

TITLE XIX.

HIGHWAYS, BRIDGES, RIVERS.

Chap. 1....ROADS.

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CHAPTER 1.

ROADS.

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An Act concerning roads.

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CHAP. 1.

Revision.....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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.

REV. 570, 615,
661.
HAR. 192, 413,
459.
1839-40.
PAMPH. 84.
1841-2.
PAMPH. 109.

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, in open court, having given previous notice for at least ten days of such intended application, and also of the day on which such application is intended to be made, 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, or who for any other reason which the court in their discretion shall deem sufficient, think ought not to be appointed; 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, or any one of them, 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 the 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.

Application
to lay out
public road.

Notice.

Proof.

Surveyors
appointed.

Meeting, etc.

3. *And be it enacted*, That when the aforesaid number of freeholders shall think a public road necessary, or any public road un-

Road be-
tween or in
two coun-
ties.

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necessary, or any alteration in such road necessary, on any part of the 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, as also the day on which such application is intended to be made, 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 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.

Private road. 4. *And be it enacted,* That if any person shall think a private road necessary to or from his or her land, 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 given notice of his or her intention, at least ten days, and the court shall thereupon appoint six of the 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 the surveyors, shall be deemed sufficient.

How surveyors to proceed.

5. *And be it enacted,* That the said six surveyors of the highways, appointed by the supreme court, or any of the inferior courts of common pleas in this 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 set up according to law, on which the said surveyors shall decide, and their decision 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 and private convenience, 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 highways shall open the same, if a public road, for public use, or if a private road, when the applicants 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 deliver or transmit it to the clerk of the court of common pleas of the said county, or in case of a road running on the line between two counties, or part in one county and part in another, to the clerk of the supreme court, who is hereby required to record the said return, together with a map or draught thereof, 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, transmitted and recorded as aforesaid.

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CHAP. I.Return to be
made.

Recorded.

6. *And be it enacted*, That it shall be the duty of the applicant or applicants, to whom shall be delivered the return of the surveyors of the highways, in pursuance of this act, to deliver or transmit the said return to the clerk of the court of common pleas, or of the supreme court, as the case may require, within fifteen days after the date thereof; and that in every case of neglect or refusal to deliver or transmit the same, within the time aforesaid, the said return shall be void.

Time limited
for making
return.

7. *And be it enacted*, That the clerk of any court of common pleas, or of the supreme 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.

Time allow-
ed to caveat.

8. *And be it enacted*, That when any person or persons shall think him, her, or themselves injured or aggrieved 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 in writing to the court of common pleas succeeding, and the said court shall not set aside the proceedings of the surveyors for illegality or irregularity, but shall thereupon, during the term to which the said application is made, appoint six of the chosen freeholders of the county in 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

Proceedings
on caveat.Application
for freehold-
ers.Appoint-
ment.

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CHAP. I.

been laid out, vacated or altered ; *provided*, that no freeholder be appointed through whose land the road may run, or who for any other reason which the court in their discretion shall deem sufficient, think ought not to be appointed ; 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 by the second section of this act, in respect both to the applicants and to the surveyors of the highways ; and the said chosen freeholders, having 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 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, 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 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 highway from the time appointed for the opening of the same.

Notice.

Oath.

Certificate.

Record.

Not set aside for lack of form.

New application limited.

Justices may act in Cape May.

9. *And be it enacted*, That whenever it shall so happen, that application shall be made to the inferior court of common pleas of the county of Cape May, for the appointment of chosen freeholders of said county to view any road laid out, altered or vacated by surveyors of the highways, and it shall appear to the said court that the road so laid out, altered or vacated, shall run through the lands of any or either of the chosen freeholders, or that for any other reason which the court shall deem sufficient, such chosen free-

holder or freeholders ought not to be appointed on such view, that TITLE XIX.
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10. *And be it enacted*, That when any person or persons shall think him, her, or themselves injured or aggrieved by any road Caveat, if
road in two
counties. which shall hereafter be laid out, vacated or altered by the said surveyors, on any line between two counties, or part in one county and part in another, having entered a caveat as aforesaid, with the clerk of the supreme court, he, she or they, or their legal representatives, may make application in writing to the said supreme court succeeding, and the said court shall thereupon, during the term to which the said application is made, appoint three of the chosen freeholders in each of the said counties, designating the Freeholders,
how appoint-
ed. time and place of the meeting of the said freeholders, always having regard to the appointment of the freeholders of the township or townships where the road shall have been laid out, vacated or altered, subject to the same provisions and restrictions as in the eighth section; 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 by the second section of this act, 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 supreme court Oath.
Duty. the term next succeeding that in which they were appointed, and the supreme court shall thereupon cause the same to be recorded Certificate.
Record. in a book kept for that purpose in the office of the clerk of the said court, which certificate and proceedings of the freeholders shall be binding and conclusive in all cases, and shall not be subject to be set aside for lack of form, and no application shall be made Not set aside
for lack of
form. 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

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New appli-
cation limit-
ed.

Penalty for
neglect of
duty.

What to be
a quorum.

Proviso.

Adjourn.

How private
road worked.

unnecessary or injurious, they shall certify the same to the supreme court 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.

11. *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, shall refuse or neglect to perform any duty prescribed by this act, he shall, unless he assign good reasons for such refusal 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.

12. *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 court, they shall be a quorum to execute the business for which they convened, and be competent to lay out, vacate or alter the said road, as the case may require; *provided*, that the signature of two of the 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 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 the manner herein before prescribed.

13. *And be it enacted*, That every private road which shall be laid out or altered by virtue of this act, shall be cleared, worked, repaired and maintained, by the applicant or applicants, and such other person 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 or by-road may pass, to hang swinging gates in the said road, and if any person shall stake, shore, or leave open, or cut, break or 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 the owner of the soil or his tenant, all damages which he may have sustained thereby, to be appraised by three neighbouring freeholders, or a majority of them, which damages so assessed, shall be recovered by action of debt, with costs.

14. *And be it enacted*, That where any private road is now, or shall be laid out or altered by virtue of this act, so as to run upon the line or lines of one or more owner or owners of the soil, it shall be lawful for such owner or owners, or either of them, to hang swinging gates in the said road; and if any person or persons shall stake, shore, or leave open, or cut, break, or pull down, or destroy any gate (other than such owner or owners of the soil, at whose expense the said gate was hung or put up) he, she, or they shall, for every such offence, forfeit five dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same; and shall also pay the owner or owners of the soil, his or their tenants, all damages which he, she, or they may have sustained thereby, to be appraised by three neighbouring freeholders, or a majority of them, which damages, so assessed, shall be recovered by action of debt, with costs.

15. *And be it enacted*, That it shall and may be lawful for the owner or owners of any land or meadow, over which a private or by-road may pass, to erect, make, and maintain bridges on all ditches and drains lying or running across said road.

16. *And be it enacted*, That all bridges which are now made, or hereafter may be made, across or over ditches or drains in private and by-roads, lying on mud or miry bottom, with one or two doors or hoists, with at least three feet span, and made of such light materials as may be hoisted or lowered with facility, shall be taken and considered as swinging gates, and all persons leaving such gates down or laid, or who shall cut, break, or destroy any such gate, bridge or door, shall for every such 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 the owner of the soil or his tenant, all damages which he may have sustained thereby, to be appraised by three neighbouring freeholders or a majority of them; which damages so assessed, shall be recovered by action of debt, with costs.

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How private
road, etc., re-
paired.

Expenses
assessed.

How sued for
and recover-
ed.

By-road, how
laid out.

Divisions as-
signed to
overseers.

17. *And be it enacted*, That for the equitable distribution of any expense which may accrue in making and keeping in repair any private road or bridge, whereby two or more persons owning real estate may be benefited by the use of said road, in going to or from their said premises, it shall and may be lawful for any person so using said road, to make and keep in repair said road or bridge at any time when the same may be necessary; and the expense of said repairs shall, on the refusal of any individual to pay his proportion thereof, to the person from whom the money may be due, on the application to two freeholders, entirely disinterested in the same, be assessed by said freeholders after the valuation of said work, upon the owner or owners benefited thereby, according to the advantages he or they may respectively receive.

18. *And be it enacted*, That upon the receipt of the said assessment, made out by the freeholders in manner aforesaid, the person who may have expended money in the making or repairing any such private road or bridge, shall, in person or by notice in writing, left at the usual place of abode of each or any person or persons upon whom such assessment may be made, demand of the same the sum so assessed as aforesaid; and if any person or persons upon whom any such assessment be made, shall neglect or refuse to pay the amount of said assessment for the space of twenty days after payment of the same shall have been demanded, it shall and may be lawful for the person who may have disbursed the said money, to sue for and recover from every such delinquent person or persons upon whom such assessment shall have been made, the amount of such assessment, together with the costs of suit, by action of debt, in any court of competent jurisdiction.

19. *And be it enacted*, That if any by-road heretofore used as such by the inhabitants of this state, although not laid out agreeably 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 by-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 directed in the fourth section of this act.

20. *And be it enacted*, That the township committee, who shall hereafter be chosen, agreeably to law, in the respective townships of this state, or a majority of such committee, are hereby authorized and directed to assign and appoint, in writing, to the overseers of the highways respectively, their several limits and divisions of the highways within such township, for opening, clearing out,

working, amendment and repair; and the said overseers are hereby TITLE XIX.
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ment; *provided*, that in case the township committee of any town-Proviso. ship, shall neglect or refuse to assign and set off the divisions and limits of the highways, to the overseers of the highways, then it shall be the duty of the said overseer or overseers of the highways, to observe and conform themselves to such assignments as have at any time heretofore been made in the said township.

21. *And be it enacted*, That it shall be the duty of the said Duty of
overseers. overseers to hire labourers, and also horses, oxen, wagons, ploughs, carts and other implements, to open, clear out, make, work, amend, repair and keep in good order, the highways within their respective limits and divisions, to make causeways, and to erect such bridges as can be built by common labourers, and to procure whatever materials they shall deem necessary to effect the purposes specified in this section.

22. *And be it enacted*, That the moneys necessary for defraying Money for
roads, how
raised. the costs, charges and expenses of opening, clearing out, making, working, amending, repairing, and keeping in good order the highways, and procuring materials for the same, and also the compensation allowed for the services of the overseers thereof, shall be granted, assessed, collected and raised in the manner prescribed by the act entitled, "An act incorporating the inhabitants of townships, TIT. XXXVI. designating their powers, and regulating their meetings," and it is hereby enjoined upon the said townships, that they be careful to have money in hand, ready to advance sufficient for the objects and purposes specified in this act.

23. *And be it enacted*, That it shall be the duty of every over-Overseers to
account. seer of the highways, to account for the expenditure of the moneys which he shall receive, for the uses herein mentioned, to the township for which he was elected or appointed, at their annual or other meeting, or to the township committee aforesaid, and to pay the overplus, if any, to his successor in office, to be applied to the uses and purposes for which it was raised; and if such overseer shall neglect or refuse so to do, he shall for every offence forfeit Penalty for
neglect. and pay thirty dollars, to be recovered with costs, by action of debt, in any court of record having cognizance of that sum, by the clerk of the said township, to be applied, on recovery, to amend and repair the highways thereof; and shall also be liable to prosecution, at the suit of the inhabitants of the said township, for the moneys so by him received and unaccounted for.

24. *And be it enacted*, That in case any township shall be fined Overseer lia-
ble, if town-
ship fined. or amerced, upon the presentment of the grand jury, or upon the information of the attorney general, for not opening and clearing

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out, or for the badness, want of repair or deficiency in any of the highways, the overseer within whose limits or division the same shall be or happen, shall refund the money paid in consequence of such fine or amercement, with costs, upon an action brought by the inhabitants of such township; or such overseer may, in the first instance, be presented or informed against, as aforesaid, and fined on conviction, for not opening and clearing out, or for the badness, want of repair or deficiency of and in the highways aforesaid: *and further*, that the inhabitants of any township, merely as such, shall not be excluded from being witnesses on such presentment or information, on account of their being interested.

Inhabitants
may be wit-
nesses.

Persons may
elect to work
out road tax.

25. *And be it enacted*, That if any person who is assessed for the raising of money to open, clear out, amend and repair the highways, elect to work out his tax, or any part of it, on the said highways, he shall give notice thereof in writing to the overseer in whose limits and division he resides, within twenty days after the order for raising the said money shall be passed or made; in which case such person if of the age of twenty-one, and under the age of fifty-five and of ability to work, shall, on having two days previous notice, attend himself or send a sufficient substitute at such time and place as shall have been appointed by the said overseer, and shall work on the said highways under the direction and superintendence of such overseer; for which he shall be credited such a sum towards the payment of the said tax, as the said overseer shall think his labour deserves; and if neither such person nor any substitute shall attend at the said time and place, he shall forfeit and pay one dollar, to be recovered with costs, by action of debt, by the clerk of the township, in any court of record having cognizance of that sum, to be applied on recovery, to open, amend and repair the highways of such township, and the said overseer shall be admitted as a witness in support of the said action: *and further*, that the said person shall, upon such delinquency, forthwith pay the whole or the residue, as the case may require, of the said tax to the collector, or on failure, be proceeded against for the same according to law.

Forfeit for
neglect.

Roads across
dams to be
kept in re-
pair.

26. *And be it enacted*, That all roads laid out or to be laid out near to or across dams for mills or iron works, shall be kept in good repair, and the bridges over the races and flood gates, shall be substantially built, repaired, amended, kept in good order and railed in on each side, the rails to be at least three feet high, and the whole rendered easy, convenient and safe for the passing of travellers, horses, carriages and cattle; and the wheels of such mills and iron works, shall be entirely covered in and hid, either by a sufficient breastwork raised between the said road or bridge and the said water wheels, or in such other way as effectually to

secure persons, horses, cattle and carriages in passing the same. TITLE XIX.
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And where a dam hath been or shall be erected, and a public road or highway hath been or shall be laid out near to or over the said dam, and across the races and flood gates, such road shall be made and maintained and the bridge or bridges over the same and the railing in thereof shall be built, rebuilt, repaired and kept up, and the wheels of the mills or iron works covered in and hid as aforesaid, pursuant to the directions of this act, under the immediate inspection, order and superintendence of the overseer of the highways within whose limits and division the same shall happen. And where any highway hath been or shall be laid out before the making such dam, races or flood gates, such highway, if it go near to or over the said dam, races or flood gates, shall be made and maintained, and the bridge or bridges over the same, if they be cut across the said highway for the use of such iron works or mills, and the railing thereof, shall be built and rebuilt, repaired and kept up, and the wheels covered in and hid as aforesaid, at the proper charge and expense of the owner or possessor of such iron works or mills; *provided*, that it shall and may be lawful for such possessor, if he be a tenant paying rent, to deduct and retain such charge and expense out of the said rent. And if the owner or possessor of such iron works or mills shall neglect or refuse to perform the duty hereby required of him, he shall, for every month he shall neglect or refuse to comply with the provisions of this act, forfeit and pay twenty dollars, to be recovered by action of debt, with costs, by the overseer of the township where the offence shall be committed, who is hereby required and enjoined to prosecute for the same in any court of record having cognizance of that sum, the one moiety to the prosecutor and the other moiety to the township where the offence was committed. Under whose direction.

27. *And be it enacted*, That the owner or possessor shall be exonerated from keeping in repair the bridges mentioned in the preceding section, as long as he shall neglect to uphold the said iron works or mills. Duty of millers, etc.

28. *And be it enacted*, That it shall and may be lawful for the overseer of the highways, or other person by his order, to enter on lands adjacent to such highways, and to cut, make, scour out, cleanse and keep open such gutters, drains and ditches therein, as shall be sufficient to convey or draw off the water from the said highway, with the least disadvantage to the owner of the said land, and the owner and every other person except such overseer, is hereby prohibited from filling up, stopping or obstructing such gutter, drain or ditch, under the penalty of eight dollars for every offence, to be recovered by action of debt, with costs, by the said Penalty for neglect.

Adjacent land may be entered.

TITLE XIX.
CHAP. I.
overseer, in any court of record having cognizance of that sum, and applied to the working and repairing the said highways.

Trees not to be girdled. 29. *And be it enacted*, That no tree shall be girdled or killed on the highways under the penalty of two dollars, to be recovered and applied as in the preceding section; and if any be, it shall be the duty of the overseer of the highway forthwith to cut down such tree so girdled or killed.

Girdled trees to be felled. 30. *And be it enacted*, That if any person shall girdle or kill any tree standing within two rods of such highway, the owner or possessor of the land where the same stands, shall, within two years after such girdling or killing, cut down the said tree, or on failure thereof, shall forfeit and pay two dollars, to be recovered and applied as is directed by the twenty-eighth section of this act.

Penalty for extorting from traveller. 31. *And be it enacted*, That no overseer or other person working on the highways, or present as a spectator or otherwise shall ask of any traveller, or shall extort, or by contrivance procure or receive from such traveller any money, meat, drink or other reward or thing, under the penalty of two dollars, to be recovered and applied as directed by the twenty-eighth section of this act.

Encroachments to be removed. 32. *And be it enacted*, That it shall be the duty of the overseer, in and through whose limits and division any highways are or shall be laid out, to cause the same to be opened to their full width, and all encroachments to be removed; and if it be doubtful to the said overseer what person hath so narrowed or encroached upon the said highway, then such overseer or the party conceiving himself to be injured, shall and may apply to any two justices of the peace of the county, and the surveyors of the township in and through which such highway runs, who, or the major part of them, are hereby authorized and directed to determine the same in writing under their hands, and thereupon the said overseer shall forthwith proceed to open the said highway agreeably to such determination; and if it be doubtful to the said justices and surveyors or a majority of them, which of the proprietors or possessors of the adjacent lands have so narrowed or encroached on the said highway, then it shall be the duty of the said justices and surveyors, or a majority of them, to direct in writing under their hands, the said overseer to open such highway equally on each, which order the said overseer shall forthwith carry into effect.

Two justices to decide.

Penalty for obstructing. 33. *And be it enacted*, That if any person shall narrow, encroach upon, stop or obstruct any highway, he shall, for every such offence, forfeit and pay ten dollars, to be recovered by action of debt, with costs, by the overseer of such highway, in any court of record having cognizance of that sum, and applied to the repair of the highways.

34. *And be it enacted*, That nothing in this act contained shall be construed to extend to narrowing, widening or altering any street in any of the cities, towns or villages in this state, or to pulling down or removing any dwelling-house, market-house or other public building heretofore erected, and which may encroach on any highway.

TITLE XIX.
CHAP. I.

Not extend-
ed to streets.

35. *And be it enacted*, That the main or high streets in the towns of Greenwich and Bridgeton, in the county of Cumberland, are hereby declared to be public highways, and as such to be repaired and kept in good order.

Greenwich
and Bridge-
ton streets.

36. *And be it enacted*, That the great road leading from Perth Amboy to Salem, and the great road leading from Elizabethtown to Trenton, as the same now go, are hereby declared to be subject to the same laws and regulations to which other highways in this state are subject.

Great roads.

37. *And be it enacted*, That it shall and may be lawful for the inhabitants of the respective townships in this state, qualified by law to vote for township officers, at their annual town meeting, to determine by vote of said meeting, whether they will work and maintain their highways by hire, in the manner herein before mentioned, or by labour, in the manner hereinafter set forth, a copy of which vote, signed by the clerk of the said township, shall be transmitted to the township committee within five days after the said town meeting; and in all cases where the inhabitants of any township shall have elected to work and maintain their highways by hire, it shall not be lawful to change the mode of working and maintaining such highways in such township for three years.

Inhabitants
may deter-
mine how
roads work-
ed.

38. *And be it enacted*, That in case the inhabitants of any township shall elect, in the manner appointed in the preceding section, to maintain their public highways by labour, then it shall be the duty of the township committee, on notice thereof from the town clerk as aforesaid, to divide the highways in such township into convenient districts, and to assign and apportion, in writing, to the several districts, the inhabitants of such township in equitable proportions, having regard to the circumstances of such inhabitants and the quality of the highways to be opened, maintained and kept in order, and that the overseers of the highways, shall, at their discretion, apportion the labour of the inhabitants of the said township in the same proportion with the tax for the support of government, and shall warn and call out the inhabitants to work on the highways accordingly; and it shall not be lawful to change the mode of working and maintaining such highways in such township by labour for three years.

Township
committee
to assign dis-
tricts.

39. *And be it enacted*, That if any inhabitant, who shall have

TITLE XIX.
CHAP. I.Penalty for
not working
on the road.

received two days previous notice, shall neglect or refuse to appear and work one day, of at least eight hours, then he shall forfeit and pay to the overseer of the district or division to which he is annexed, the sum of one dollar for every day he shall so refuse or neglect to labour, the sum of one dollar and fifty cents for each day's absence of a cart and one horse, and two dollars for each day's absence of a wagon or cart with two or more horses or oxen, so warned out, to be recovered by an action of debt, before any justice of the peace of the county where such omission shall happen, with costs of suit, and the money, when recovered, shall be applied to the working and repairing of the highways to which such inhabitants were annexed.

Overseer to
keep account
of labour.

40. *And be it enacted*, That it shall be the duty of every overseer of the highways, in those townships which elect to work and maintain their highways by labour, to keep a book, in which he shall enter the name of every person liable to labour on the highways within his district, and the amount of labour done by each person that year, a transcript of which book the said overseer shall lay before the township 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.

Delinquents
to make up
deficiency.

41. *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 to be delinquent, and not to have done their proportion of labour the preceding year, to perform the same.

If money not
supplied,
roads to be
repaired by
inhabitants.

42. *And be it enacted*, That in case any township in any county of this state, which shall elect or determine to maintain their highways by hire, shall neglect or refuse to raise and furnish to the overseer of the highways money sufficient for the opening, clearing out, working, making, amending, repairing and keeping in good order the highways and bridges within their respective limits, then it shall be, and it is hereby made the duty of the overseers of the highways, in said townships, to open, clear out, work, amend, repair, and keep in good order the highways within their respective limits and divisions, in the same way and manner as is prescribed to the overseers of the highways of those townships which elect to maintain their highways by labour.

Penalty on
overseer for
neglect.

43. *And be it enacted*, That the overseer or overseers of the highways, in any of the townships of this state, shall, for neglect or refusal to perform any of the duties enjoined on him or them, by this act, be liable to an action for said neglect or refusal; and it

shall be the duty of any magistrate in said township, or in any adjacent township, upon complaint preferred in writing, by any three inhabitants of this state, being freeholders, to issue his precept against said overseer, and, upon conviction, to fine the said overseer in any sum not exceeding twenty dollars, nor under five dollars, together with costs, to and for the use of the township; *provided*, TITLE XIX.
CHAP. 1. *Proviso.* that before such precept shall issue, ten days previous notice in writing shall be given to such delinquent overseer of such intended prosecution.

44. *And be it enacted*, 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 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; and 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; and if any person shall throw down, demolish or deface any such post or stone guides or mile-stones, appendages, Prosecution
for defacing,
etc. 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 county.

45. *And be it enacted*, That if any overseer shall neglect or refuse, upon information being given him, to prosecute as directed in the preceding section, he shall forfeit and pay, for every such refusal or neglect, ten dollars, to be recovered by the clerk of the board of chosen freeholders, for the use of the county; but if judgment shall be awarded against such overseer, then and in that case the costs arising thereon shall be paid by the collector of the county. Penalty for
neglecting to
prosecute.

46. *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: Fees.

Overseers. To every overseer of the highways, one dollar for every day he shall be employed in executing the duties required by this act. Overseer.

TITLE XIX.
CHAP. I.

Courts. For every appointment of surveyors of the highways, fifty cents; for every appointment of the chosen freeholders, fifty cents; for every order for recording the proceedings of the surveyors or freeholders, fifty cents.

Surveyor. *Surveyors of highways.* To each surveyor, at the rate of one dollar per day.

Freeholder. *Chosen freeholders.* To each freeholder, at the rate of one dollar per day.

Clerk. *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 return of surveyors and freeholders, twenty-five cents; for a copy of such return, twelve and a half cents.

Term of office. 47. *And be it enacted,* That it shall and may be lawful for any chosen freeholder, or any surveyor of the highways, who has been, or shall hereafter be appointed by the supreme court or any court of common pleas in this state, in pursuance of this act, to discharge and perform all the duties of such appointment, on or before the last day of the next regular term of the court by which he was so appointed, notwithstanding the term of office of such chosen freeholder or surveyor of the highways shall have previously expired.

Roads dividing townships, how kept in order. 48. *And be it enacted,* That where any two townships in this state are, or hereafter shall be divided by a public road or highway, it shall and may be lawful for the township committee of either of said townships, having given thirty days previous notice in writing to the clerk of the other of said townships, to make application to the inferior court of common pleas of the county in which such townships are situate, or if the said townships are situate in different counties, then to the supreme court of this state, for the appointment of commissioners to ascertain and determine what part or portion of the said public road or highway shall be opened, cleared out, made, worked, amended, repaired, and kept in order by each of the said townships; and thereupon it shall be the duty of the said court to appoint three judicious commissioners, not being inhabitants of or freeholders in either of the said townships, to divide, assign, and set off to each of the said townships, its just share and portion of the said public road or highway, for the purpose aforesaid.

Commissioners' oath and duty. 49. *And be it enacted,* That the said commissioners shall, before they enter upon the execution of their appointment, take and subscribe an oath or affirmation faithfully and impartially to perform the duties of their appointment, and shall give ten days notice in writing to the clerk of each of the said townships, of the

time and place when and where they will meet to discharge the duties of such appointment; and at the time and place so designated, or at such other time and place as the said commissioners shall then and there appoint, the said commissioners, or any two of them, shall proceed to view and examine the said road or highway, and to divide and assign to each of the said townships its just share and proportion thereof; and shall cause the line of such division and assignment to be marked, so far as the same can conveniently be done, and shall also make a map or survey and description thereof, and file the same, with their oath of office, with the clerk of the court of common pleas of the county in which the said townships are situate, or if they are situate in different counties, then with the clerk of the supreme court, to be by him recorded and filed.

TITLE XIX.
CHAP. I.

50. *And be it enacted*, That all the charges and expenses of making and executing such appointment shall be taxed by the court making such appointment, and shall be paid equally by the said townships; and that each of the said townships shall thereafter open, clear out, make, work, amend, repair and keep in good order, the share or portion of the said road or highway so divided and assigned to it, in the same manner and under the same penalties as are or may be prescribed by law in reference to public roads or highways, situate wholly within the bounds of such township; but such assignment shall not further or otherwise affect the said townships.

Duty of townships.

51. *And be it enacted*, That the term township, made use of in this act, shall be construed to comprehend precinct, ward, city, borough, and town corporate.

Construction.

52. *And be it enacted*, That no overseer of the highway or other person, except the owner or owners thereof, shall cut down, wilfully injure, or destroy any fruit, shade or ornamental tree, which may have been or shall be planted or set out by the owner or possessor of any lands adjoining any highway in this state, and which shall not extend more than seven feet out from the line of the road, towards the centre of the same, unless the township committee of the township in which such road is situate, or a majority of said committee, shall first order the cutting down or destroying of the same.

Trees protected.

53. *And be it enacted*, That if any overseer of the highway or other person, shall offend against the provisions of the preceding section, he, she, or they so offending, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be recovered in an action of debt with costs of suit in any court having cognizance thereof, by any person who may prosecute for the same within six months after such offence shall have been committed; *provided*,

Penalty for injuring.

TITLE XIX.
CHAP. 2.

that this act shall not prevent any overseer from clearing out any highways to their full width, where they pass through any woods or forest.

State lands
excepted.

54. *And be it enacted*, That no law of this state for laying out or opening public or private roads, shall be so construed as to permit any person or persons whatever, to lay out or open any public or private road through or upon any lands belonging to this state, unless the consent of the legislature be first obtained for that purpose.

Under what
penalty.

55. *And be it enacted*, That if any person or persons shall hereafter open or attempt to open any public highway or private road through or upon any of the aforesaid lands, he, she or they shall be deemed guilty of a high misdemeanor, and shall each and every of them, so offending, forfeit and pay the sum of one thousand dollars, to be recovered in an action of debt, to be prosecuted by the treasurer of this state, for the use of the state.

CHAPTER 2.

THORN HEDGES.

- | | | |
|----------------------------------|--|-------------------------------|
| 1. Fence to protect, authorized. | | 3. Penalty for violating act. |
| 2. Overseer not to injure. | | |

1835-6.
PAMPH. 222.

An Act to encourage the growth of thorn hedges in this state.

Passed March 2, 1836.

Fences au-
thorized in
the road, to
protect
hedges.

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 passage of this act, all the inhabitants of this state who have already planted, or shall hereafter plant, any thorn hedges, for fencing, upon the line of any public highway in this state, of three rods or more wide, shall be authorized to erect and keep up, for any period, not exceeding six years from the time of planting such hedge, a fence of such kind as he or she may choose, in front thereof, at the distance of four feet from such hedge, out into the public highway, for the protection and preservation of such thorn hedge or hedges; and it shall not be lawful, at any time within the said period of six years, for any overseer or overseers of the highways, or any other person or persons, to take up, remove, break down, destroy, or in any manner injure the said fence, so erected as aforesaid.

Overseer not
to plough or
dig within
four feet of
hedge.

2. *And be it enacted*, That it shall not be lawful for any overseer or overseers of the highway, or any other person or persons,

at any time after the passing of this act, to plough, dig, or otherwise turn up or remove any earth or soil, within four feet of any thorn hedge now growing, or which shall hereafter be planted upon the line of any public highway in this state, whether the fence authorized in the first section of this act be put up or not.

TITLE XIX.
CHAP. 3.

3. *And be it enacted*, That if any person or persons shall offend against the provisions of this act, or shall wilfully injure, dig up, or otherwise deface or destroy any thorn sets, or hedges now growing, or hereafter to be planted, or fence erected for their protection, in this state, the person or persons so offending shall, for each and every such offence, forfeit and pay the sum of thirty dollars, to be recovered by an action of debt, by the person injured, in his own name, in any court of competent jurisdiction in this state, with costs, and in addition to such penalty, shall be liable to all damages to the party injured.

Penalty for
violating this
act.

CHAPTER 3.

WHEEL CARRIAGES.

An Act to regulate wagons and other wheel carriages within the state of New Jersey.

REV. 79.

Passed May 30, 1787.

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 wagons and other wheel carriages of any kind or description whatever, drawn by one or more horse or horses, oxen or other cattle, made and constructed, and all axle-trees, made or repaired, from and after the first day of October next, travelling or passing on or through the roads or highways within this state, belonging to persons resident therein, shall run or track on the ground, from centre to centre of the felloes, not less than four feet and ten inches, under the penalty of twenty shillings, to be recovered from the owner or owners, proprietor or proprietors, of such wagon or other wheel carriage, for each and every offence, before any one justice of the peace of this state, where the fact shall be committed, upon the oath or affirmation of one or more witness or witnesses; which said fine, when recovered, shall be paid, one moiety thereof to the overseers of the highways for the township, division or precinct where the fact was committed, to be applied towards repairing the highways in the same, and the other moiety to be paid to the per-

Track of wagons and wheel carriages ascertained.

Penalty for using carriages of a different track.

TITLE XIX.
CHAP. 4.

Proviso.

son or persons prosecuting the same to effect; and the said overseers are hereby made accountable for all moneys they may receive in virtue of this act, in the same manner and form, as they are for other fines and forfeitures; *provided always*, that the above fine shall not be set or levied more than once upon one journey; and that every information, relative to any breach of this act, be made within twenty days after the offence is committed.

2. Repealer.

CHAPTER 4.

TRAVELLING.

REV. 563. An Act regulating travelling on public and turnpike roads in this state.

Passed February 18, 1813.

Preamble. WHEREAS the provisions in some of the acts incorporating turnpike companies, with regard to carriages meeting and overtaking each other, are variously expressed and differently understood, and in some acts of incorporation entirely omitted, in consequence whereof great inconvenience has arisen to the good people of this state and others travelling the said turnpike roads, and whereas it is of importance that a like regulation should be adopted whereby travelling on all public roads of this state may not be interrupted—therefore,

Carriages to
keep to the
right.

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 drivers of carriages, sleighs or sleds, whether of burthen or of pleasure, using any of the turnpike or public roads in this state, when met by another carriage, sleigh or sled, shall keep to the right, and when overtaken by a carriage, sleigh or sled, they shall likewise keep to the right, so as in both cases to permit such carriage, sleigh or sled, either met or overtaken, to pass free and uninterrupted, and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars, to any person who shall be obstructed or hindered in his or her passage and will sue for the same, and shall be subject to an action of damages for every such offence, to be recovered with costs of suit.

Penalty.

CHAPTER 5.

BRIDGES.

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| <ul style="list-style-type: none"> 1. Bridges, when expense over \$500. 2. When over \$50, and under \$500. 3. When less than \$50. | | <ul style="list-style-type: none"> 4. Dimensions of small bridges. 5. Bridge between counties. 6. Toll bridges excepted. |
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An Act respecting bridges.

REV. 385.
1845.
PAMPH. 139.

Revision....Approved April 10, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall be necessary to erect, rebuild, or repair, any bridge in a township, or between any two townships in the same county, the expense whereof shall exceed five hundred dollars, it shall be the duty of the overseer of the highways, within whose limits or division the same may be, or either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the director of the board of chosen freeholders of the county, or in case of his absence, inability, or death, to the clerk of such board, who shall thereupon convene, (in the like manner, and under the like penalties, as if such notification had been made and subscribed by any three of the chosen freeholders) the said board or corporation, for the purpose of their considering and deciding upon the utility and necessity of erecting, rebuilding or repairing the said bridge.

Of erecting
or repairing
bridge when
expense over
\$500.

2. *And be it enacted*, That when the expense of erecting, rebuilding, or repairing such bridge shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Same, when
expense over
\$50, and under
\$500.

3. *And be it enacted*, That when the expense of erecting, rebuilding, or repairing such bridge shall not exceed fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the overseer of the highways within whose limits and division the

Same, when
expense less
than \$50.

TITLE XIX.
CHAP. 6.

same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of the said expense, not exceeding the sum aforesaid, the director of the said board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Small, how built.

4. *And be it enacted*, That every small bridge, to be built by virtue of this or any other act, shall be at least twelve feet in breadth, have four or more good sleepers, and be covered with sound and substantial logs, poles, or plank, well squared and fixed down, and as closely joined as the nature of such materials will admit.

Bridge between counties.

5. *And be it enacted*, That the expense of building, rebuilding, or repairing any bridge between two counties shall be equally borne by such counties.

Not to extend to toll bridges, unless, etc.

6. *And be it enacted*, That this act shall not extend to or affect any toll bridge, being private property, or any bridge for which any township receives toll, unless the inhabitants of such township shall, at their annual or other meeting, relinquish and for ever forego their right to such toll, or any bridge, which private individuals are bound by law or contract to make and keep in repair, or to contribute thereto in any degree above their ordinary and ratable proportion in the way of taxation, except so far as such contribution shall be inadequate; *provided always*, that no toll bridge, or any other bridge, being private or incorporated property, shall become a county charge, until a majority of the chosen freeholders of the said county shall consent and agree to the same.

Proviso.

CHAPTER 6.

TOLL AND CHAIN BRIDGES.

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|-------------------------------|--|-----------------------------------|
| 1. Driving over toll bridge. | | 3. Penalty for destroying boards. |
| 2. Driving over chain bridge. | | |

REV. 600, 672.

An Act relative to toll and chain bridges.

Revision....Approved April 10, 1846.

Not to drive faster than a walk over toll bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any kind of carriage, wagon, cart, sled or sleigh, drawn by more than one horse, over any of the toll bridges in this

state, or any kind of carriage, wagon, cart, sled or sleigh whatever, ^{TITLE XIX.} or ride any horse or mule, over any of the toll bridges built over ^{CHAP. 6.} the river Delaware, at a faster gait than a walk, and every person wilfully so offending, shall forfeit and pay to the proprietor or proprietors of such bridge or bridges the sum of one dollar, to be re-^{Penalty.} covered by action of debt, with costs of suit, in any court of competent jurisdiction.

2. *And be it enacted,* That it shall not be lawful for any person ^{Nor over} or persons to drive any kind of carriage, wagon, cart, sled or sleigh, ^{free chain} or ride any horse or mule, over any free chain bridge in this state, ^{bridge.} at a faster gait than a walk, and every person so offending, shall forfeit and pay the sum of one dollar, to be recovered by action of ^{Penalty.} debt, with costs of suit, in any court of competent jurisdiction, by any person who will sue for the same, one moiety to the prosecutor, the other to the collector of the county, for the benefit of the same; *provided always,* that this act shall not be construed to pre-^{Proviso.} vent any physician or midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from driving or riding over any toll or chain bridge at a faster gait than a walk; *provided also,* that the said proprietor or proprietors ^{Notice to be} of such toll bridge, and the board of chosen freeholders of such ^{put up.} county where any free chain bridge now is or may be erected, shall cause to be fixed and always kept up at each end of the bridge aforesaid in some conspicuous place, a board on which shall be painted in large letters, "One dollar fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice, the aforesaid fine shall not be incurred.

3. *And be it enacted,* That if any person or persons shall mali-^{Penalty for} ciously break down or deface such board or boards as aforesaid, ^{destroying} he, she or they so offending, shall forfeit and pay to the proprietor ^{boards.} or proprietors, if on a toll bridge, and to the county collector, if on a free chain bridge, twenty dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

TITLE XIX.
CHAP. 7.

CHAPTER 7.

BRIDGES IN CERTAIN COUNTIES.

1. Rate of travelling, notice. | 2. Penalty for defacing notice.

1833-4.
PAMPH. 92.
1842-3.
PAMPH. 39.An Act relative to bridges in the counties of Somerset, Burlington, Salem,
and Cumberland.

Revision.....Approved April 10, 1846.

Rate of tra-
velling over.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any wagon, cart, sled or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss, lattice, or draw bridge, or any bridge the arch of which is constructed of wood, at a faster gait than a walk, such bridge or bridges being in the counties of Somerset, Burlington, Salem, or Cumberland; and every person or persons so offending shall forfeit and pay the sum of five dollars, for each and every offence so committed, to be sued for and recovered by action of debt with costs of suit, in any court of competent jurisdiction, by any member of the board of chosen freeholders of the county in which such bridge or bridges may be, in the corporate name of said board for the use of said county; *provided always*, that this act shall not apply to any physician, or person going for any physician, or to any person riding express by order of any public officer of this state or of the United States, or to any person pursuing a fugitive from justice; *and provided further*, that the boards of chosen freeholders of said counties shall cause to be fixed up, at each end of such bridge or bridges in said counties, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice, the fine aforesaid shall not be incurred.

Penalty.

Proviso.

Notice to be
put up.Penalty for
defacing.

2. *And be it enacted*, That if any person or persons shall wilfully deface such letters, or any of them, he, she, or they so offending shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

CHAPTER 8.

NORTH RIVER BRIDGE.

1. Rate of travelling, notice.
2. Penalty for defacing notice.

3. Vessels not to be fastened to.

An Act to regulate the travelling on the bridge over the North river, in the county of Monmouth. MAR. 184.

Passed February 29, 1828.

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 drive any wagon, cart, or any other kind of carriage or vehicle, except sleighs or sleds, or ride, lead or drive any horse, horses, mule or mules, or any description of cattle, over or upon the great bridge over the North river, at Oystershell Point, in the townships of Shrewsbury and Middletown, in the county of Monmouth, at a faster gait than a walk; and every person so offending shall forfeit and pay three dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same, in the name of the collector of said county, the one moiety to the prosecutor, and the other to the collector of said county, for the benefit of the same; *provided always,* that this act shall not be construed so as to prevent any physician, midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express, by order of any public officer of this state or of the United States, or pursuing any fugitive from justice, runaway servant or apprentice, from driving or riding over said bridge at a faster gait than a walk; *provided also,* that the board of chosen freeholders of said county shall cause to be fixed, and always kept up, at each end of said bridge, in some conspicuous place, in plain letters, "Three dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice, the aforesaid fine shall not be incurred.

2. *And be it enacted,* That if any person or persons shall fully deface such letters, or any of them, as aforesaid, he, she or they so offending, shall forfeit and pay to the collector of said county, for the use of the same, five dollars, to be recovered in manner aforesaid.

3. *And be it enacted,* That it shall not be lawful for any person or persons to make fast to said bridge, any vessel, scow, or boat over three tons burthen, and any person or persons so offending

TITLE XIX. shall forfeit and pay one dollar for each day the said vessel, scow,
 CHAP. 9. or boat shall remain affixed to said bridge, to be recovered in man-
 ner, and for the use as aforesaid.

CHAPTER 9.

HACKENSACK BRIDGES.

1. Regulations relative to draws. | 2. Repealing section.

HAR. 186. An Act to regulate and widen the draws in the bridges over the Hackensack river.

Passed March 3, 1838.

Preamble. WHEREAS the river Hackensack, in the county of Bergen, might be navigated with advantage by vessels of two hundred tons burthen, but by reason of the bridges over said river, and the narrowness of the draws in said bridges, being but about twenty-four feet wide, the persons interested in the navigation of said river are restricted in the size of their vessels, and subject to many accidents in passing said bridges, with the vessels now in use; and whereas, the sides of the draws in said bridges are fastened by iron bolts, by means whereof, the vessels are much injured; and further, that the draws in some of the said bridges are injudiciously placed, and very inconvenient for the passing of vessels; and believing that the navigation of the said river ought to be interrupted no more than absolutely necessary; and that companies who have erected bridges over said river, ought to afford every facility to those persons who navigate the same; and that vessels of much greater burthen would navigate the said river, if not prevented by the narrowness of the draws in said bridges; and that large vessels would be built at Hackensack and elsewhere on said river, provided the same could be passed through said bridges; and also believing that the interests of the companies who have erected said bridges should yield to public convenience—therefore,

New regula- 1. BE IT ENACTED *by the Council and General Assembly of this*
 tions relative *state, and it is hereby enacted by the authority of the same,* That
 to the draws *the said companies, and all others erecting bridges over the Hack-*
 in the bridges *ensack river below tide water, be, and they are hereby enjoined*
 es over Hack- *and compelled to place their draws in the most convenient places*
 ensack river. *for the navigation of said river, and to make their draws not less*
than twenty-eight feet wide, and to fasten the sides of said draws

with iron bolts, sunk in the wood, so as to render the said bridges as little injurious to the navigation of the said river as possible; and if the said company or proprietors of the said bridges shall refuse or neglect, for the space of six months, after due notice so to do, from any person or persons aggrieved, such companies or proprietors shall be subject to an action of damage, in any court having cognizance thereof.

TITLE XIX.
CHAP. 10.

2. *And be it enacted*, That so much of the acts heretofore passed, defining and determining the width of said draws in said bridges over said Hackensack river, and all other parts of the said acts as come within the purview of this act, be and the same are hereby repealed.

Part of former act repealed.

CHAPTER 10.

PROTECTION OF BRIDGES.

1. Manner of passing draws, etc. | 2. Who to have charge of.

An Act for the protection of bridges in this state.

HAR. 458.

Passed February 27, 1833.

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 or persons, having the command of any vessel, shall come within ten rods of any drawbridge, without first lowering his sails, so as to prevent the vessel from coming up against the bridge, as is frequently the case, until it is hoisted, so that they can pass gently through, without doing any damage to said bridge, or shall hoist any draw, and keep it up more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks, belonging thereto, or a part of said bridge, draw, posts, or piles, or shall remove any stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, or shall at any time lay his vessel along side of said bridge, for the purpose of loading or unloading any hay, straw, bricks, or lumber of any kind whatsoever, he or they so offending, for each and every offence, shall forfeit and pay the sum of ten dollars, besides all damage that may be done to said bridge, to be recovered, in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use

Manner of vessels passing draw-bridge.

Penalty for injuring bridge or leaving draw open.

TITLE XIX. of the prosecutor, and the other half to be paid into the hands of
 CHAP. II. the county collector, for the use of said county where such damage may have been done.

Bridge may be put in special care of person appointed.

Proviso.

2. *And be it enacted*, That in case it should become necessary for the protection of any bridge, and the accommodation of persons passing over or through any bridge, to have the same put in the special care of some person suitable for said purpose, then and in that case, it shall and may be lawful for the board of chosen freeholders of said county for the time being, where such bridge may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *provided*, they shall be in accordance with the preceding section of this act.

CHAPTER II.

FERRIES.

- | | |
|----------------------------------|---|
| 1. Rates of ferriage, how fixed. | 6, 7. Under what penalty. |
| 2. Table of, posted up. | 8. Penalty for delaying passenger, etc. |
| 3. Clerk's fee for copy. | 9. Ferryman's authority. |
| 4. Penalty for overcharge. | 10. Persons carried over in rotation. |
| 5. Good boats, etc., to be kept. | 11. Good wharves, etc., to be kept. |

Rev. 408.

An Act concerning ferries.

Passed February 6, 1799.

Board of freeholders to fix the rates to be taken at ferries.

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 board of chosen freeholders shall be, and they hereby are empowered and directed to fix the rates to be taken at the several ferries within their respective counties, and the same, from time to time to revise, alter, amend, or make anew at their discretion.

A table of the rates to be posted up at the ferry.

2. *And be it enacted*, That the owner or keeper of every ferry shall put up and maintain, where such ferry is kept, a post, with a table of the rates fairly printed, written or painted, in large capitals, fixed and allowed by the said board, annexed thereto, and set up such post, with the table aforesaid, so near the place where the passengers enter the boat used for such ferry, that the said table and rates shall be open and visible to the said passengers. And if the owner or keeper of any ferry fail, neglect, or refuse to put up and maintain a post and table of rates, in the manner and form aforesaid, he shall, for every day he may so fail, neglect or refuse, forfeit and pay one dollar, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Penalty for neglect.

3. *And be it enacted*, That the clerk of such board shall be entitled to receive, for a copy of the rates aforesaid, certified under his hand, the sum of fifty cents.

TITLE XIX.
CHAP. 11.

Clerk's fees for a copy of rate.

4. *And be it enacted*, That if any ferryman, keeper of a ferry, or his servant, shall demand or take a greater sum for ferriage, than the rate fixed by the said board, he shall, for every such offence, forfeit and pay three dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Penalty for taking greater ferriage than the rate fixed.

5. *And be it enacted*, That the owner or keeper of every ferry shall, at all times be provided with good and tight boats, flats, wherries or other vessels, suited to such ferry, sufficient in size, strength, steadiness, and accommodation, for the safe and speedy transportation of passengers, horses, cattle, carriages and goods, well furnished with sails, oars, setting-poles or other necessary implements, and men, prudent, skilful, able bodied, sufficient and competent to such business and service.

Every ferry to be provided with good boats and skilful ferrymen.

6. *And be it enacted*, That no ferryman shall carry or attempt to carry any person over any ferry in a boat, flat, wherry or other vessel, that is not good and sufficient according to this act, under the penalty of ten dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Penalty for using insufficient boats.

7. *And be it enacted*, That every owner or keeper of a ferry, who shall not provide good and sufficient sails, oars, setting-poles, or other necessary implements as aforesaid, and such man or men as the condition of the passage shall require, qualified according to this act, for the safe and speedy transportation of passengers, horses, cattle, carriages and goods, shall, for every default therein, pay two dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

Penalty for not having sufficient implements or skilful ferrymen.

8. *And be it enacted*, That every ferryman shall give constant and diligent attendance at his ferry, and shall not deny or unnecessarily delay the carrying over any passenger, horses, cattle, carriages or goods, upon the penalty of three dollars for every such offence, to be recovered by action of debt, with costs of suit, by any person who will sue for the same; and such ferryman shall also be liable to an action for damages, at the suit of the party aggrieved; *provided always*, that no ferryman shall be obliged to put off from his wharf or shore, and pass the said ferry, when it manifestly appears to be hazardous or dangerous for him so to do, on account of any storm, tempest, fresh, or ice.

Penalty on ferrymen who shall deny or delay to carry over passengers.

9. *And be it enacted*, That every ferryman shall have authority to keep or put out of his ferry-boat or other vessel, any person who shall attempt or press to enter, or who shall enter or stay in his

Ferrymen may keep or put persons out of their boats.

TITLE XIX.
CHAP. 12.

said boat or vessel, contrary to his order; and such person, so doing contrary to his order, shall pay one dollar for every offence, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

Persons shall
be carried
over ferries
according to
their arrival.

Proviso.

Owners of
ferries to
keep good
wharves, etc.

10. *And be it enacted*, That all persons shall be received into such ferry-boats or vessels, and carried over the ferry according to their arrival or first coming to the said ferry; and any ferryman acting contrary to this rule, shall be liable to the penalties prescribed in and by the eighth section of this act; *provided nevertheless*, that all public officers, and such as go on public or urgent occasions, as posts, couriers, physicians, surgeons and midwives, shall be carried over first or with the first.

11. *And be it enacted*, That all owners or keepers of ferries shall make, keep and maintain good and safe wharves or places of landing, where they are wanted, upon penalty of forfeiting such sum as the inferior court of common pleas of the county, where the same shall be wanted, shall, upon complaint to them made, determine and adjudge to be sufficient to make or repair such wharf or convenient landing; which forfeiture shall, by order of the said court, be appropriated and laid out for that purpose.

12. Repealer.

CHAPTER 12.

INLAND NAVIGATION.

- | | |
|--|--------------------------------------|
| 1. Penalty for obstructing navigation. | 4. Reservation of private rights. |
| 2. Removal of rubbish. | 5. How certain obstructions removed. |
| 3. Of bridges and dams. | |

REV. 22, 23. An Act to preserve the navigation of the rivers and creeks within the state of New Jersey.

Revision....Approved April 20, 1846.

Navigation
not to be ob-
structed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons, without first obtaining an act of the legislature for that purpose, shall erect any dam, bank, sluice, or other thing, which shall obstruct or prevent the free and uninterrupted navigation of any river, creek, or stream of water, within this state, which is now used for the navigation of boats or flats, or for the transportation of hay, plank, boards or timber, or shall fall any trees across such creek, or throw brush or other filth in any part thereof, between the mouth thereof and the uppermost place thereon, now or of late used as a landing, he, she,

or they so offending, shall severally forfeit the sum of fifteen dollars, to be recovered by action of debt, before any one justice of the peace of the said state, at the suit of any person who will prosecute the same to effect, to the sole use of the prosecutor, with costs of suit; and the person or persons, so offending, shall also, at his or their proper costs and charge, immediately remove the bank, dam, sluice or other thing so erected, or the trees so fell across such branch, or brush or other rubbish thrown into the same; and the continuance of such dam, bank, sluice or other thing so erected or obstructing the navigation as aforesaid, after a request made to such person or persons, who erected the same, to remove the same; and, on neglect or refusal, it shall be esteemed a public nuisance.

What esteemed a nuisance.

2. *And be it enacted,* That it shall be lawful for any person or persons, to enter into the said creek, river or stream of water, and to lay on shore on the banks, all such rubbish as shall obstruct the navigation thereof, to the least damage to the owner of the land, that may be.

Obstructions removed.

3. *And be it enacted,* That it shall and may be lawful, to keep up and repair any bridge or bridges on public highways; and also all dams or banks erected and finished before the publication of this act, where the said dam or bank does not raise the water so as to overflow the lands of any other person or persons, except those who so erected or own the said dam, and does not injure or damage any other person or persons whatsoever, by any ways or means whatever; and to build such other bridges where public highways are, or shall be hereafter laid out, as are or shall be hereafter necessary to be laid out, over any river, creek or brook, as a public highway; and there be left in the channel thereof, a vacancy not less than eighteen feet between the piers or piles of the said bridges hereafter to be erected; and that all rafts and floats of hay, boards, planks and timber shall have free passage through the milldams now erected, where they have usually had that liberty and conveniency.

Bridges and dams heretofore made upheld.

Other bridges built.

4. *And be it enacted,* That nothing in this act shall extend to deprive any person of his right of action, for any damage accruing to such person, by the keeping up or erecting any dam or bank, or to justify any person in repairing or keeping up any dam that shall raise the water so much as to overflow the lands of, or any ways endamage any other person or persons than him, her or them, who hath so built, or shall own the said dam.

But right of action not barred.

5. *And be it enacted,* That it shall and may be lawful for any person or persons whomsoever, to cut down and remove from the banks of any river or creek, within this state, all such trunks and limbs of trees, and such like obstructions, which shall hang over,

How certain obstructions removed.

TITLE XIX.
CHAP. 13.

or any ways interrupt the navigation of the same, so as such obstructions be removed, with as little detriment to the owners of the lands where the same may happen, as the nature of the case will admit, for the benefit of the navigation.

CHAPTER 13.

DELAWARE NAVIGATION.

ACT I....Preservation of near head of tide waters.

“ II....Prevention of obstructions to.

“ III....To prevent collision of vessels.

REV. 571. **I....An Act to preserve the free navigation of the river Delaware, near the head of the tide waters thereof.**

Passed February 9, 1815.

Vessels not
to anchor in
the channel.

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, it shall not be lawful for any schooner, sloop, shallop, or other vessel, to ride at anchor in the channel of the river, at any place between Lamberton and the head of the sloop navigation at Bloomsbury, so as in any way to impede, obstruct, or endanger the free navigation of all vessels, coming to or departing from any of the landings or wharves, situated at the two places above mentioned; and all such schooners, sloops, shallops, or other vessels which ride at anchor, are required so to arrange themselves on each side of the river, as at all times to leave a space of not less than two hundred feet of the said channel, open and clear for the free ingress and regress of all vessels plying to or from any of the said landings or wharves; and the captain, master, owner, or other person having the command of any such schooner, sloop, shallop, or other vessel, who shall wilfully contravene the provisions of this act, by continuing to ride at anchor in any part of the said channel, so required to be left free and open, when he might have with safety removed from the same, shall forfeit and pay, for each and every such offence, the sum of ten dollars, to be prosecuted for and recovered by action of debt, before any justice of the peace, with costs of suit, by any person or persons who may think themselves aggrieved thereby, the one half to the use of the poor of the township of Nottingham, and the other half to the use of the person or persons who shall sue for and prosecute the same to effect.

Penalty.

2. *And whereas*, it has been represented that the persons on board of certain vessels employed in the collection and transporting of paving stones, are in the practice of throwing overboard into the river, such irregular or offal stones, as are not deemed fit for the purposes of paving, thereby obstructing and filling up from time to time the bed of the river; for remedy whereof—*be it further enacted*, that such practice is hereby declared injurious and unlawful, and all and every person or persons, who shall hereafter be guilty of throwing overboard into the river, stones, gravel, sand, or any other substance which may have a tendency to fill up the bed of the said river, and shall be convicted thereof, shall forfeit and pay for each and every such offence the sum of twenty-five dollars, to be prosecuted for, recovered and applied, as is directed in the preceding section.

TITLE XIX.
CHAP. 13.

Preamble.

Stones, etc.,
not to be
thrown in
the channel.

Penalty.

3. *And be it enacted*, That it shall be the duty of every justice of the peace, upon his own view, or the representation or information of any person on oath or affirmation, to issue his warrant to one or more constable or constables in his county, commanding him or them to require such and so many persons as he or they shall deem necessary to aid and assist him or them in apprehending every person offending against the provisions contained in the preceding sections, and forthwith to bring such offender, when apprehended, before the said justice, or any other justice of the peace, to be proceeded against in the manner herein before directed; *provided*, that this act shall not extend to impair or in any way infringe on the mutual arrangements entered into by this state and the state of Pennsylvania.

Apprehension of offenders.

Proviso.

II....An Act to prevent obstructions to the navigation of the river Delaware.

REV. 708.

Passed March 1, 1820.

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 bridge, floating stage, or other device in the nature of a bridge, no dam, wing, or other device, creating, drawing off, or using a water power, or taking fish, shall hereafter be erected, placed or dug in any part of the river Delaware, between New Jersey and Pennsylvania, without a view first had by three skilful and respectable freeholders in each state, residing near the spot where it may be intended to erect such bridge, stage, dam, wing or device, appointed by the court of quarter sessions, and a specific report by them or a majority of them, respectively, in each state, to the court of quarter sessions of the county by whom appointed, showing distinctly the bridge, stage, dam, wing or device intended, and stating

Prohibition of erections in the river Delaware.

Manner of proceeding on application to erect.

TITLE XIX.
CHAP. 13.

that it will not impede or injure the navigation of the said river, and such report being approved of and confirmed by each court of quarter sessions, and unappealed from to the supreme court of either state, during one year after it shall have been so approved of, shall be final; but if on such appeal the supreme court of either state should reverse such approval and confirmation, the same shall be set aside; and any person or persons offending against the provisions of this act, shall, on conviction thereof, before the court of quarter sessions of the next adjoining county, forfeit and pay for each offence, such sum not less than five hundred, nor more than one thousand dollars, as such court shall adjudge, one half to the informer or informers, and the other half to the use of the poor of the proper county.

Penalty on
offenders.

2 and 3. Obsolete.

1846.
PAMPH. 149.

III....An Act to prevent the collision of vessels navigating the river Delaware.

Approved April 8, 1846.

Vessels at
anchor to
show light.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every master or other officer having charge of any vessel lying at anchor in the river Delaware, shall hoist or show from sundown, and continue to sunrise, a light at some conspicuous part of said vessel, at least ten feet above the deck; and for each and every neglect such master or other officer having charge of such vessel shall forfeit and pay the sum of ten dollars, to any person who shall sue for the same.

Penalty for
coming into
collision
with vessels
showing
light.

2. *And be it enacted*, That when any vessel navigating the river Delaware shall come in collision with any vessel lying at anchor, having a light on board as aforesaid, the master or other officer having charge of such vessel so navigating the river Delaware, shall forfeit and pay to the master, owner, or owners of such vessel so lying at anchor, the amount of all damages sustained by means of such collision, the same to be sued for by the officer, owner, or owners of such vessel having such light on board as aforesaid, and shall be debarred from recovering any damage he may have sustained from such collision; and it shall and may be lawful for the officer serving the summons or other process to seize and keep in custody the vessel so coming in collision as aforesaid, to abide the judgment of the court before which the suit under this act may be brought, at the costs and charges of the party offending; *provided*, this act shall not be so construed as to prevent the party so offending from having said vessel released, upon giving satisfactory security to the court before whom the said action may be brought.

3. *And be it enacted*, That every master or other officer having charge of any steamboat navigating the river Delaware, shall show from sundown, and continue to sunrise, a light suspended by a staff or pole, in the extreme forward part of said steamboat, at least ten feet above the deck, and also, a light suspended as aforesaid at the extreme after part of said steamboat, at least twenty feet above the deck; and for each and every neglect, such master or other officer having charge of such steamboat, shall forfeit and pay the sum of twenty dollars, to any person who shall sue for the same.

TITLE XIX.
CHAP. 14.
Steamboats
to show a
light.

4. *And be it enacted*, That this act shall go into full effect and operation, so soon as the legislature of the state of Pennsylvania shall pass a concurrent law.

Act, when to
take effect.

CHAPTER 14.

RARITAN AND SOUND NAVIGATION.

- | | | |
|----------------------------------|--|--------------------------|
| 1. Vessels to keep to the right. | | 3. Penalty for offences. |
| 2. Keep light hoisted at night. | | |

An Act to regulate the navigation of the river Raritan and Staten Island sound.

1836-7.
PAMPH. 354.

Passed March 7, 1837.

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 captains, owners, or other persons, in charge of vessels in the river Raritan and sound between this state and Staten Island, sailing with a fair or free wind, when met by another vessel, shall keep to the right, and when overtaken by another vessel they shall likewise keep to the right.

Vessels sail-
ing in the
Raritan and
Staten Island
sound to
keep to the
right.

2. *And be it enacted*, That all captains, owners, or other persons, in charge of vessels navigating the river Raritan and sound between this state and Staten Island, when they shall come to anchor at night, shall keep, or cause to be kept, a lantern, lighted, or other light that may be seen, hoisted at least twenty feet above the deck of such vessel.

Vessels at
anchor at
night in said
river and
sound to
keep light
hoisted.

3. *And be it enacted*, That if any person shall offend against the provisions of this act, or either of them, such person shall forfeit and pay for every such offence the sum of twenty dollars, to any person who may sue for the same; and shall be further subject to an action for all damages occasioned by such offence, to be recovered, with costs of suit, in any court having jurisdiction thereof.

Penalty for
offending
against pro-
visions of
this act.