this is a supplement to the contrary notwithstanding.

A supplement to the act entitled "An act for suppressing Vice and Immorality," passed March
 [Rev. 329] sixteenth, seventeen hundred and ninety-eight.

Passed February 21, 1811.

Preamble. WHEREAS it appears from experience that the law for suppressing vice and immorality,

to which this is a supplement, has not had the desired effect, particularly with respect to persons who interrupt or disturb any assembly of people met for religious worship—Therefore—

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* ^{Penalty for disturbing religious worship.} That if any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time, shall wilfully and of purpose disquiet, interrupt or disturb any assembly of people met for religious worship, either by making a noise or by rude and indecent behavior or prophane discourse, whether within their place of worship or out of it so near the same as to disturb the order and solemnity of the meeting, then every person so offending and being thereof legally convicted before any justice of the peace of the county, or any mayor, recorder or alderman of any city or town corporate where the offence shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses, upon oath or affirmation, shall for every such offence forfeit and pay to the use of the poor of the township where such offence shall be committed the sum of ten dollars, to be levied, recovered and applied in the manner and form prescribed in the first section of the act to which this is a supplement; and in case no distress can be had whereby to levy the said forfeitures, as in the said section is prescribed, then every such offender shall, by a warrant under the hand and seal of the said justice, or the said mayor, recorder or alderman, be

committed to the common jail for said county, city or town corporate, where the offence shall be committed, to be certainly expressed in said warrant for a term not exceeding ten days.

And whereas it may so happen that persons from a distance or from another county or state may disturb or interrupt a religious meeting, and no magistrate being at hand to issue, or no constable to serve a warrant for his or their apprehension, the offender or offenders may escape punishment,

Who may
apprehend
offenders,

2. *Be it enacted*, That any member of any church or religious society which may be disturbed or interrupted in their meetings, or any other person or persons being citizens of this state and freeholders within the same, shall be and are hereby authorized to apprehend any and every such person so disturbing and interrupting them, immediately, and take him or them before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law, and every such member or citizen as aforesaid, who may hereafter perform this service, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities, as a constable would be on the same occasion.

Offenders
on Sunday
may be
detained.

3. *And be it enacted*, That if any person or persons shall disturb or interrupt any religious meeting as aforesaid on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient securi-

ty before some magistrate, to appear at any time and place that he may direct, to answer the charges preferred against him or them; in which case it shall be lawful for said magistrate to discharge such offender or offenders.

4. *And be it enacted*, That the thirteenth section of the act entitled "An act for suppressing vice and immorality," and so much of the same or any other act as comes within the purview of this act, be, and the same is hereby repealed. [Rev. 332]
13th section of former act repealed.

AN ACT concerning writs of error and writs of certiorari.

Passed February 22, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That no writ of certiorari shall be allowed or brought on any judgment, order or proceeding, that shall have been entered or obtained in any court of record of this state, unless the same is issued and returned in eighteen months after the passing of this act, and on all judgments, orders or proceedings, that may hereafter be entered or obtained, unless the same is issued and returned in eighteen months after entering the same. Certiorari limited to 18 months.

2. *And be it enacted*, That no appeal from the decrees of the court of chancery, or writs of error, shall be brought or allowed on any decree or judgment, that shall have been entered or obtained, unless the same shall be within three years after the passing of this act, and on all decrees or judgments that may Writs of Error to 3 years.

hereafter be obtained, unless the same be brought within three years after rendering the said decree or judgment: *Provided*, That where the person entitled to such appeal or writ of error, be an infant, feme covert, or insane, then within three years after such disability.

[Rev 346] 3. *And be it enacted*, That so much of all such acts and parts of acts as comes within the purview of this act, be and the same is hereby repealed.

[Rev 454] A Supplement to the act entitled "An act directing the mode of entering judgments upon bonds with warrants to confess judgments," passed the ninth of March one thousand seven hundred and ninety-eight.

Passed February 22, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That all bonds and other obligations given for the payment of money only, together with a warrant to confess judgment thereon, shall be entered as in and by the first and second sections of the act to which this is a supplement is directed, and not otherwise; and that the following and no other fees shall be allowed, viz. to the plaintiff for the copy of the bond and warrant, entering the proceedings thereon, attending upon the judge to obtain the judgment, and delivering the same to the clerk to be filed, two dollars; to the justice or judge for inspecting the bond and warrant, examining the copies and entering and signing the judgment,

How to be entered.

Fees.

fifty cents ; to the clerk for marking and filing the proceedings and making an entry of the judgment in the minutes, fifty cents ; for entering the bond, warrant and judgment at large in a book kept for recording judgments, one dollar ; the fees to be paid by the plaintiff, to the judge and clerk, when the business is done by them, and recovered of the defendant with the other costs ; and when execution shall issue on such judgment, the following additional fees shall be allowed, and no others, to wit : to the plaintiff for drawing the execution, twenty cents ; to the attorney for drawing the bill of costs and making a copy thereof, twenty-five cents ; and to the clerk for sealing and recording the same, and entering and filing the execution and return of the sheriff, seventy-five cents, and for taxing and filing the bill of costs, fifty-eight cents ; and any clerk of the supreme or any county court who shall take other or greater fees than are by this section allowed, or who shall take such fees without performing the services for which such fees are allowed, shall for every offence forfeit and pay the sum of thirty dollars, to be recovered in an action of debt with costs of suit, before any justice of the peace of the county wherein such offence was committed, by any person who shall think him or herself aggrieved.

2. *And be it enacted*, That the fourth section of the act entitled "An act directing the mode of entering judgments upon bonds with warrants to confess judgments," passed the ninth of March seventeen hundred and ninety-eight, and the supplement to said act, passed February twenty-eight eighteen hundred and four, be and the same are hereby repealed. [Rev. 455]

AN ACT concerning Roads.

Passed February 22, 1811.

Sec. 1. **BE IT ENACTED** *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

Width of
roads.

That every public road or highway which shall hereafter be laid out, shall not be more than four nor less than two rods wide; and that every private road which shall hereafter be laid out, shall not be more than thirty feet in width, but may be less, at the discretion of the surveyors of the highways.

Mode of
applica-
tion and
proceed-
ing.

2. *And be it enacted,* That when ten or more persons, being freeholders, shall think a public road necessary, or any public road which hath been or shall be laid out, unnecessary, or any alteration in such road necessary, in any part of the county in which they reside, it shall be lawful for the said persons to make application, in writing, to the inferior court of common pleas of the said county, having given previous notice for at least ten days of such intended application, by advertisements, under their hands, and set up at three of the most public places in the township in which the said road is proposed to be laid out, vacated or altered, and if there be more townships than one through which the said road may run, by advertisements to be set up at three of the most public places in each township, and the said court when applied to as aforesaid, on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, are hereby authorized and required to appoint six of the surveyors of the highways of the said county, ever having regard to the

appointment of the surveyors of the highways of those townships where the said road shall be so applied for to be laid out, vacated or altered, provided that no surveyor shall be appointed through whose land the road may run, and the said surveyors shall meet at such time and place as the said court shall direct, a copy of which appointment shall be served by the said applicants on each of the said surveyors, at least six days prior to the time of their meeting, and two of the said applicants shall at least twelve days prior to the said time, sign and set up advertisements at three of the most public places in the said township or townships, setting forth the time and place of the meeting of the surveyors, agreeably to the directions of the court, and designating the points or places from and to which the said road is proposed to be laid out, vacated or altered.

3. *And be it enacted,* That when the aforesaid number of freeholders shall think a public road necessary, or any public road unnecessary, or an alteration in such road necessary, on any part of a line between two counties or part in one county and part in another, they shall make application in writing to the supreme court, having first advertised such intended application for at least three weeks at four of the most public places in each of the said counties, nearest the place where such road is to be laid out, vacated or altered, and the supreme court, on such application, shall appoint three of the surveyors of the highways in each of the said counties, having a regard to the appointment of the surveyors of the highways of those townships where the said road shall be so applied for to be laid out, vacated

When on a county line, &c.

or altered, subject to the restrictions imposed by the second section of this act, who shall meet at such time and place as the said court shall direct; and the said applicants and surveyors shall thereupon proceed in the manner prescribed in the second section of this act.

Of private roads. 4. *And be it enacted,* That if any person shall think a private road necessary to or from his or her land, or to a mill, market, public landing, or public road, or shall think it necessary to have a private road vacated or altered, he or she shall make application in writing to the inferior court of common pleas of the county, or to the supreme court as the case may require, having first given notice of his or her intention at least ten days, and the court shall thereupon appoint six surveyors of the highways as before directed, and the applicant and the surveyors shall be guided in all things as in the manner before prescribed, except that the signature of the applicant to the advertisements and to the notice to surveyors, shall be deemed sufficient.

Duties of surveyors. 5. *And be it enacted,* That the said six surveyors of the highways appointed by the supreme court, or by any of the inferior courts of common pleas in the state, when met as aforesaid, or a majority of them so met, on due proof being made to them that the advertisements of their meeting have been according to law, on which the said surveyors shall decide, and their opinion be final and conclusive, shall view the premises, and may if they shall think it necessary, lay out, vacate or alter the said public or private road, and lay the same as may appear to them to be most for the public or private conveniency, having a regard to the best ground for a road, and the shortest

distance, in such a manner as to do the least injury to private property, and shall cause the road so laid out or altered, to be marked, at proper distances in the line of the same, and make return thereof with a map or draught of the same, with the courses and distances, and reference to the most remarkable places, and the improvements through which it may pass, with the time when the overseers of the highway shall open the same, if a public road for public use, or if a private road when the applicant may open the same, which return the said surveyors or a majority of them as aforesaid, shall date, sign and deliver to the applicant, or in case of a public road to some of the applicants, who shall transmit it to the clerk of the court of common pleas of the said county or counties, who is hereby required to record the same in a book to be kept for that purpose, and every road so laid out or altered and recorded as aforesaid, shall be a lawful highway, or private road, from the time appointed for the opening of the same, and if any road be vacated, return thereof shall be made, signed, delivered and recorded as aforesaid.

6. *And be it enacted,* That the clerk of the court shall not record the return of the surveyors until the expiration of fifteen days after he shall have received the same, so that any person being aggrieved thereby, may within that time enter a caveat with the said clerk against recording the said return, which caveat so entered shall operate as a supersedeas to further proceedings until the next court.

Duty of clerk.

7. *And be it enacted,* That when any person or persons shall think him, her, or themselves, injured or aggrieved by any illegality or irregularity of the surveyors of the highways, or of

Remedy, when aggrieved.

the applicants, or otherwise by any road which shall hereafter be laid out, vacated or altered by the said surveyors, having entered a caveat as aforesaid, he, she, or they, or their legal representatives, may make application to the said court succeeding, as expressed in the last section, and the said court shall not set aside the proceedings for irregularity or illegality, but the court shall thereupon, during the term to which the said application is made, appoint six of the chosen freeholders of the county or counties through which the said road shall have been so laid out, vacated or altered, designating the time and place of the meeting of the said freeholders, always having regard to the appointment of the chosen freeholders of the township or townships where the road shall have been laid out, vacated or altered: *Provided*, that no freeholder be appointed through whose land the road may run—a copy of which appointment shall be served by the applicant or applicants on the said freeholders in the same way and manner, and the mode of giving public notice by advertisements in all respects shall be the same as is directed in the preceding section, in respect both to the applicants and to the surveyors of the highways; and the said chosen freeholders, having previously taken an oath or affirmation to act faithfully and impartially, shall proceed to view the said road so laid out, vacated or altered, and if they or a majority of them shall believe such laying out, vacation or alteration, or any part thereof, to be necessary and useful, they shall certify the same to the said court the term next succeeding that in which they were appointed, and the court shall thereupon cause the same to be recorded in the

book kept for that purpose in the office of the clerk of the county or counties as aforesaid; which certificate and proceedings of the freeholders shall be binding and conclusive in all cases, and shall not be subject to an appeal or certiorari, or to be set aside for lack of form, either in the former proceedings either of the applicants or of the surveyors of the highways, or in that of the chosen freeholders, and no application shall be made touching such road so laid out, vacated or altered, under the term of one year after the recording of the same; but if the said freeholders shall believe such laying out, vacation or alteration, to be unnecessary or injurious, they shall certify the same to the court or courts aforesaid, and the proceedings of the surveyors shall be made null and void, and the same shall not again be applied for under the term of one year: but if no caveat shall have been entered, or the person or persons entering the same shall not proceed in the manner prescribed in this section, or the said freeholders or a majority of them shall neglect to certify that the same is unnecessary, or if the said freeholders should be equally divided, the proceedings of the surveyors shall be deemed valid and effectual, and the clerk as aforesaid shall, by order from the court, record the same, and every road so laid out or altered and recorded as aforesaid, shall be a lawful road or highway, from the time appointed for the opening of the same.

8. *And be it enacted*, That if any surveyor of the highways or chosen freeholder, who shall have due notice, or any clerk having due notice and who shall refuse or neglect to perform any duty prescribed by this act, he shall, unless he assign good reasons for such refusal

Penalty on
surveyor
or freeholder.

or neglect, forfeit sixteen dollars, to be recovered by action of debt with costs, by any person who shall sue for the same in any court where the same is cognizable, to be paid to the county collector for the use of the county or counties.

Four surveyors or freeholders a quorum.

Proviso.

9. *And be it enacted*, That if any number, not less than four, of the said six surveyors or freeholders, shall attend at the time and place appointed by the said court or courts, they shall be a quorum to execute the business for which they convened, and be competent to lay out, alter, or vacate the said road as the case may require; *Provided*, That the signature of four of them so convened shall be requisite to render the said return valid and effectual, and that the signature of two of the said surveyors or freeholders, in each of the said counties, where there are more counties than one, shall be necessary to render the said return valid or effectual, and if any number of the said six surveyors or freeholders shall convene as aforesaid, they may, if a majority of the applicants attending consent, adjourn to a future day, giving the parties then present verbal, and the absent surveyor or surveyors, or the absent freeholder or freeholders, written notice of the time to which they have adjourned; and if any number of the said surveyors or freeholders sufficient to constitute a quorum shall convene pursuant to adjournment, they shall proceed to perform the service and duty required of them, in manner hereinbefore prescribed.

Private roads how worked.

10. *And be it enacted*, That every private road which shall be laid out or altered by virtue of this act, shall be cleared, worked and repaired and maintained by the applicant or

applicants and such other persons or persons as commonly make use of the same, or in case of neglect it shall be lawful for any other person or persons who have occasion to use the said road, to clear, work and maintain the same: *And further*, That it shall be lawful for the owner of any land, over which a private road may pass, to hang swinging gates in the said road, and if any person shall stake, shore, or leave open, or cut, break, pull down or destroy, any gate, he shall for every offence forfeit two dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, and shall also pay to the owner of the soil, or his tenant, all damages which he may have sustained thereby, to be appraised by three neighboring freeholders or a majority of them, which damages, so assessed, shall be recovered by action of debt with costs.

Gates may be erected.

Penalty, for leaving them open.

11. *And be it enacted*, That if any bye-road heretofore used as such by the inhabitants of this state, although not laid out agreeable to law, shall be shut up or rendered impassable, whereby the said inhabitants may be put to immediate inconvenience or difficulty, then any person so aggrieved may apply in writing to three of the chosen freeholders of the county nearest to the said bye-road, to lay out the said road, and the said freeholders are hereby authorized to lay out the same, which shall remain as a private road until it be vacated or altered as in the manner before directed in the foregoing sections in respect to the obtaining a private road.

Old bye-roads, how opened.

12. *And be it enacted*, That the applicant or applicants for any road to be hereafter laid out, vacated or altered, shall, at their own ex-

Expenses, by whom borne.

pense, procure a surveyor with chain and compass to assist in laying out or altering said road and shall pay the surveyors of highways, the court and clerk's fees incident to such application: the applicant or applicants for the appointment of chosen freeholders, shall, at their own expense, procure a surveyor, with chain and compass, and pay the costs of the freeholders, the court and clerk's fees incident to such application.

Fees, 13. *And be it enacted,* That the following and no other fees shall be allowed and taken for services done and rendered by virtue of this act.

Of courts, *Courts.* For every appointment of surveyors of the highways, fifty cents. For every appointment of chosen freeholders, fifty cents. For every order for recording on the proceedings of the surveyors or freeholders, fifty cents.

Of surveyors, *Surveyors of highways.* To each surveyor, at the rate of one dollar per day.

Of freeholders, *Chosen freeholders.* To each freeholder, at the rate of one dollar per day.

Of clerks. *Clerks.* For reading and filing every application, twelve and a half cents. For entering and filing caveat, twelve and a half cents. For entering every order for recording, twelve and a half cents. For every copy thereof, twelve and a half cents. For recording and filing the return of surveyors or freeholders, twenty-five cents. For a copy of such return, twelve and a half cents.

Repeal 14. *And be it enacted,* That the act entitled
[Rev 387] "An act relative to the laying out, vacating and altering of roads," passed the first day of June, one thousand seven hundred and ninety-nine, and the supplement thereto passed December third, one thousand eight hundred and seven, be and the same are hereby repealed.

AN ACT for the preservation of Sheep. ~~733~~

Passed February 23, 1811.

Sec. 1. BE IT ENACTED by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That every person who shall keep or harbor a dog or dogs above the age of three months, shall pay yearly and every year for one dog so kept or harbored, the sum of fifty cents, and for every additional dog above one the sum of five dollars, and for every slut the sum of five dollars, although said slut be the only dog kept; which tax shall be levied and collected at the same time and in the same manner as the other taxes in the several townships in each county in this state, and the assessor and collector shall severally be entitled to receive six cents for the tax on each dog or slut so assessed and collected.

Tax on single dog.
On each additional dog
On every slut.
How collected.

2. And be it enacted, That if any person shall wilfully neglect, refuse, or evade, to give a true account of the number or age of the dog or dogs, slut or sluts, made taxable by this act and owned or harbored by him or her, he or she shall be liable for the tax aforesaid, and also subject to a fine of ten dollars for each and every dog so kept or harbored and not returned to the assessor when by him required, to be recovered by action of debt, with costs of suit, before any justice of the peace of the county, by any person who may prosecute for the same.

Penalty for concealing dogs.

3. And be it enacted, That any person or persons who shall have owned, kept or harbored, a dog or dogs, slut or sluts, for the term of one month, in any one year, to commence on the twentieth day of May next, shall be considered

Persons harboring dogs liable to the tax.

liable to the yearly tax as aforesaid, and subject to a fine of ten dollars as aforesaid, in case he, she or they, shall have neglected to make a due return thereof to the assessor as aforesaid

Proviso. — *Provided always,* That said person or persons who shall have paid said tax or incurred and paid said penalty, shall not again be so liable during the same year, for the tax or penalty on the same dog or slut, and every person that may possess the same dog or slut for which said tax or penalty may have been paid, shall be released from the payment of a second tax or penalty therefor in the same year, by producing a certificate from the person who may have been assessed and paid the same: *And provided also,* That it shall and may be lawful for the assessors of their respective townships to strike off his duplicate or rate-book the tax assessed against any person for a dog or dogs, on its being proven to the satisfaction of the assessor by the owner thereof, that he, she or they, have killed or caused to be killed such dog or dogs before the delivery of the duplicate to the collector.

Further Proviso.

In what cases dogs may be killed.

4. *And be it enacted,* That it shall be lawful for any person to kill any dog or slut which may be found chasing, worrying or wounding any sheep or lamb, or that shall be at any time found running at large beyond the owner's premises without a collar affixed around its neck having the initial of the christian and the whole of the surname of the owner thereof legibly inscribed thereon.

Proceeds of tax, how appropriated.

5. *And be it enacted,* That the taxes collected by virtue of this act shall be appropriated exclusively to make good any losses sustained by any of the inhabitants of any of the townships in this state, by the destruction

or wounding of their sheep by dogs, and shall be kept as a fund by the township committee for said purpose, who shall pay all such damages as may be sustained by any individual of said township in such proportion (if the monies so raised by said tax will not pay the whole amount thereof) as the sum in said fund will warrant at the annual settlement of the accounts of the said township; and if there should be an excess or surplusage of money after paying the damages so as aforesaid in any one year, the said surplusage may be appropriated for any other township uses; but nevertheless the said surplusage shall be credited in the book of the said township for the purpose of paying any damages done by dogs in killing, worrying or wounding sheep, in any one year thereafter.

6. *And be it enacted,* That if any dog shall be found killing, worrying or wounding any sheep or lamb, and the owner being informed thereof shall neglect or refuse to kill such dog or dogs for the space of twelve hours, such owner shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars, to be recovered by an action of debt before any justice of the peace of the county, with costs, and moreover shall be liable to pay treble damages for the second offence committed by such dog or dogs.

7. *And be it enacted,* That when any person shall have sustained any loss or damage by his or her sheep being killed or maimed by a dog or dogs, it shall be lawful for such person to take two respectable freeholders of the township, who are in no wise of kin to the party so calling them, to view the sheep so killed or maimed, and if it shall appear to their

Penalty for
not killing
dogs wor-
rying
sheep.

Losses by
dogs, how
recovered.

satisfaction that the said sheep was or were killed or maimed by a dog or dogs, then the said viewers shall make a return thereof in writing and under oath or affirmation to a justice of the peace of the county, containing the amount of damages such person or persons may have sustained, which shall in no case exceed five dollars for one sheep so killed or maimed; whereupon the said justice shall make an entry thereof in his docket, together with the amount of costs including seventy-five cents for each one of the said freeholders for their services, a certified copy whereof shall entitle such person or persons so injured to said sum from said township committee, or such proportion thereof as may be adjudged at the annual settlement of the township accounts to be his or their due agreeably to the funds then in their possession from the taxes aforesaid; *Provided always*, That nothing herein contained shall extend to cases wherein a recovery of damages can be had or obtained against the owner or owners of the dog or dogs which may have committed the injury; *And provided also*, That no person shall be entitled to receive compensation for any sheep killed or wounded unless he or she shall declare on oath or affirmation, that he or she know not by whose dog or dogs the injury was done.

Proviso.

Further Proviso.

[Rev. 80] 8. *And be it enacted*, That the act entitled
Former acts repealed so far as relates to certain counties.
Comp. 251 "An act to discourage the keeping of dogs by imposing a tax on the owners or keepers thereof," passed May the twenty-fourth, seventeen hundred and eighty-seven, and the act entitled "An act concerning dogs," passed March the thirteenth, eighteen hundred and six, so far as relates to the operation thereof in

the counties of Essex, Somerset, Middlesex, Monmouth, Burlington, Gloucester, Salem, Cumberland and Cape-May, be and the same are hereby repealed.

9. *And be it enacted*, That nothing in this act, nor any matter or thing therein contained, shall be considered as applicable to or in any way affect the counties of Sussex, Hunterdon, Bergen and Morris; but in those counties where this act is in force, the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are enjoined by the act for assessing and collecting taxes for the use of the state: *Provided always*, That it shall be lawful for any inhabitant of the counties to which this act particularly applies, to kill any dog or slut that may come within their respective counties without the collar as aforesaid affixed around its neck.

This act not to apply to certain counties.

Proviso.

AN ACT concerning Dogs.

Passed March 13, 1806.

WHEREAS in some of the counties of this state, great havoc is committed upon sheep by dogs, which the existing laws are found inadequate to prevent; for remedy whereof,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the inhabitants of each township be, and they hereby are authorized and empowered at their annual town-meetings, to order to be levied, assessed and collected, such tax on dogs, in

{Rev 80} Additional tax on dogs.

addition to the tax already imposed by law, and to make such other regulations and byelaws to protect their sheep from the ravages of dogs, as a majority of said town-meeting may deem expedient.

AN ACT authorizing a compilation of the laws since Paterson's revision.

Passed February 13, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,*

That the governor of this state shall, and he is hereby authorized and appointed to compile the public laws of this state, passed since the first day of January eighteen hundred, which remain in force; to make an index of all the principal matters contained therein, alphabetically arranged; to make references from one act to another, where the matter in one act may have relation to any principal matter in another; to make marginal notes or references to such laws, or parts of laws, in Paterson's edition, as may have been altered or repealed; and an alphabetical index of the titles of the several private laws, passed since that period, with the dates of their enactment.

[Rev. 287
288 452.
453]

[Remainder of the act appoints James J. Wilson to print 1340 copies—and provides for binding, payment and distribution.]

Compila-
tion, by
whom and
how made.

AN ACT establishing a Militia System

Passed February 16, 1811.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That every free able bodied white male inhabitant of this state, who is or shall be of the age of eighteen years and under the age of forty-five, (*except* ministers of the gospel, the vice-president of the United States, the officers judicial and executive of the government of the United States, the members of both houses of congress and their respective officers, all custom house officers with their clerks, all post officers and stage-drivers who are employed in the care and conveyance of the mail of the post-office of the United States, all ferry-men employed at any ferry on the post-road, all inspectors of exports, all pilots, all mariners actually employed in the sea-service of any citizen or merchant within the United States) who shall express no desire to the contrary, shall severally and respectively be enrolled, and be deemed and adjudged to have notice of being so enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen shall reside. And in all cases of doubt respecting the age of any person, the party questioned shall prove his age to the satisfaction of the officers of the company or to the satisfaction of the assessor of the township within whose bounds he may reside; *Provided nevertheless,* That every person who is actually enrolled in or shall hereafter join any *uniform corps* that is now or may be established under this act, fully equip himself, and continue faithfully to do the duties required of him on days appointed by law for training, and on such other days as the commanding officer of said company or troop shall re-

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5 quire for the *term of ten years*, on making the same appear to the satisfaction of the brigade board, hereinafter instituted, shall be entitled to receive from the said brigade board a certificate exempting him ever after from common militia duty ; and the commanding officer of the company or troop in which such person may have so served, shall not erase such person's name from his muster roll, but write opposite to his name on the muster-roll of said company, *exempted from common duty*. And any person who may have held any commissioned office under this act for the term of ten years, shall on removal or resignation be entitled to the same privilege of exemption without fine if he make the same appear by a certificate from a brigade board, but no exemption created by this proviso shall in any case clear or exonerate any person exempted from common militia duty, from bearing his proportion of actual service in time of war, insurrection, invasion, or other emergency.

6 2. *And be it enacted*, That the militia in the several *counties* of this state, except Cape-May, shall *form each a brigade*, to be called after their respective counties. The militia in the county of Cape-May shall be annexed and belong to the Cumberland brigade : the Burlington, Gloucester, Salem and Cumberland brigades shall compose the first *division* : the Bergen, Essex and Morris brigades, shall compose the second division : the Somerset, Middlesex and Monmouth brigades, shall compose the third division : the Hunterdon and Sussex brigades, shall compose the fourth division : and the several regiments, independent battalions, battalions, squadrons, and companies, shall continue as at present arranged, subject nevertheless to such alterations and arrangements as are hereinafter provided for.

8 3. *And be it enacted*, That the present *officers*

of the militia of this state, shall *continue* and exercise the several ranks and commissions which they now respectively hold. Vacancies by death, removal, resignation, or otherwise, shall be filled up, so that the militia shall be officered as follows: There shall be a *general staff*, of which the commander in chief shall appoint his four aids-de-camp with the rank of lieutenant-colonel, one quarter-master-general, one adjutant-general, severally with the rank of brigadier-general; to each division there shall be one major-general, and two aids-de-camp, with the rank of a major; to each brigade one brigadier-general, with one brigade-inspector, to serve also as brigade-major, one brigade or senior surgeon, one brigade-judge-advocate, one brigade-paymaster, and one brigade-quarter-master, to each *regiment*, one lieutenant-colonel commandant; and to each battalion or squadron, one major; to each *company of infantry*, light-infantry, and grenadiers, one captain, one lieutenant, and one ensign, one clerk, four serjeants, four corporals, one drummer, one fifer, and not more than sixty-four, nor less than forty privates, or as near as may be, having regard to their local situation; to each *troop of horse* there shall be one captain, two lieutenants and one cornet, one clerk, four serjeants, four corporals, one saddler, one farrier, and one trumpeter, and not more than sixty-four nor less than thirty-two troopers; to each *company of artillery*, there shall be one captain, and two lieutenants, one clerk, four serjeants, four corporals, one drummer, one fifer, not more than six nor less than three gunners, not more than six nor less than three bombardiers, and not more than thirty-two nor less than fifteen mattrasses; there shall be a *regimental staff*, to consist of one adjutant, and one quarter-master, to rank as lieutenants, one paymaster to

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- each battalion, one surgeon and one surgeon's mate, one chaplain, one serjeant-major, one drum-major, and one fife-major. All *officers* shall *take rank* according to the date of their commissions, and when two of the same grade bear equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment, battalion, company or detachment. The *regimental staff*, except the paymasters, shall be *appointed* by the field-officers, and the adjutants, and quarter-masters shall be appointed from among the subalterns of the regiment. ~~The~~ *regimental staff* officers shall be commissioned by the commander in chief, on certificates of their appointment under the hands and seals of the officers making the same : the *non-commissioned regimental staff* shall receive warrants from the commanding officers of the regiment and independent battalions; and further, there shall be one adjutant, one quarter-master, and one surgeon, or surgeon's mate, to each squadron of cavalry, and each independent battalion—the *non-commissioned officers and music* to be appointed by the captain and subalterns. That majors of independent battalions shall be entitled to promotion agreeably to seniority. And in case any *major of an independent battalion* shall be *promoted to the rank of lieutenant colonel*, he shall still continue to do the duties of major as before his promotion, until attached to some regiment or called into actual service, when he shall be entitled to command according to his rank of lieutenant-colonel and date of his commission as such.
4. *And be it enacted*, That each and every *officer* who has been or may hereafter be appointed and commissioned in the manner aforesaid and who shall not already have taken the same, shall

previous to their entering on the execution of their respective offices, *give assurance of fidelity* and attachment to the government of this state, by taking and subscribing the following *oath* before some general or field officer of the brigade. 21

I do sincerely profess and swear (or affirm, as the case may be) that I will, and do bear true faith and allegiance to the government established in this state under the authority of the people, and will with integrity execute the office of of the militia of New-Jersey according to the best of my abilities—so help me God.

And a certificate thereof shall be made upon the back of every commission by the general or field officer before whom the said oath or affirmation shall have been taken and subscribed.

5. *And be it enacted*, That the commanding officer of every regiment, independent battalion and squadron shall call a *meeting of the commissioned officers* of their respective regiments, independent battalions and squadrons, at such time and place as he shall appoint, for *improvement in military exercise* twice in every year—and the commissioned officers having notice of such meeting and making default, shall be subject to a *fine* not less than two nor exceeding four dollars, at the discretion of the brigade board hereinafter created, and return shall be made of such defaulter or defaulters by the commanding officer present at such meeting. 22 23 24

6. *And be it enacted*, That the militia of this state shall rendezvous three times in every year for the purpose of *training*, disciplining and improving in martial exercise, once by companies or troops within their respective bounds on the third Monday in April, once *by battalions* within their respective bounds, with the company or companies of artillery raised within the bounds of the bat- 25 26

talion annexed : the first battalion of the first regi-
 ment on the first Monday of May, the second bat-
 talion of said regiment on the Tuesday following,
 the first battalion of the second regiment on the
 Wednesday following, the second battalion of said
 regiment on the Thursday following, the first bat-
 talion of the third regiment on the second Mon-
 day of May, the second battalion of said regiment
 on the Tuesday following, the first battalion of
 the fourth regiment on the Wednesday following,
 and the second battalion of said regiment on the
 Thursday following, the first battalion of the fifth
 regiment on the third Monday of May, the second
 27 battalion of said regiment on the Tuesday follow-
 ing, and the *independent battalions* shall parade on
 the days immediately succeeding the trainings of
 such battalions as may be formed into regiments
 according to their ranks in the brigade, always ex-
 cepting the first and last days of the week—the
 28 *troops of horse* of Bergen, Essex, Morris, Somer-
 set, Middlesex and Monmouth brigades shall meet
 by squadron on the fourth Monday in May within
 their respective brigades, and it shall be lawful for
 the troop or troops of horse belonging to the other
 brigades to meet in like manner, but if the remote
 situation of the several troops composing a squad-
 ron shall render such meetings inconvenient, then
 they shall meet by troop at the time and place di-
 rected for the meeting of the battalion within the
 bounds of which the majority of the troop may
 reside, subject to the command of the major or
 commandant of the battalion, and once *by regi-*
 29 *ments* and *independent battalions* with the troop or
 troops of horse and the company or companies of
 artillery, the major part of which shall be raised
 within the bounds of each regiment or independ-
 ent battalion attached to the same, the *first regi-*
 30 *ment* on the first Monday of June, the second re-

giment on the Tuesday following, the third regiment on the Wednesday following, the fourth regiment on the Thursday following, and the fifth regiment on the second Monday of June ; it shall be the duty of the *captains or commanding officers* 31
of said companies or troops, the majors or commandants of battalions, the colonels or commandants of regiments, independent battalions and squadrons, *to advertise* the hour and *place of meeting* 32
of their respective corps, on the days appointed by law, at least two weeks, in two of the most public places in the company or troop, and *six* 33
of the most public *places* in the regiment, independent battalion or squadron so called to exercise ; that it shall be the duty of every *general of brigade* when 34
more than one independent battalion exists under his command, to direct that they *draw for rank* by 35
their commanding officer, in the presence of the general, and the battalion drawing the lowest number shall be highest in rank, and called the first independent battalion of the brigade, and the other or others shall be numbered and named accordingly ; and in every brigade in which there is an independent battalion or battalions, the regiments shall proceed in their *trainings* each on the 36
days designated by law, and the independent battalion or battalions shall follow according to their numerical order or rank on the days immediately succeeding, always excepting the first and last days of the week ; the *brigade boards* of each brigade 37
shall have full power and authority at their discretion, once in three years to *order a brigade training* 38
on one of the regimental days within the bounds of the brigade, which brigade training shall be instead of the regimental training for that year, and the same fines and penalties shall be imposed for deficiencies as are directed in cases of regimental muster, and the said board may leave out of such brigade

orders any regiment or independent battalion, the local situation of which may in their opinion require it, which regiment or independent battalion shall observe the day or days above appointed for such detachment, and further, that if the order aforesaid, in which the regiments and battalions are directed to exercise, shall be found inconvenient, it shall be lawful for the brigadier general to change the order in which the said regiments and battalions aforesaid shall be exercised, at his discretion, not altering the *days of training and exercise*, but confining such discretion to naming the particular regiment or battalion that shall train or exercise on a particular day as before mentioned, so that the inspection and review may be rendered more convenient to the brigadier general and brigade inspector; the *brigade inspector* by order of the brigadier general, to give *notice by advertisements* set up in three of the most public places within the bounds of each regiment and independent battalion belonging to said brigade, at least thirty days previous to the day of meeting; that it shall be the duty of the captain or commanding officer of every company, of the major or commanding officer of every battalion, of the lieutenant colonel or commanding officer of every regiment, of the general or commanding officer of every brigade, of the major-general or commanding officer of every division, to make accurate returns of the troops under their respective commands to their next superior officer at least once in every year, which shall be done in three months after the annual training: *Provided however*, That the regimental muster in the Cumberland brigade shall commence on the second Monday in June in every year, and the regiments and independent battalions of said brigade shall succeed each other.

in the same order, and continue to observe every other matter and thing enjoined by this act.

7. *And be it enacted, That the fines for non-attendance* on days of exercise shall be as follows: 44
 on a *field officer* the sum of five dollars, on every 45
other commissioned officer the sum of three dollars 46
 per day, on every *non-commissioned officer and* 47
private the sum of one dollar per day, and the same fines and penalties shall be respectively paid by every officer, non-commissioned officer and private, who shall be *absent at either roll call, or leave the parade* of his regiment, battalion, squadron, troop or company, without permission obtained from the commanding officer, before the said regiment, battalion, squadron, troop or company shall be discharged; and if any militia man shall *appear on parade without his musket or firelock*, or if a trooper without his sword and pistols, he shall forfeit and pay fifty cents, and if any footman for *want of a bayonet* and belt six cents; 50
Provided, That no militia-man shall be liable to such fines who in the opinion of the company court created by this act, may be deemed unable, 51
 from whatever cause, to procure arms and equipments, or either of them, but when any militia man shall be *called into actual service* he shall appear 52
 fully equipped with every article required by act of congress, or be subject to a fine, if an officer of ten dollars, or if a private two dollars.

8. *And be it enacted, That in order to ascertain those persons who by their absence on days of exercise shall be liable to the fines and forfeitures* of this act, a *clerk* appointed by the captain or commanding officer of every troop or company, shall on every day of training, in presence of said captain or commanding officer of said troop or company, one hour after the time appointed for the meeting of the troop, company, battalion, squad- 53

ron, regiment or brigade, and also after the exercise is over and before the men are dismissed, *call*
 54 *over the muster roll* of the said troop or company, noting those who are absent at each roll call, and also all those who are deficient in arms or equipments, and the particular article or articles for want of which they are liable to be fined, and shall ten or more days prior to the day appointed for the meeting of the company court *notify* either *personally* or by
 55 *a written or printed notice given to the delinquent* or left at the usual place of his dwelling, the amount of the fine or fines by him incurred, the day when and the place where the company court will meet, and shall deliver a true and particular
 56 *return of all such delinquents* and deficiencies on oath or affirmation, to the president of said company court, which *oath* or affirmation shall be in
 57 the following form.

I clerk of the company (or troop as the case may be) of the battalion (or squadron as the case may be) within the regiment of the brigade, do in the presence of Almighty God, swear (or affirm as the case may be) that this return contains the names of all delinquents of said company or troop, all which (excepting those marked as absent from my company district) have been notified as the law requires, and that the fines incurred and all deficiencies are truly marked opposite the names of each delinquent, according to the best of my knowledge and belief, &c.

58 And the *clerk shall also return* the name of every delinquent commissioned officer of said company *to the battalion paymaster*, noting the species of delinquency, whether of uniform, arms or non-attendance on days of exercise, or on the day appointed for holding said company court, and if there are no delinquencies he shall make a

blank return certifying the same, and for neglect of any duty required of him by this section, the clerk shall forfeit and pay any sum not exceeding ten dollars, to be prosecuted for and recovered by the battalion paymaster within whose bounds he resides, with costs of suit before any justice of the peace. 59

9. *And be it enacted*, That the commissioned officers of each and every company or troop shall constitute a *company court*, the officer first in rank shall be president; they shall when convened for business administer to each other the following oath or affirmation:— 60

I do swear (or affirm as the case may be) that I will perform the duties of a member of this company court agreeably to the true intent and meaning of the militia law of this state, according to the best of my skill and understanding, without favor, affection or partiality. So help me God. 61

And said company court shall meet on the first Monday of August in every year at such place within the bounds of said company, as the captain or commanding officer thereof shall publicly direct, and proceed to hear the testimony and allegations of all such parties, appearing by themselves or representatives, as have been returned delinquent at the preceding trainings, and impose such fines and forfeitures as in justice and equity this act requires, and in case but one of the officers composing the said company court shall attend, it shall be lawful for the said officer to call to his assistance two respectable enrolled persons from the list of said company, who (having taken the oath or affirmation prescribed by this section) shall constitute the company court and in all things shall be governed by the same regulations as are directed for the other company courts; the presi- 62 63 64 65 66

dent of the said court shall within twenty days ~~there-~~
 67 after *make three accurate returns* and safely trans-
 68 mit the same, *one* to the *battalion paymaster*, *one*
 69 to the *brigade paymaster*, and *one* to the *judge-
 advocate* or *brigade board*, of the names of all de-
 linquents, and the sum imposed on each by the
 said company court, and in case there were no
 fines imposed, he shall notwithstanding make and
 safely transmit blank returns, on which he shall
 certify that there were no delinquents; and in case
 70 *any member of any company court shall neglect to
 attend* at the time and place publicly notified, or
 when met shall ~~refuse to proceed in the duties~~
 thereby required of him, he shall forfeit and pay
 a sum not exceeding ten dollars, and if the presi-
 dent of any company court shall neglect to make
 out and safely transmit accurate returns as afore-
 said, he shall forfeit a sum not less than fifteen,
 nor exceeding thirty dollars, to be recovered in
 an action of debt by the brigade paymaster, to be
 assessed by the brigade board, and collected as by
 this act is directed for the recovery of fines im-
 posed on delinquent officers.

71 10. *And be it enacted*, That it shall be the *duty*
of the battalion paymaster on receiving the list of
 delinquents returned to him by the president of
 the company court, and on receiving from the
 said president the fines he may have collected, to
 write opposite the names of those persons who
 shall have discharged their fines, paid; and if ~~any~~
 72 *delinquent shall neglect or refuse to pay* the fine or
 fines returned against him to said paymaster be-
 fore the third Tuesday of October then next en-
 suing, the said paymaster shall immediately there-
 after *deliver* the said return *list of delinquents* to a
 73 *justice of the peace*, who is hereby required forth-
 with, to *issue execution* against the person or per-
 sons named in said return list (opposite whose

names shall not be written as aforesaid, paid for the sums annexed to their respective names, with costs, as in case of taxation, *directed to one of the constables* residing within the bounds of the battalion, and if there be no constable within such bounds, then to any constable of the county, who is required to *levy* the same of the *goods and chattels* of the respective *delinquents*, and to *pay* the several sums contained in the said execution within thirty days to the said *battalion paymaster* to whom the said delinquents belong, and for want of goods and chattels to *take* the *bodies of the delinquents*, and commit them to the jail of the county, there to be kept until the fines and costs shall be paid. And the *certificate of the constable*, setting forth that he has in his possession an execution containing a demand against said delinquent for militia fines unpaid, and the exhibition of such execution to the jailor shall be sufficient authority for said jailor to retain said prisoner until discharged by due course of law : *Provided nevertheless*, That the *brigade board* or any three of them, the commanding officer of the battalion or squadron to which he belongs being one, upon being satisfied by the *oath* or affirmation of the *delinquent committed to jail* or otherwise, that the delinquent so committed is unable to pay, may *grant a supercedas* to release and discharge such poor person from confinement. The *form of the execution* shall as near as may be, be as follows :

County

THE STATE OF NEW-JERSEY,

To *one of the constables of the county of*

Whereas the persons named in the schedule or list hereunto annexed, have been duly adjudged for deficiency in military duty and equipments, to pay the fines to their names respectively subjoined—you are therefore commanded forthwith of their

several goods and chattels respectively within said county, to levy by distress and sale thereof the fines set opposite their respective names with costs, and to pay the same to paymaster of bat-
 talion, and for want of goods and chattels, you are commanded to take the body or bodies of the person or persons so deficient, and deliver him or them to the keeper of the common gaol of said county, and the keeper thereof is hereby com-
 manded to receive and safely keep the person or persons who shall be so committed, until they pay the same, or until discharged by order of the brigade board, or otherwise by due course of law :
 and you are to make return of this execution, with
 82 your doings therein unto me *within thirty days* next coming ; for which this shall be your sufficient warrant. Hereof fail not. Given under my hand and seal the day of in the year of our Lord eight hundred and Justice of the Peace.

11. *And be it enacted*, That if any money shall remain in the hands of any constable after making sale of the property of a delinquent and paying the fines and costs of such delinquent, such money
 83 shall be *paid by the constable to the said delin-* quent ; but if he shall refuse to receive the same, then the said constable shall pay the said money to the paymaster of the battalion to which such delinquent belongs, to be by him accounted for in his settlement with the brigade board. And it
 84 shall be the duty of *such constable* after having, paid any such money into the hands of the bat-
 85 talion paymaster, immediately to *certify the same to the judge-advocate* or brigade board, and the
 86 *fin*es and forfeitures imposed by this act on *minors* living with their parents and others having the proper care or charge of them, and those of *ap-*
 87 *prentices shall be paid by their respective parents,*

guardians, masters or mistresses, or levied of their respective goods and chattels.

12. *And be it enacted*, That it shall be the *duty* of every *battalion paymaster* to make returns to the brigade board of all such *delinquent commissioned officers* as may be returned to him by the *company clerks*, and the said *battalion paymasters* shall keep *journals* of all their proceedings in the execution of the duties enjoined on them as *battalion paymasters*. They shall record in a *book* to be kept for that purpose the amount of fines by them received, of whom, and in what manner received, whether by voluntary payment or of the constables, of the *finer not collected* or recovered, and the reason thereof, of monies paid, to whom and on whose order and for what purpose, and shall lay the same, with their vouchers and receipts, before the brigade board for inspection and settlement.

13. *And be it enacted*, That the *brigade board* shall appoint one reputable freeholder within their respective brigade, to act as *brigade paymaster* to the same, and one reputable freeholder within the bounds of each *battalion* to act as *battalion paymaster* to the same, for the collection and payment of fines, which said brigade and *battalion paymasters* before entering upon the duties of their office, shall severally *give bond* with sufficient sureties, to be approved of by the commandant of the brigade, the brigade paymaster in the sum of two thousand dollars, the *battalion paymaster* in the sum of five hundred dollars, payable to the state of New-Jersey, with condition for the faithful performance of the duties of their respective offices, and shall repair to the clerk of the county in which they reside, and subscribe *and take* the following *oath* or affirmation :

I appointed paymaster of the brigade (or

battalion, as the case may be) of militia, to swear (or affirm) that I will to the utmost of my knowledge and ability, honestly and faithfully perform the duties of the office of paymaster of the said brigade (or battalion.) So help me God.

95 Which oath (or affirmation) the said clerk shall administer, and endorse on the said *bond*, and file the same in his office, *to be prosecuted* whenever the *brigade board* shall direct. The said clerk shall, on the back of the warrant of appointment, give a *certificate* under his hand and seal of the county, of said ~~bond and seal~~ (or affirmation) having been taken and filed, which shall be received as *evidence* of the *authority* of the said paymaster.

96 14. *And be it enacted*, That the *brigade paymaster* shall receive and file all vouchers and returns, and keep proper and distinct accounts of the monies arising from the fines and forfeitures in the several regiments and battalions in the brigade which shall be paid and returned to him, and also shall receive and file all returns, orders, 98 vouchers, and *receipts for all monies* he may receive and pay out, conformably to the directions of this law, and submit his books of accounts, returns, orders, vouchers and receipts to the inspection and *examination of the brigade board*, to 99 whom he shall account from time to time for all monies by him received, and produce orders for any disbursements he may have made; he shall 100 *make out for the treasurer of this state* an accurate statement of the amount of the delinquent ~~fines~~ imposed by the company courts on the defaulters of each battalion, the amount of the monies received by him from each battalion paymaster, the disbursements he may have made, to whom, for what purpose, and by what authority; the amount

of monies remaining in his hands unappropriated, and what *balance he is directed* by the brigade board to pay into the treasury of this state, which statement and balance he is hereby required to deliver or transmit to the said treasurer within three months after the annual meeting of the brigade board. On receiving the *list of fines imposed by the brigade board on delinquent officers*, he shall proceed to collect the same, and if any delinquent officer shall neglect or refuse to pay for sixty days thereafter, the said paymaster shall put the said list into the hands of a justice of the peace of the county, having previously crossed the names of such as may have paid, and the said justice is hereby required to issue *execution against the delinquents* who have not paid, in the words and form of execution directed in the tenth section of this act, substituting the words brigade paymaster instead of battalion paymaster. And the constable into whose hands said execution may be placed shall observe all the duties in executing such process enjoined by this act, and be subject to the same penalties as are provided by law for neglect of duty.

15. *And be it enacted*, That there shall be a brigade board, composed of the brigadier-general and commandants of regiments, battalions, and squadrons and brigade surgeon of the respective brigades, and a majority of them shall be necessary to form a board; they shall *meet annually* on the third Monday in December, at such place as shall be agreed upon by a majority of the board, and their next meeting in each brigade shall be at the place to which the board of general and field officers of such brigade stand adjourned.

16. *And be it enacted*, That at any meeting of the brigade board, the *officer of the first grade* and seniority present shall *preside*; the said board

- 108 shall have power to compel the attendance of its members by imposing a fine, which shall not in any case exceed twenty dollars; it shall be their duty and the said brigade board are hereby respectively empowered to make such alterations and arrangements of the regiments, battalions, squadrons, troops and companies within their respective brigades, as may from time to time appear to them as necessary and expedient, to authorize the formation of such new uniform companies, and to attach them to such battalion or regiment as they may think proper, and whenever the brigade board of any brigade in this state shall re-attach a company to any other regiment or battalion, the company so attached shall be considered the lowest in rank: they may make arrangements for instructing or obtaining music, provided the sum expended for such purpose shall not exceed fifty dollars for each regiment, and twenty-five dollars for each independent battalion and squadron, per annum: they shall draw orders upon the brigade paymaster for all lawful and necessary expences: they shall make said paymaster a reasonable allowance for his services, adjust, inspect and settle his accounts, determine what balance is in his hands, and what sum he shall pay forward to the treasurer of the state: they shall remove said paymaster in case of embezzlement or neglect of duty, and appoint another in his place, which successor is hereby empowered and required to prosecute the said delinquent or defaulter, his executors or administrators, for any monies remaining in his hands belonging to the brigade, in any court where the same may be cognizable, with costs of suit: they shall settle with the battalion paymasters, determine the balances which they shall severally pay forward to the brigade paymaster, to allow them a reasonable compensation

tion for their services : they shall remove either of
 them in case of embezzlement or neglect of duty,
 or suspicion thereof, and make other appointments
 to *fill the vacancies* : they shall direct the brigade 117
 paymaster, who is hereby on such direction re-
 quired to *prosecute such battalion paymaster*, guilty 118
 ty or suspected to be guilty of embezzlement or
 neglect of duty as aforesaid, his executors, or ad-
 ministrators, for all monies so embezzled, in any
 court where the same may be cognizable, with
 costs of suit : they shall make a reasonable *allow-* 119
ance to adjutants for extra services, and to per-
 sons employed by commandants of brigades, regi-
 ments, independent battalions and squadrons, to
 carry their orders : they shall make *compensation* 120
to the brigade judge-advocate or person acting in
 that capacity : they shall on returns made to them
 by the brigade major, or battalion paymaster, of
 any *delinquent* officers, (where no satisfactory ex-
 cuses are offered) *assess such fines* on each de- 121
 faulters, as are directed by law : they shall preserve
 order at their several sittings, by *imposing a fine* 122
 not exceeding ten dollars upon any person who
 shall interrupt or insult them while engaged in
 the business of the brigade, which shall be collect-
 ed by the brigade paymaster in the same way as
 fines on delinquent officers, and *return a list of* 123
the names of such delinquents, together with the
 name or names of any defaulting member or mem-
 bers of said board, with the amount of fine or
 fines annexed, *to the brigade paymaster* : they 124
 may draw on the *quarter-master-general* for colors
 or instruments of music necessary in their respect-
 ive brigades : they shall have power to administer
 oaths to witnesses, to hear and decide upon the
 application of any person, either by himself or
 friend, complaining of *permanent inability of body,* 125
or insanity of mind, and said board being fully

- satisfied that such complainant is truly unable to do military duty, or of unsound mind, they are hereby authorised to discharge such person during the continuance of such inability or insanity ; that
- 126 any person returned *delinquent by any company court*, conceiving himself aggrieved and making it appear to the satisfaction of said brigade board that he has not had an opportunity of applying to said company court, the said brigade board is
- 127 hereby authorized to stay the operation of *the execution* on such person (if the money has not been paid, and if it has been paid to return it) until
- 128 such person aggrieved ~~may have an opportunity~~ *of redress by the company court* of the ensuing year, and the judge-advocate shall certify to the president of the company court to which such applicant may belong, the indulgence granted to such person, and if no application is made accordingly, or no redress is given, the president of the company court shall return the person so having been indulged, with the names of the delinquents of that year, and such person shall be entitled to no further remedy : that the brigade board of each
- 129 convenient place or places, a *suitable covering* or coverings *for the preservation* of the piece or pieces of *field artillery* committed to their care, and pay the necessary disbursements out of monies arising from military fines and forfeitures accruing within their respective brigades.
- 130 17. *And be it enacted*, That there shall be a *judge-advocate to each brigade*, who shall be appointed by the brigade board, of which he shall
- 131 *be ex-officio clerk*. It shall be his duty to attend every meeting of the board, and keep a record of all their proceedings—he shall make a fair statement of the amount of fines collected by each battalion paymaster, of the allowance made by the

board to each for his services, of the amount paid by each to the brigade paymaster, of the appropriations made by the board, to whom and for what purposes; of the *compensation adjudged to the brigade paymaster and judge advocate*, the balance remaining in the hands of the brigade paymaster, and the sum he is directed to *pay forward to the treasurer of the state*; which statement, after recording the same in his minutes, he is required to *transmit to the treasurer* within two months after each annual sitting of the board. And in case of his refusal or neglect to make and forward such statement, he shall be subject to a fine not exceeding one hundred dollars, to be *sued for and recovered by the treasurer* of the state before any court having jurisdiction thereof, with costs of suit, to and for the use of the state.

18. *And be it enacted*, That it shall be the duty of the *quarter-master-general* to provide colors for the different corps of the militia, the *field of which shall be blue*, observing for the same corps uniformity in their device and ornaments, also *instruments of music*, and deliver the same as they may be required by an order from the brigadier-generals of the respective brigades; for which purpose the said quarter-master-general is hereby authorized to *draw on the treasurer of this state* for any sum not exceeding three hundred dollars annually, which said treasurer is hereby required to pay out of any monies in the treasury arising from militia fines and forfeitures not otherwise appropriated, and his accounts for executing the duties of that department he shall lay annually before the legislature at their first sitting, and receive from them a *reasonable allowance* for his services. †

19. *And be it enacted*, That it shall be the duty of the *adjutant-general* to distribute all orders

- from the commander in chief of the state to the several corps; to attend at public reviews, if required, when the commander in chief of the state shall review the militia or any part thereof; to obey all orders from him relative to *carrying into*
- 141 *execution and perfecting the system of military*
 142 *discipline* established by this act; to furnish blank forms of different returns that may be directed by the commander in chief, and to explain the principles on which they shall be made; to demand and receive from the several officers of the differ-
- 143 ent corps throughout the state *returns of the militia* under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good
- 144 order and discipline; all which the several *officers of the divisions, brigades, regiments, and battalions*, are hereby required to make in the manner herein directed, that the said adjutant-general may be duly furnished therewith previous to the annual meeting of the legislature; from all which returns
- 145 he shall make proper abstracts, and *lay the same*, with a report of the general state of the militia, magazines, and military stores, and also of such improvements as he may think necessary to advance the discipline and benefit of the militia, before the commander in chief of the state, who is
- 146 required to *lay the same before the legislature*.
 147 And the adjutant-general shall also annually *make a return* of all the militia of the state to the *president of the United States*. He shall keep a book
- 148 in which shall be *recorded all orders, returns, names of commissioned officers*, throughout the state, and every proceeding relative to the details
- 149 of the *military force* ordered by the commander in chief, *upon requisitions* of the president or congress of the United States, and in cases of inva-

sion or other emergency. All *certificates of election of officers* shall be transmitted to him to be entered on record, before commissioned by the commander in chief. He shall *deliver over to his successor*, all books and returns belonging to the office of adjutant-general. He shall *lay his accounts before the legislature* at their annual sitting in every year, and receive from them a reasonable allowance for his services. 150 151 152

20. *And be it enacted*, That it shall be the *duty of the brigade inspector*, to attend the brigade, regimental and independent battalion meetings of the militia composing their several brigades, during the time of their being under arms, to *inspect their arms, ammunition* and accoutrements, to make returns annually to the adjutant-general of the state, of the militia of the brigade to which he belongs, *reporting* therein particularly the *name of the reviewing officer*, of the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline. The said brigade inspector shall be entitled to *receive thirty dollars* annually for *his services*, and for refusing or neglecting the duties enjoined by this act, he shall be subject to the *penalty of fifty dollars*, to be recovered by the treasurer of the state, who shall also withhold his said salary of thirty dollars, until he shall have produced the acknowledgment of the adjutant-general, that he has received said return. In case of the *absence* of the *brigade inspector*, the commanding officer present at the inspection, shall appoint some person to perform the duties thereof. 153 154 155 156 157 158

21. *And be it enacted*, That every captain, lieutenant or ensign and cornet who shall from

- time to time be chosen by the several companies
- 159 or troops, shall *report his acceptance of the office* within ten days after having received notice thereof, to the major or commanding officer of the battalion, and in case such report is not made as aforesaid, the said office shall be deemed as vacant,
- 160 And the *resignation of every captain, lieutenant, ensign* and cornet shall be delivered to the brigadier-general or commanding officer of the brigade in which the said company or troop is formed, and where vacancies shall happen in any company or troop, by the death, removal or resignation of a captain, lieutenant, ensign or cornet, it shall be
- 161 lawful for the *commanding officer of the brigade*, by warrant under his hand and seal, directed to the major or commanding officer of the battalion or squadron to which such company or troop belongs,
- 162 to hold an election within the limits of such company or troop, to supply the vacancies occasioned by the non-acceptance, resignation, removal, death or otherwise of any such officer, and thereupon the said major or commanding officer of the said battalion or squadron shall give ten days notice by advertisement in three of the most public places within the limits of such company, of an election to supply the place of the officer or officers of the company or troop which may be vacant; and the said company or troop, or such of them as may attend, shall proceed by a majority of votes to choose such officer or officers residing within the bounds of the said company or troop,
- 163 and the said *major or commanding officer* of the said battalion or squadron shall *certify* under his
- 164 hand and seal, *annexed to or endorsed on the warrant* aforesaid, the name and rank of each officer so chosen or elected, addressed to the commander in chief of the state, and shall transmit the same to the *adjutant-general*, who after entering the

names and rank of the persons so elected, in the books of his office, shall lay the same before the commander in chief to be commissioned, and thereupon the adjutant-general shall transmit all commissions to the brigadier-general or officer who issued the warrant of election. The sum of two dollars shall be paid by the battalion paymaster to the commandant of the battalion or squadron for advertising and holding an election or elections. No candidate or any other person shall give any spiritous liquors or treat to any officers or privates, on any day of election of officers, under the penalty of twenty dollars, to be prosecuted for and recovered by the battalion paymaster, and by him paid to the brigade paymaster.

22. And be it enacted, That if any commissioned officer shall remove out of the bounds of his proper division, brigade, regiment, battalion, squadron, troop or company, or shall be absent therefrom more than six months, his office shall be thereby vacated.

23. And be it enacted, That the uniform to be worn by the several officers of the militia of this state, shall be conformable to the general orders heretofore, or that may hereafter be issued on that subject, and it shall be the duty of every officer within three months after receiving his commission, to appear upon all training days, courts-martial, and meetings of the brigade board in full and complete uniform, agreeably to the general orders, and also, either with a sword or hanger; and if any officer shall come upon parade for exercise not being so equipped, he shall incur the same fine as is directed by this act for non-appearance, and also shall not be suffered to do duty on that day.

24. And be it enacted, That if any youth of the age of twelve years and not exceeding the age of

eighteen years, shall, with the consent and appro-
 bation of his parents, attach himself to any compa-
 ny of militia for the purpose of learning to beat the
 drum, play on the fife, or blow the trumpet, or
 bugle, provided the number shall not *exceed one*
person for the drum, and one for the fife in each
 172 *company*, and one for the trumpet in each troop
 of horse, the *father* of every youth who shall serve
 173 as musician as aforesaid, *shall be excused* from
 every kind of military duty, so long as his son
 shall continue to perform the duties of a drum-
 mer, fifer, trumpeter or bugler in any militia
 company or troop, and be under the age of eight-
 teen years.

25. *And be it enacted*, That it shall be lawful
 for the captains or commanding officers of the
 174 *several companies of cavalry, artillery, light-infan-*
try, grenadiers, riflemen and fusileers to enrol in
 their respective companies from the several com-
 panies composing the brigade, regiment or bat-
 talion to which they may belong, such men as
 may from time to time be necessary to complete
 175 their respective companies, and a *certificate from*
the said captain or commanding officer, shall ex-
onerate the bearer from serving or paying any fine
 thereafter imposed on him by the officers of the
 company to which he formerly belonged, any law,
 usage or custom to the contrary notwithstanding;
Provided always, That it shall not be lawful for
 the captain or commanding officer of any *uniform*
 176 *company to grant a certificate* to any person *prior*
to his appearing in uniform agreeably to law, un-
 der the penalty of ten dollars, to be recovered
 when incurred by action of debt, before any court
 having cognizance of the same, and the court
 shall pay the money when collected to the pay-
 master of the brigade in which the delinquent may
 reside.

26. *And be it enacted*, That the *majors* or commanding officers of battalions shall be *charged* 177
with organizing the several companies under their respective commands; so far as where militia men of any company district neglect or refuse to choose their company officers, the *major* or commanding officer to which such company belongs, shall under his hand and seal *appoint a serjeant* 178
 within the said company district, whose duty it shall be to take command of the said company, and conduct it agreeably to this act, until proper officers are duly elected and qualified, and to *constitute his company court*, the said serjeant shall 179
 appoint three respectable enrolled persons from the list of said company, who shall choose one of their number to be president of said court, they shall take the oath or affirmation prescribed by the ninth section of this act, and in all things be governed by the same regulations as are directed for other company courts.

27. *And be it enacted*, That no officer or private shall *on the way* to or from the place of any 180
 review, regimental, battalion or company training of the regiment, battalion or company, to which he shall belong, pay more than *one-third* of the usual rate of *ferrriage*, or be charged any *toll* for 181
 passing any toll-bridge, or turnpike gate, and if any ferryman or keeper of any toll-bridge or turnpike gate, *shall refuse a passage*, or enforce a 182
 demand contrary to the direction of this act, he shall for each offence forfeit and pay the sum of eight dollars, to be recovered by any person who will sue for the same, one half to the prosecutor, and the other half to the paymaster for the use of the battalion where such demand or refusal is made, any law, usage or custom to the contrary notwithstanding.

28. *And be it enacted*, That no commissioned

- 183 officer, non-commissioned officer or private, *shall*
be arrested on any civil process, on any day ap-
 pointed by law for exercise or training, nor shall
 any arms or accoutrements of a militia man be
 levied on or sold by virtue of any execution.
- 184 29. *And be it enacted, That the captains or*
 commanding officers of the different companies or
 troops of militia in this state, shall yearly on or
 before the twentieth day of June *make and deliver*
a full and complete roll, on oath or affirmation, to
 185 *the assessors of the respective townships in which*
they reside, of all persons duly enrolled in their
respective companies who perform military duty ;
 for which service the said captains or commanding
 officers shall respectively be entitled to receive
 of the collector of the county, the sum of one dol-
 lar, on producing a receipt of his having delivered
 the said roll to the assessor as aforesaid ; and the
 186 *assessors of the several townships of this state, shall*
yearly, between the twentieth day of June and the
twentieth day of August, take an exact list of the
names and surnames of all free white male inhab-
 itants in their respective townships between the
 187 age of eighteen and forty-five, *except such persons*
as are exempted from militia duty by the first
section of this act, and all general, field and staff
 officers in actual commission, and excepting those
 who shall produce to the said assessor a certificate
 signed by the president of the brigade board by
 order of said board, within the bounds of which
 188 he or they may reside, of his or their *inability of*
body to perform military duty ; and the said as-
 sessors respectively shall after comparing the re-
 turns made by the respective captains or com-
 manding officers, with the list of the names by
 189 them respectively taken, *insert all the names not*
contained in the rolls or returns made by the said
 captains or commanding officers, in a separate list

to be annexed to their respective duplicates of tax lists, and they and every of them *shall be considered as exempts*, and the several assessors shall fine them in their respective duplicates the sum of three dollars each, over and above the amount of their taxes, and the said assessors shall yearly and every year *make out a duplicate list* of the names of every exempt contained in his or their respective duplicates or tax list, and shall *deliver or safely transmit* the same to the *collector of their respective counties*; and also at their annual meeting in September yearly make out a general abstract of the same, which they shall deliver or safely transmit to the *treasurer of the state*, and the said treasurer shall thereupon charge the county in which the said townships are situated with the amount of the money due on the said duplicate lists for exempt fines, in the public books of his office, and the several *county collectors* of this state shall pay forward to the *treasurer thereof* the sum due on the respective lists for exempt fines, over and above the quotas due from the several counties by law, on the same day on which the said quotas become due, unless he or they shall produce an account from the township collector or constable, certified on oath or affirmation, that the persons named in the said account for exempt fines are either dead, absconded or insolvent, and that the money cannot be recovered; and on neglect thereof the said *treasurer shall prosecute the said county collector* for and recover the same or any part thereof, in any court where the same may be cognizable, and the said *treasurer* is hereby directed to *keep separate and distinct accounts of all monies received in pursuance of this act*, and to lay an account thereof annually before the legislature, and if any *assessor shall neglect or refuse to insert the names of the persons not contained in the*

- company rolls as aforesaid, he shall forfeit and pay the sum of six dollars for every name by him so refused or neglected to be inserted in his duplicate, to be recovered by the collector of the township, in an action of debt, in any court where the same may be cognizable, with costs of suit, to and for
- 196 the use of the state ; and the *said assessors*, respectively, shall be entitled to receive in addition to their other fees to which they are entitled by law, the sum of two cents for every name contained in their lists, of all persons between the ages of eighteen and forty-five years, and the said collectors respectively ~~shall be entitled to receive~~, in addition to their other fees, the sum of two cents for the name of every exempt contained in their respective duplicates, all which fees shall be paid
- 197 by the county collector *out of the exempt fines*, and a receipt of such payment with two cents on a dollar, shall be allowed such county collector in his settlement with the treasurer : *Provided nevertheless*, That all those persons that arrive at the age of eighteen years between the twentieth day of June and the twentieth day of August shall be exempted from said fine for that year.
- 198 30. *And be it enacted*, That the respective *township collectors shall collect the said exempt fines* at the same time and in the same manner in which the township quota of other taxes is directed by law to be collected, and if the said township collectors or any of them shall neglect or refuse to pay forward the amount of said exempt fines as
- 199 aforesaid, the *collector of said county shall prosecute* for and recover the same, in the manner the state taxes are recoverable : *Provided always*,
- 200 That the *commissioners of appeals of the respective townships may grant redress* in case where any person or persons under eighteen years of age, or above forty-five shall be aggrieved by the

operation of the preceding section, and to any person or persons as aforesaid, entitled to redress, said commissioners are authorized to *give a certificate* of remission, which certificate the township and county collectors are hereby authorized to receive, and the same shall *pass with the treasurer of the state* for so much of the exempt fines returned against such county. 201 202

31. *And be it enacted*, That if any assessor shall neglect or refuse to execute any of the duties enjoined on him by this act, he shall forfeit and pay the sum of thirty dollars for each offence, to be recovered by action of debt with costs of suit by the collector of the county, and if any *county collector shall neglect or refuse to execute any duty* enjoined on him by this act, he shall forfeit and pay the sum of one hundred dollars for each offence, to be recovered by action of debt with costs of suit, by the treasurer of this state, and applied to the use of the state. 204

32. *And be it enacted*, That the *exempts created* by the twenty-ninth section of this act shall be liable *to be drafted* in the same manner as the enrolled militia, when called into actual service, and subject to the same fines and penalties. 205

33. *And be it enacted*, That the following fees be allowed; *to the clerk of every company or troop* for duties required of him, such sum as the company court shall deem just and reasonable; *to each of the members of the company court*, one dollar; *to the presiding officer of said court* for making the return of the delinquents of said company or troop two dollars, and two cents per mile for making the returns required of him; and the paymasters of the battalions where such officers and clerks belong are hereby authorized to pay the above fees, on a *certificate from the presiding officer* of the company court; to the brigade board 206 207 208

for the time they shall necessarily be engaged in the business of the brigade to which they belong, each per day two dollars: *Provided*, That the expenses of the members of the brigade board shall not be defrayed out of the public monies.

209 34. *And be it enacted*, That if any *suit* shall be brought or commenced against any person for anything done in pursuance of this act, the venue shall be laid in the county where the cause of action arose, and the defendant in such action may plead the general issue, and give this act and the special matter in evidence,

210 35. *And be it enacted*, That the commander in chief of this state, for the time being, may in case of *invasion or other emergency*, when he shall judge it necessary, order out any proportion of the militia of this state, to march to any part thereof, and continue so long as he may think it necessary, not exceeding two months.

211 36. *And be it enacted*, That when a part of the militia shall be called into actual service, it shall be the duty of the captain or commanding officer to divide his troop or company into as many classes as there shall be men required of him, and by *lot, enlistment or draft* to detach *one man from each*
 212 *class*, and such draft or detachment shall be officered with such officer or officers, and of such grades as shall be proper, agreeably to military discipline, the tour of duty of which *commission-*
 214 *ed officers*, shall be determined by a *roaster to be kept by the adjutant* for that purpose; that no *non-*
 215 *commissioned officer or private* shall be liable to perform actual service, until it shall become his proper tour agreeably to a roaster of the company, to be kept by the commanding officer of the same, and that no draft or detachment shall be continued in service more than two months at any one time,
 216 and if necessary, they shall be *relieved by a de-*

detachment in the manner aforesaid, which relief shall arrive at least two days before the expiration of the term of the detachment to be relieved; but nothing herein contained shall prevent the commander in chief from calling into service the whole or any part of the militia, when the exigencies of the state shall in his opinion require it: that the pay of the militia in actual service shall commence two days before marching, and that they shall receive *one day's pay and rations* for every fifteen miles on their return home; and in requisitions by the president and congress of the United States, the like mode shall be pursued in drafting and turning out the quota of this state.

37. *And be it enacted*, That it shall and may be lawful for any person called to do a tour of duty to find a *substitute*, who if approved of by the captain or commanding officer of the company, or passed by the muster-master, may serve in the place of such person.

38. *And be it enacted*, That when any draft or drafts of the militia shall be called to perform any tour of duty, the majors or commandants of the battalions shall cause each and every person so called, to be notified of such call, by a *written or printed notice* being delivered to him personally, or left at his house or usual place of abode, by some officer or other suitable person employed for that purpose by the commanding officer of the said company, at least three days before the time of assembling said militia, unless the commander in chief on a sudden exigency shall think proper to order any part of the militia into immediate and actual service, and then the notice mentioning such special order shall be given for immediate attendance, and any person refusing or neglecting to perform such tour of duty, or to procure a substitute, shall pay a fine not exceeding fifty dollars

- 223 for every such neglect or refusal; *which fines as*
aforesaid shall be paid to the captain or command-
 ing officer of the company to which such delin-
 224 quent belongs, and be by him appropriated, under
 the direction of the commandant of the battalion
 to which the said company belongs, *for the pur-*
pose of hiring substitutes to supply the place of the
 delinquents belonging to the said company; and
 225 in case of a *surplusage* of money arising from
 such fines, it shall be paid to the *paymaster of the*
battalion. And every non-commissioned officer,
 whilst engaged in warning the company to which
 he belongs, under the orders of the commanding
 officer of the company in case of a call into actual
 service, shall receive one dollar per day, for the
 time he may be necessarily engaged in such duty.

39. *And be it enacted,* That the *brigade in-*
pector shall call to his assistance two respectable
 freeholders, above forty-five years' of age, who
 226 shall *appraise on oath* or affirmation the horse of
 each person serving as a *light horseman*, immedi-
 ately before the time of going into actual service,
 and describe the age, size, color, and marks of
 said horse, and enter the same in a book kept for
 that purpose, and in case such horse shall be killed,
 or be taken by the enemy, the owner of such
 horse, or his lawful representative, shall be paid the
 full value of said horse according to the said ap-
 praisement, by an order *to be drawn* on the cer-
 tificate of the inspector by the brigadier-general or
 227 commanding officer of the brigade, *on the treasur-*
er of this state, provided such claim be made in
 one year after the loss so sustained.

40. *And be it enacted,* That the *quarter-master*
 228 who shall *furnish rations or ammunition for de-*
tachments of militia which may be ordered into
 the service of this state shall lay his account there-
 229 for, accompanied with the *receipts* of the officer

commanding such detachment, that *such ammunition and rations have been furnished*, before the commanding officer of the regiment or independent battalion for his approbation; and if he shall *approve and sign* the same, the governor, or person administering the government, if he shall also approve thereof, shall *issue his warrant on the treasurer*, to be paid out of any money in the treasury not otherwise appropriated.

41. *And be it enacted*, That the commander in chief shall appoint a *general court-martial* for the trial of all officers *above the rank of field officers*; that the major-generals each in his own division shall appoint a general court-martial for the *trial of all field officers*; that the brigadier generals, each in his own brigade, shall appoint a general court-martial for the *trial of captains and all commissioned officers under that rank*; and that the commandants of regiments and independent battalions, shall institute a *regimental court-martial*, within their respective regiments and independent battalions, as often as it shall be found necessary; and that it shall be the duty of every officer who shall appoint a court-martial as aforesaid, to *approve or disapprove* of the sentence or sentences of such courts-martial by them appointed, or to mitigate the punishment or pardon the person convicted, excepting where the offence is of a personal nature, in which case the sentence of the court-martial shall be conclusive. And any officer by this act authorized to appoint a court-martial is also hereby authorized (in the *absence of the brigade judge-advocate*) to appoint a person to officiate as *judge-advocate pro tempore*, to attend any courts-martial ordered immediately.

42. *And be it enacted*, That any officer to be tried by a court-martial shall have *fifteen days notice* of the time and place appointed for trial, and a

238 *copy of the charges* exhibited against him, and shall be put under arrest, so far as to be suspended from the exercise of his office; and in case any officer for the trial of whom a court-martial shall
 239 be appointed, shall *neglect to appear and make defence*, the court shall be authorized to proceed in his absence, and if found guilty of the charges he shall be sentenced accordingly.

43. *And be it enacted*, That all persons shall be
 240 holden bound to appear and *give evidence before any court-martial, court of enquiry, or brigade board*, on oath or affirmation to be administered by said courts, that the evidence they shall give in the cause in hearing, shall be the truth, the whole truth, and nothing but the truth, under the same penalties as are by law provided for witnesses in other cases, when thereto *summoned by the*
 241 *brigade judge-advocate*, or by any justice of the peace, who is hereby authorized and enjoined when called upon to summon such witnesses in the county to which he shall belong, and for which no fee shall be required.

44. *And be it enacted*, That every *regimental court-martial* shall be composed of five members, all commissioned officers, the president whereof shall not be under the rank of a captain, that *general courts martial shall consist of thirteen commissioned officers*, not under the rank of captain; the
 243 senior officer shall be president, not less than *two thirds of the members must agree* in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted. That before the trial
 244 of any cause, the judge-advocate shall administer to the president and each of the members, the following *oath* or affirmation, to wit:

You do swear (or affirm) that you will well and truly try and determine according to evidence the cause now before you between the

state of New-Jersey, and the person (if more than one, persons) to be tried; and you further swear that you will not divulge the sentence of this court-martial until it shall be approved or disapproved of, and that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof as a witness by a court of justice, in a due course of law; So help you God.

And the president shall administer to the *judge-advocate* the following *oath* or affirmation, to wit:

You do swear (or affirm) that you will not on any account, at any time whatever, divulge the vote or opinion of any particular member of this court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law, and that you will not disclose the sentence of this court-martial, until it shall have been approved or disapproved of, by the officer who appointed the same; So help you God.

45. *And be it enacted*, That if any *commissioned officer*, at any review, or any other occasion, when paraded in arms or on duty, shall *misbehave* or *demean* himself in an unofficer like manner, he shall for such offence be cashiered or *punished by fine* at the discretion of a general court-martial, as the case may require, in any sum not exceeding fifty dollars; and if any *non-commissioned officer* or *private*, shall on any occasion of parading the company to which he belongs, *appear drunk* or disobey orders, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, he shall be *disarmed and put under guard* by order of the commanding officer present until the company is dismissed; and shall

- be fined at the discretion of a regimental court-martial in any sum not exceeding eight dollars.
- 250 46. *And be it enacted,* That if the *commanding officer* of any regiment, battalion or squadron shall *neglect or refuse to give orders* for assembling his regiment, battalion or squadron at the time appointed by the commandant of the brigade
- 251 to which he belongs, or in case of an *invasion* of the city, or county to which such regiment, battalion or squadron belongs, he shall be *cashiered or punished by fine* not exceeding one hundred dollars at the discretion of a general court-martial;
- 252 and if a *commissioned officer* of any company or troop shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the discretion of the commanding officer of the regiment, battalion or squadron to which such company or troop belongs, he shall be *cashiered or punished by fine* not exceeding one hundred dollars, at the discretion of a general court-martial; and a *non-*
- 153 *commissioned officer* offending in such case shall be *fined* at the discretion of a regimental court-martial, in any sum not exceeding thirty dollars.
47. *And be it enacted,* That if any *captain* or *commanding officer* of a company or troop shall
- 254 *refuse or neglect to make out a list* of the persons notified to perform any tour of duty, and send or convey the same to the commanding officer of the regiment, battalion or squadron to which such company or troop may belong, for such neglect
- 255 or refusal he shall be *cashiered, or fined* at the discretion of a general court-martial in any sum not exceeding one hundred dollars.
48. *And be it enacted,* That if any *militia man*
- 256 shall *desert* while he is on a tour of duty, he shall be fined in any sum not exceeding one hundred dollars for every such offence, or may be impri-

soned for any term not exceeding two months, at the discretion of a regimental court-martial, and if a non-commissioned officer he shall also be degraded and placed in the ranks.

49. *And be it enacted,* That it shall not be lawful for any non-commissioned officer or private to come on parade with a loaded or charged musket, gun, rifle, fusee or pistol, nor to discharge any fire-arms within one mile of the place of parade, on any day that they shall be ordered out for improvement or inspection without an order or permission from a commissioned officer, and if any non-commissioned officer or private shall so load or charge, or fire or discharge any fire-arms without such order or permission, he shall forfeit one dollar for every offence, and the clerk of the company is hereby directed to read this section immediately after calling the roll of the company, and the commissioned officers are hereby enjoined to cause the names of the persons who shall offend, to be returned to the regimental court-martial. 257 258

50. *And be it enacted,* That the militia of this state shall be considered to be under military discipline from the rising until the setting sun of the same day, that they shall be ordered out for improvement or inspection, and that no officer, non-commissioned officer or private belonging to the same, during the time aforesaid, shall be subject to be arrested on any civil process. 259

51. *And be it enacted,* That the militia on the days of exercise may be detained under arms, on duty in the field six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves. 260

52. *And be it enacted,* That if any person who shall bring any kind of spiritous liquors to the place of exercise, or within one mile thereof for the 261

262 purpose of retailing, shall ~~forfeit such liquors~~ for the use of the poor belonging to the city or township where such exercise is had, and the commanding officer of the regiment, battalion, squadron or company is charged with the execution of this article.

263 *53. And be it enacted, That the rules of discipline approved and established by congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be required necessarily by the requisitions of the acts of congress or some unavoidable circumstances. It shall be the duty of the commanding officer at every training to cause the militia to be exercised and trained agreeably to said rules of discipline, and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated in this act at length.*

264

54. And be it enacted, That the commander in chief be and he is hereby authorized to procure a sufficient number of copies of a system embracing the first elements and most essential movements of field artillery, also a sufficient number of copies of a manual for the exercise of cavalry, and distribute the same to such officers of the cavalry, artillery, and infantry, as in his opinion the service may require. And he is hereby authorized to draw on the treasurer of the state for monies to defray the necessary expenses, and the said treasurer is hereby authorized and required to pay such draft out of any monies in the treasury

265
266

arising from militia fines, not otherwise appropriated.

55. *And be it enacted*, That when any officer 267
of the general staff shall be tried by courts-martial, the expense shall be paid by the treasurer of the state, out of any militia fines in the treasury not otherwise appropriated. That when any officer having commanded in any brigade *above the* 268
grade of major shall be tried by courts-martial, the expense shall be paid by the paymaster of the brigade to which the delinquent belongs; and that when the commanding officer of any battalion or squadron, or of a *grade inferior, or private*, shall 269
be tried by courts-martial, the expense shall be paid by the battalion paymaster in whose bounds the delinquent may reside. That every officer who shall attend on courts-martial shall be entitled to receive the sum of one dollar and fifty cents each for every day they shall respectively attend, and all persons attending before said courts-martial as witnesses, shall be entitled to receive fifty cents per day : *Provided*, That no more than *four* 270
witnesses on the part of the state, and four on the part of the offender, shall be entitled to pay. All which sums shall be paid as aforesaid, on certificates signed by the judge-advocate or the person acting as such at any courts-martial which may be held.

56. *And be it enacted*, That if any *bystander* 271
shall interrupt, molest, or insult by abusive words or behavior, any officer or soldier while on duty at any training or muster, he shall be immediately *put under guard*, and kept, at the discretion of the 272
commandant of the regiment, battalion, squadron, company or corps, until the setting of the sun of the same day on which such offence shall be committed, and if any *bystander* shall be guilty of any *like conduct before a court-martial*, he shall be fined in any sum not exceeding twenty dollars,

with costs of prosecution, *to be recovered before*
 273 *any justice of the peace by the battalion paymaster,*
 who shall sue for and pay the same when recover-
 ed to the brigade paymaster.

274 57. *And be it enacted,* That all *finer imposed by*
any courts-martial shall be certified and returned
by the judge-advocate of the brigade board, who
 shall direct their brigade paymaster to collect the
 same in the manner directed for the collection of
 fines imposed on delinquent officers in the four-
 teenth section of this act.

58. *And be it enacted,* That the *monies paid*
 into the *treasury of this state for fines, forfeitures*
 and exemptions arising under this act, shall con-
 276 *stitute a military fund;* and the account of the
 same shall be kept by the treasurer separate from
 the other accounts of his office, and be by him
 annually submitted to the legislature.

59. *And be it enacted,* That *two thousand five*
hundred copies of this act, with the general or-
 277 *ders now in force, shall be printed under the di-*
 278 *rection of the commander in chief, and distributed*
by the adjutant-general to the several officers of
 the militia, and it shall be the duty of any *officer*
 279 *having such copy or copies on his going out of*
office to deliver, or in case of his death his execu-
 tors or administrators shall deliver, under the *pen-*
 280 *alty of five dollars,* to the successor in office, who
 shall prosecute for the same of the person so going
 out of office, or of the executors and administrators
 of the person so dying, the aforesaid copy or copies.

60. *And be it enacted,* That all *former acts for*
 regulating, conducting and disciplining the mil-
 itia of this state shall be and the same are hereby
 281 *repealed:* Provided, that the *collection of fines and*
 forfeitures under the former act, or its supplements
 282 *incurred, shall not in any wise be affected by this*
repeal, nor the settlement of the accounts of the
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From November 11, 1800, to February 23, 1811.

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☞ *In page 218, line 7, strike out BEFORE and insert AFTER.*

ALPHABETICAL REFERENCE

TO THE SEVERAL

PRIVATE LAWS

*Of the 25th to the 35th General Assembly, inclusive,
from 28th October, 1800, to 23d February, 1811.*

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Cooper's creek in Gloucester.	1802, Nov. 22
Passaic at Bellville.	:: :: 23
Berry's creek, Bergen county.	1804, Feb. 13
Toll, over Rahway river.	:: :: 17
Delaware, near Easton.	:: Nov. 28
Draw over Raccoon creek, near its mouth.	1807, :: 11
Toll, over Rancocus.	:: :: ::
Draw, over Great Mantua creek, at Crownpoint.	1809, :: 7
Salem creek near the forks.	:: :: 9
Mitchell's and Coryell's over the Delaware.	:: :: ::
Between Black's Eddy and Wells's Falls over Delaware.	1811, Feb. 18
Note—Similar act passed by Pennsylvania same year.	

Draw over Crosswicks creek.	1809, Nov. 28
Over Manasquan river.	1811, Jan. 30
From Stony Island in Salem—former act repealed.	:: :: ::
Toll, over Falls of Passaic.	:: Feb. 4

C

<i>Canals and Locks, to improve inland navigation.</i>	
Salem creek.	1800, Nov. 17
South branch of Raritan.	1801, :: 30
River Raritan.	1802, Dec. 2
To unite the tide waters of the Raritan and Delaware.	1804, :: 1
<i>Causeway, near Bound creek landing.</i>	1805, Nov. 13
To Rahway meadows.	:: :: ::
<i>Contract—See Comp. page 135, 136, & 137.</i>	
To carry into effect, respecting the lands of William Hobrow,	1800, Nov. 17
Zachariah Hebler,	1801, Feb. 26
John Hillyer,	:: Nov. 30
Joseph Pierson,	1802, :: 11
Daniel Brown,	:: :: 12
Gabriel Ludlum,	:: :: 19
Joseph Jones,	:: :: 25
John Blackwood,	1803, :: 1
Supplement to,	1811, Jan. 23
Thomas Jones,	1804, Feb. 20
Rev. John Hanna,	:: :: 27
Elisha Newell,	:: Dec. 3
Abraham Vreelandt,	1805, Nov. 6
Benjamin Van Doren,	:: :: 11
Peter Simmons,	:: :: ::
George Mutchler,	:: :: 13
Timothy Corlies,	1806, Mar. 3
Elizabeth Lawrence,	:: :: 5
Joseph Sharp and Elias Ogden,	:: :: 13
Thomas Heston,	:: Nov. 25

Jonathan Johnston,	1807, Nov. 6
Isaac Howey,	:: :: 12
Ichabod Martin,	:: Dec. 3
Hugh Gaston,	1808, Nov. 11
Isaac Kay,	1811, Feb. 6
Henry Disborough,	:: :: 8
John Abbott,	:: :: 22
<i>Copper-Mines</i> —In Bergen,	1801, Nov. 27
Incorporation.	1811, Feb. 22

D

<i>Dam and Waterworks</i> —	
Across Great-Egg-Harbor,	1801, Feb. 9
Over the west branch of Stow-creek.	:: :: 19
East side of Rackoon-creek in Wool-	
wich.	:: :: 28
At Cape-Marsh in Cape-May.	1803, Nov. 8
Over Woodbridge-creek at Long-	
reach.	1804, Feb. 15
Across north branch of Rancocus,	1805, Nov. 13
Across south main branch of Ran-	
cocus.	1806, Mar. 8
At Joshua Wright's mills on Cross-	
wicks.	:: Nov. 21
Wing, on Delaware, near Assan-	
pink-creek.	1809, :: 29
Across Meteteconck river.	1810, Nov. 8
Patconk's creek.	1811, Feb. 16
<i>Delaware River</i> , for improving the na-	
vigation 3 miles below Trenton.	1811, Feb. 18
<i>Divorce of Hannah Mills.</i>	1801, Mar. 3
Hannah Gill.	1802, Nov. 26
Hannah Burnet.	1804, :: 13
Effee Garabrant.	1808, :: 15
Abigail Brant.	1811, Feb. 7

E

<i>Essex</i> , court-house and jail, place to be determined by vote.	1806, Nov. 5
---	--------------

For vacating the election had.	1807, :: 28
Brigade 3d reg. 1st batt. where to exercise.	1808, Nov. 19
Confinement of prisoners of, in Morris jail.	1811, Feb. 23

F

<i>Ferry</i> , between Powles-Hook and Hoboken.	1802, :: 22
<i>Franklin</i> company, incorporated, for printing, binding, publishing and vending of books, at the city of Jersey.	1811, Jan. 23

H

<i>Humane Society</i> of Burlington, incorporated for relief, gratis, in cases of drowning & sudden casualties.	1804, Dec. 1
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I

<i>Indian Natives</i> in Burlington county, sale of their lands and removal into the state of New-York.	1801, Dec. 3
Part of an act of 12th Aug. 1758 respecting, repealed.	1804, Dec. 1
<i>Coaxen</i> lands to be leased out.	1806, Mar. 13
<i>Insolvent</i> law extended to H. B. A. Mangin.	:: :: ::
To Abiel Aiken.	1808, Nov. 24
<i>Inquisitions</i> , judgment thereon directed to be entered of record in Burlington,	1801, Feb. 27

L

<i>Lands</i> —Marsh and meadows on Delaware and Salem creek.	1804, Nov. 24
Manasquan beach,	:: Dec. 4
Mantua-creek.	1805, Nov. 11
Drowned, in Sussex, to drain.	1806, :: 28
Supplement to.	1809, :: 25
On Oldman's creek & the Delaware.	:: :: 24

- On westerly side of Rackoon-creek,
 near the mouth. 1811, Feb. 5
 Meadow, bog and fly, near Pomp-
 ton, to be ditched and drained. :: :: 20
Woods, to be enclosed, near the par-
 tition line in Bergen county. 1801, Feb. 25
 Near Overpeck-creek bridge in Bergen. 1804, :: 23
 Bergen woods, on the Hudson. 1808, Nov. 19
 Supplement to. 1811, Feb. 8
 Between Fort Lee and Bull's ferry. :: Jan. 30
 Enclosure of the Big Woods in
 Westfield. :: Feb. 9
Laws, revision of, by William Pater-
 son, payment & distribution of. 1800, Nov. 17
 See Revision 452 and 453.
Loan Office money to be exchanged. 1806, Nov. 14
 M
Manufacturing Company at Fairfield. 1809, Nov. 14
 N
Navigation, improvement of.
 South branch of Rariton river. 1801, Nov. 30
 The Rariton navigation company 1802, Dec. 2
 The river Machiponix. 1804, Nov. 28
 Delaware between Paxon and
 Eagle island. 1809, :: 14
 Delaware sand bar three miles
 below Trenton. 1811, Feb. 18
Newark, certain estate vested in the
 inhabitants of. 1804, Feb. 15
 Town plat boundaries and streets to
 be defined. 1808, Nov. 24
 Supplement to. 1809, :: 27
 Watering place lot to be sold. :: :: 28
 Protestant episcopal church in, may
 incorporate under act of 13th June
 1799. 1806, Mar. 18

Presbyterian second church, altered to first Presbyterian church in Orange.	1811, Jan. 31
R	
<i>Relief</i> of the administration of Jeremiah Youngs.	1800, Nov. 18
Sheriff Hardenbergh's securities.	1801, Mar. 7
Thomas Havens, wounded soldier, during disability.	1804, Feb. 11
Benjamin Westervelt, restored to the rights of citizenship.	:: Mar. 1
John Armstrong, exonerated from the payment of interest.	1806, Nov. 28
Samuel Q. Talbot, a lunatic.	1807, Nov. 19
Jabez Parkhurst, reimbursed certain costs, fees and expenses.	:: Dec. 1
Sureties of a constable absconded empowered to sue and receive monies on official papers.	1811, Feb. 18
<i>Road</i> across salt marsh on the Delaware in Alloways creek township.	1802, Dec. 1
S	
<i>Sandy-Hook</i> lot for beacon for U. S.	1804, Mar. 1
<i>Salem</i> —Trustees of the poor meeting altered.	:: :: 6
<i>State-House</i> —prison—repairs to.	:: Feb. 24-
do.	:: Mar. 7
do.	:: Nov. 10
do.	:: Dec. 2
do.	:: :: 3
do.	1806, Mar. 3
T	
<i>Taxable property</i> designated.	1801, :: 9
<i>Taxes</i> , arrearages of, from Burlington and Morris.	:: Nov. 23, 26
Monmouth.	1807, Dec. 3
Sussex.	1808, Nov. 19

<i>Tax</i> , levied on Jersey bank relative to the.	1811, Feb. 23
<i>Treasurer</i> to pay reward offered by proclamation of the governor.	1801, Feb. 12
Amount of Josiah Hunt's depreciation of pay.	:: :: 18
<i>Trustees</i> appointed, respecting the wills, sale, conveyance and division, of the real estate of,	
Moses Marsh,	1802, Nov. 11
Philip Kearney,	:: Dec. 1
Gilbert Mollison,	1804, Feb. 14
Jonathan Hampton,	:: :: 17
Andrew Coejeman,	:: Nov. 26
Thomas Watson,	1804, Nov. 27
John Benham,	:: :: 28
Samuel P. Forman,	:: Dec. 3
Joel Husted,	1805, Oct. 30
Henry Brockholst,	1806, Feb. 28
Isaac Richman,	:: Mar. 8
James Board, sen.	:: :: 11
Samuel Lodge,	:: :: 12
Joseph Milnor,	:: :: ::
Amos Munn,	:: :: 13
William Conelly,	:: Nov. 12
Dr Lewis Johnston,	:: :: 17
Hassel Petersee,	:: :: 24
Isaac Gouverneur,	:: :: 26
Supplement to,	1811, Jan. 29
Joseph Brearley,	1806, Nov. 28
Supplement to.	1811, Jan. 29
David Woodmansee,	1806, Nov. 28
Garret Van Riper,	1807, Nov. 11
Thomas Earl, jun.	:: Dec. 3
John Busenberger,	1808, Nov. 18
Richard Palmer,	:: :: 21
Devall's island & Andover furnace,	:: :: ::

Daniel Fielding,	:: ::	22
Judith Harris,	:: ::	23
James Dunham,	:: ::	24
William Hall,	:: ::	25
John Wild,	1809, Nov.	18
Thomas Cummings,	:: ::	28
Zerubbabel Gaskill,	1810, Oct.	31
Albert Cortleyou,	:: Nov.	2
Jonathan Appleton,	:: ::	::
Michael Hageman,	1811, Jan.	22
William Thatcher,	:: ::	19
Reuben Freeman,	:: ::	29
Daniel Trotter,	:: ::	::
Edward Badgely,	:: ::	::
Andrew Bowman,	:: Feb.	16
Derrick C. Westervelt,	:: ::	20
Henry Haines,	:: ::	22
Samuel Corey,	:: ::	::

Turnpike Roads.

1. Morris Turnpike, from Elizabethtown, through ~~Morrisstown~~ Newton, and over the Minisink mountain at Culver's Gap, to the Delaware, opposite Milford, in Pennsylvania. 1801, Mar. 9
Supplement. 1803, Nov. 10
2. Bergen T. from Hackensack to Hoboken. 1802, Nov. 30
Supplement. 1807, :: 16
3. Union T. from Morristown to Sparta, in Sussex. 1804, Feb. 23
Supplement. 1805, Nov. 11
4. Union T. continued from Sparta thro' Culver's gap in the blue mountain to the Delaware. 1806, Nov. 11
5. Trenton and New-Brunswick T. from Trenton to New-Brunswick, 1804, Nov. 14
Supplement. 1806, :: 28

6. Newark T. from the city of Jersey, to the bridge over Hackensack river, on the main road to New-York. 1804, Dec. 1
 The governor to subscribe for the state 250 shares, or \$12,500, being half of the stock, and which was subscribed and paid. :: :: 3
 Supplement. 1808, Nov. 4
7. Newark and Pompton T. from Newark to Pompton. 1806, Feb. 24
 Supplement. :: Nov. 28
8. Newark and Mount-Pleasant T. from Newark to Mount-Pleasant. :: Feb. 27
9. Jersey T. from New-Brunswick bridge to Easton Delaware bridge. :: :: ::
 Supplements. 1806, Nov. 28, and 1811, Feb. 22
10. Essex and Middlesex T. from New-Brunswick bridge to Newark. 1806, Mar. 3
11. Washington T. from Morristown to the Delaware opposite Easton. :: :: ::
 Supplement to. 1809, Nov. 15
12. Paterson & Hamburgh T. from Aquacknonk landing to Decker-town. 1806, Mar. 3
 Supplement. :: Nov. 26
13. Paterson and Hamburgh T. continued from Deckertown crossing the Minisink or Blue mountain to the Delaware opposite Milford in Pennsylvania. 1809, Nov. 28
14. Springfield and Newark T. from Springfield to Newark, 1806, Mar. 3
15. Franklin T. from New-Prospect, near Hoppertown, to the New-York line. :: :: 6

16. Hunterdon and Sussex T. from Trenton to Sussex. :: :: 12
17. Princeton and Kingston branch T. from Trenton to Princeton and Kingston to the Trenton and N. Brunswick turnpike. 1807, Dec. 3
18. Jefferson T. from Buckshirvalley thro' the valley to the Paterson and Hamburg turnpike. :: :: 4 :
19. Bellville T. from Bellville bridge on Passaic to intersect the Newark and Pompton turnpike betwixt Bloomfield & Cranetown. 1801, Nov. 15
20. Perth-Ambey T., from Perth-Amboy to Boundbrook. 1808, Nov. 22
21. Woodbridge T. from New-Brunswick bridge thro' Piscataway and Woodbridge to Rahway river toll-bridge. :: :: 24
22. Burlington T. from Burlington thro' Bordentown, to ~~intersect~~ Trenton and New-Brunswick turnpike. :: :: ::
- Supplements. 1809, Nov. 8, and 1811, Feb. 6
23. Jersey and Acquacknonk T. from Acquacknonk landing to the Bellville turnpike. :: :: 28
24. Parsippany and Rockaway T. from Vanduyens thro' Rockaway to the Union turnpike. 1809, Nov. 14
25. Water-Gap T. from the Morris and Sussex turnpike near the 34 mile post, thro' Milton and Hope to the Delaware, near the Water-Gap. 1811, Feb. 8
26. Ringwood and Long-Pond T. from Ringwood to Long-Pond to the division line near the 29th and 30th milestones. :: :: 9

27. Farmers T. from Springfield thro' or near New-Providence, Long-hill, Pluckamin, until it intersects the Jersey turnpike near Potterstown. :: :: ::
28. Newark and Morris T. from Newark thro' South-Orange to Bottle-Hill or Morristown. 1811, Feb. 11
29. Vernon T. from the division line near Decays, to intersect the Paterson and Hamburg turnpike. :: :: 14
30. New-Milford T. from the division line between 29th and 30th mile-stones to intersect the turnpike between Robert Colfax's corner, and George Smith's near the toll-gate. :: :: ::

W

- Wharf* on Rahway river. :: :: 18
- Will* and testament of William Brown, executed in presence of two witnesses declared to be as good and valid as if three witnesses. :: :: 23

FINIS.

Appendix.

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THE population of the state of New-Jersey, as ascertained by the census taken in 1790, 1800, and 1810, and of the United States in 1810, is subjoined, on the recommendation of the Legislative Council.

Aggregate of the number of Persons in the several counties of the state of New-Jersey.

1790.

Bergen,	12,601	Salem,	10,437
Essex,	17,785	Cape-May,	2,571
Middlesex,	15,956	Hunterdon,	20,253
Monmouth,	16,918	Morris,	16,216
Somerset,	12,296	Cumberland,	8,248
Burlington,	18,095	Sussex,	19,500
Gloucester,	13,363		
		TOTAL,	184,239

1800.

Bergen,	15,156	Salem,	11,371
Essex,	22,269	Cape-May,	3,066
Middlesex,	17,890	Hunterdon,	21,261
Monmouth,	19,872	Morris,	17,750
Somerset,	12,815	Cumberland,	9,529
Burlington,	21,521	Sussex,	22,534
Gloucester,	16,115		
		TOTAL,	211,149

1810.

Bergen,	16,603	Salem,	12,761
Essex,	25,984	Cape-May,	3,632
Middlesex,	20,381	Hunterdon,	24,553
Monmouth,	22,150	Morris,	21,828
Somerset,	14,728	Cumberland,	12,670
Burlington,	24,979	Sussex,	25,549
Gloucester,	19,744		
		TOTAL,	245,562

Aggregate amount of each description of persons within the state of New Jersey.

Names of the respective townships.	Free White Males.				Free White Females.				All other free persons, except Indians, not taxed.	Slaves.	Totals in each township.		
	Under 10 years of age.	Of 10 and under 16.	Of 16 & under 26, including heads of families.	Of 26 & under 45, including heads of families.	Of 45 & upwards, including heads of families.	Under 10 years of age.	Of 10 and under 16.	Of 16 & under 26, including heads of families.				Of 26 & under 45, including heads of families.	Of 45 & upwards, including heads of families.
Pompton,	364	149	158	180	140	352	144	167	175	114	43	74	2060
Franklin,	394	221	218	243	210	402	302	199	242	193	84	231	2839
Saddle River,	268	146	143	166	142	292	128	172	153	145	93	324	2174
Harrington,	228	108	121	130	171	197	141	157	167	153	139	325	2087
New-Barbadoes,	320	161	193	226	194	320	150	213	193	200	148	511	2635
Bergen,	340	133	204	216	187	358	179	300	201	151	131	390	2690
Hackensack,	208	119	141	135	158	209	96	122	143	125	147	325	1918
TOTAL.	2122	1037	1180	1338	1202	2150	1049	1332	1276	1081	785	2180	16,603

BERGEN COUNTY.

Newark,	1075	581	916	752	418	1006	601	777	670	489	358	369	8068
Elizabeth,	377	193	315	286	176	355	199	273	275	194	112	222	2977
Caldwell,	385	149	149	222	144	377	202	171	171	136	23	54	2335
Union,	188	112	119	117	106	218	115	154	138	112	7	42	1428
Rahway,	261	115	222	151	113	236	125	183	161	87	49	76	1779
Orange,	338	209	247	228	165	321	162	224	231	78	20	43	2266
Springfield,	432	182	159	202	164	360	302	221	207	170	16	45	2360
Westfield,	321	166	195	167	156	298	170	204	194	154	49	78	2152
Acquacknuck,	311	108	158	187	136	237	122	169	165	131	113	186	2023
Providence,	107	52	61	63	62	109	69	72	71	65	11	14	756
TOTAL.	3795	1867	2835	2375	1640	3519	1967	2448	2335	1616	788	1129	25,984

Fiscataway,	332	194	224	171	173	319	180	202	186	166	77	251	2475
Woodbridge,	533	362	336	390	360	566	364	211	389	375	124	230	4247
Perth-Amboy,	111	63	40	76	48	119	65	56	85	56	36	49	815
North-Brunswick,	565	314	375	365	271	542	290	327	359	263	74	203	3980
South-Brunswick,	325	190	110	206	144	349	289	125	194	167	132	230	2332
South-Amboy,	433	304	255	248	215	468	290	151	273	211	62	161	3071
East-Windsor,	315	143	169	176	87	268	180	120	165	90	52	51	1747
West-Windsor,	264	127	207	119	104	216	114	94	127	121	98	123	1714
TOTAL.	2878	1697	1675	1751	1402	2860	1632	1286	1778	1449	665	1298	20,381

SOMERSETT.
MONMOUTH

554	269	226	1307	287	533	282	271	313	286	268	177	3773
489	260	273	298	279	514	216	295	302	289	127	507	3849
633	403	376	358	316	624	291	401	374	291	15	702	4784
583	280	336	330	265	544	257	370	344	264	179	91	3843
487	227	197	241	224	523	187	233	232	198	10	21	2780
383	140	137	225	111	323	134	139	180	76	27	5	1882
225	119	110	117	75	225	85	99	106	71	6	1	1239
3356	1698	1653	1876	1537	3286	1452	1808	1851	1473	632	1504	22,150

TOTAL,

SOMERSETT.
FRANKLIN

313	169	203	187	154	224	164	190	236	140	66	493	2539
390	172	262	227	185	357	195	238	231	173	85	391	2906
242	83	117	110	91	223	107	129	105	93	10	44	1354
288	173	165	189	125	286	133	171	160	98	17	84	1879
256	156	165	177	145	338	143	173	190	131	120	398	2263
181	110	130	81	89	132	115	116	107	92	161	161	1312
333	159	184	177	162	302	141	211	195	157	18	397	2436
2003	1022	1226	1128	951	1762	1016	1228	1224	881	316	1968	14,728

TOTAL,

BURLINGTON
 Burlington, 347 131
 Williamsborough, 107 48
 Springfield, 229 117
 Hanover, 440 170
 Nottingham, 422 168
 Northampton, 753 301
 Chesterfield, 274 133
 Mansfield, 292 137
 Washington, 226 82
 Egg-Harbor, 168 72
 Evesham, 557 291
 Chester, 293 139
 4108 1798

TOTAL

4

182	185	174	343	187	258	233	167	211	4	2419
58	58	43	94	49	58	53	39	14		619
134	134	91	209	123	159	139	105	44	2	1500
164	227	170	404	168	196	339	153	101	4	2536
234	247	169	401	175	242	230	154	132	37	2615
331	336	277	654	316	397	392	263	110	21	4171
156	164	142	254	141	177	176	145	64	13	1839
160	161	130	298	121	149	178	119	74	1	1810
85	177	99	266	65	74	133	56	13	3	1273
61	70	71	172	76	60	83	59	17	4	913
308	281	237	505	279	361	311	205	108	2	3445
175	163	123	271	149	179	162	135	58	2	1839
2060	2221	1716	3865	1853	2310	2428	1590	946	93	24,979

Weymouth,
 Egg-Harbor,
 Gallo way,
 Woolwich,
 Greenwich,
 Deptford,
 Gloucester township,
 Gloucester town,
 Newtown,
 Waterford,
 TOTAL

187	82	71	183	79	77	94	47	4	4	1029
356	130	131	318	169	125	156	112	52	22	1830
290	113	117	263	110	164	134	104	28	10	1648
531	245	184	508	234	251	284	181	82	4	3063
449	245	183	433	215	274	226	167	134	16	2859
482	251	209	495	288	260	271	167	96	1	2978
262	101	111	297	108	138	147	97	171	7	1726
75	45	25	668	39	50	52	27	93	2	555
314	148	116	260	147	182	167	116	144	4	1951
303	171	149	329	161	201	206	136	82	4	2105
3249	1531	1990	3154	1411	1722	1738	1154	886	74	19,744

Pilesgrove,	353	174	186	156	96	271	122	184	159	106	69	2	1786
Pittsgrove,	376	162	159	188	120	328	143	182	169	129	24	11	1991
Upper-Allways-Creek,	321	140	165	159	131	280	98	154	173	103	197	6	1931
Salem,	123	60	74	97	40	123	58	101	98	45	104	6	929
Lower-Allways-Creek,	191	94	110	118	42	184	78	132	97	55	91	1	1182
Elisenborough,	60	42	39	42	28	52	35	50	38	23	106	1	517
Upper-Penns-Neck,	300	151	168	141	92	274	117	150	135	85	25	1	1638
Mannington,	223	138	150	126	81	193	118	154	141	78	261	1	1664
Lower-Penns-Neck,	167	89	90	119	44	160	65	98	108	55	160	8	1163
TOTAL.	2014	1050	1141	1146	674	1965	835	1175	1114	681	1037	29	12,761

Upper Township,	298	126	143	193	94	271	98	144	156	93	19	23	1664
Middle Township,	186	85	96	109	58	170	87	106	84	57	38	30	1106
Lower Township,	133	74	79	82	47	116	49	83	77	41	54	28	862
TOTAL.	617	285	318	384	199	563	234	332	317	191	111	81	3632

Trenton,	356	217	259	249	201	361	107	247	285	205	272	181	3002
Maldenhead,	138	63	68	90	82	146	64	89	101	79	50	116	1086
Hopewell,	339	185	190	210	220	307	140	221	252	214	99	168	2565
Amwell,	816	416	521	603	445	845	342	508	527	446	123	263	3777
Readington,	273	130	147	136	149	242	133	159	141	136	18	126	1797
Bethlehem,	330	136	141	151	112	287	116	160	155	109	16	23	1738
Alexandria,	415	164	227	199	148	372	145	222	190	130	18	46	2271
Kingwood,	390	214	230	230	216	380	192	273	242	184	16	48	2605
Lebanon,	409	266	220	203	130	419	175	254	178	120	15	80	2409
Tewkesbury	198	96	111	113	71	213	92	107	110	71	66	66	1308
TOTAL.	3664	1827	2114	2074	1769	3572	1608	2240	2188	1694	687	1119	24,553

Hardwick,	399	190	273	248	154	399	202	249	291	160	3	72	2561
Walpack,	123	40	50	44	36	88	48	56	43	33	6	24	591
Sandston,	150	53	55	55	46	113	45	60	63	43			703
Montague,	96	37	69	57	48	107	42	58	56	38	7	46	661
Frankford,	311	131	138	140	95	297	115	134	134	83	35	24	1637
Wantage,	375	258	302	238	175	505	211	237	230	132	30	46	2969
Hardiston,	312	123	173	156	100	305	108	147	142	89	23	22	1702
Vernon,	308	117	178	157	104	297	124	160	143	93	8	19	1708
Newtown,	355	175	218	176	133	328	160	201	167	104	35	30	2082
Byram,	96	55	44	55	41	89	45	54	55	38	13	6	591
Independence,	214	92	129	87	86	174	108	149	86	74	2	22	1234
Mansfield,	350	166	168	188	153	371	141	171	181	117	17	35	2038
Greenwich,	404	198	258	208	166	428	180	262	199	146	22	57	2598
Oxford,	417	183	239	200	155	448	181	205	215	138	53	36	2470
Knowlton,	362	151	216	199	135	352	141	186	185	105	15	17	2064
TOTAL.	4472	1971	2310	2189	1627	4301	1851	3339	2120	1413	269	478	25,549

Aggregate amount of each description of persons within the state of New-Jersey.

Names of the respective counties.	Free White Males.						Free White Females.						Slaves.	Totals in each county.
	Under ten years of age	Of ten, and under sixteen.	Of 16 & under 26, including heads of families.	Of 26 & under 45, including heads of families.	Of 45 & upwards, including heads of families.	Under 10 years of age.	Of 10, and under 16, including heads of families.	Of 16 & under 26, including heads of families.	Of 26 & under 45, including heads of families.	Of 45 & upwards, including heads of families.	All other free persons, except Indians, not taxed.			
Essex,	3,795	1,867	2,535	2,375	1,640	3,519	1,967	2,448	2,335	1,616	758	1,129	25,984	
Sussex,	4,472	1,971	2,510	2,188	1,627	4,301	1,851	2,339	2,120	1,413	269	478	25,549	
Burlington,	4,108	1,789	2,060	2,221	1,716	3,965	1,853	2,310	2,428	1,590	946	93	24,979	
Hunterdon,	3,664	1,837	2,114	2,074	1,769	3,472	1,608	2,240	2,188	1,694	687	1,119	24,553	
Monmouth,	3,356	1,698	1,655	1,876	1,557	3,486	1,452	1,808	1,851	1,475	632	1,504	22,150	
Morris,	3,625	1,933	1,813	1,969	1,315	3,474	1,750	1,820	1,832	1,237	204	856	21,828	
Middlesex,	2,878	1,697	1,675	1,751	1,402	2,860	1,642	1,286	1,778	1,449	665	1,298	20,381	
Gloucester,	3,249	1,531	1,821	1,714	1,290	3,454	1,411	1,722	1,738	1,154	856	74	19,744	
Bergen,	2,122	1,037	1,180	1,336	1,202	2,130	1,040	1,252	1,276	1,081	785	2,180	16,603	
Somerset,	2,003	1,022	1,226	1,128	951	1,762	1,016	1,228	1,224	881	316	1,968	14,728	
Salem,	2,014	1,050	1,141	1,146	674	1,865	835	1,175	1,114	681	1,037	29	12,761	
Cumberland,	1,911	1,157	1,163	1,230	662	1,611	1,128	1,244	1,108	647	547	42	12,670	
Cape-May,	617	285	318	384	199	563	334	332	317	191	111	81	3,632	
TOTAL,	37,814	18,914	21,231	21,394	16,004	36,062	17,787	21,184	21,359	15,109	7,843	10,851	245,562	

Population of the United States, in 1810.

Virginia,		965,079
New-York,		959,220
Pennsylvania,		810,163
Massachusetts, (pr.)	472,040	} 700,745
Maine,	228,705	
North-Carolina,		563,526
South-Carolina,		414,935
Kentucky,		406,511
Maryland,		380,546
Connecticut,		261,942
Tennessee West,	160,360	} 261,727
East,	101,367	
Georgia,		252,433
New-Jersey,		245,562
Ohio,		230,760
Vermont,		217,913
New-Hampshire,		214,414
Rhode-Island,		76,931
Delaware,		72,674

Territorial Governments.

Orleans,		76,556
Mississippi,		40,352
Indiana,		24,520
Columbia,		24,023
Louisiana,		20,845
Illinois,		12,282
Michigan,		4,762
TOTAL,		7,238,421