

TITLE XXI.  
INTERNAL POLICE.

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 “ 24....WOODS, MARSHES, MEADOWS.  
 “ 25....WORKHOUSES.  
 “ 26....WRECKS.

## CHAPTER 1.

## ANIMALS, EXHIBITION OF.

- |                              |  |                                   |
|------------------------------|--|-----------------------------------|
| 1. License required.         |  | 4. Penalty for violation.         |
| 2. How, and by whom granted. |  | “ Duty of collector to prosecute. |
| 3. Sum to be paid.           |  | 5. Money, to whom paid.           |

## An Act to regulate the exhibition of beasts or animals.

1834-5.  
РАМРН. 98.

Revision.....Approved April 15, 1846.

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 <sup>Menageries, etc., must be licensed.</sup>

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CHAP. I.

or persons to exhibit or show within this state, for any price, gain or reward, any menagerie, or collection of beasts or animals, or any circus, or to exhibit, show or perform any feats of activity or agility of horses or other animals or their riders, or both, or any such like shows or exhibitions, without having first obtained license for that purpose, as hereinafter mentioned.

How, and  
by whom.

2. *And be it enacted*, That any three justices of the peace shall have authority to grant a license, in their discretion, to any person or persons, to exhibit and show any menagerie, or collection of beasts or animals, or any circus or such like exhibitions as are mentioned in the preceding section, within the county of which they are justices; and all licenses granted under this act, shall set forth the township or townships in which such exhibition or show is authorized to be made, the time or number of days it may be continued, and the price or prices which may be demanded for admission to the same; but at least two of the justices granting any such license shall reside in the township in which such exhibition or show is authorized to be made.

Sum to be  
paid.

3. *And be it enacted*, That before any such license shall be granted, the person or persons applying for the same, shall be required to pay into the hands of the justices of the peace, to whom the application is made, such sum of money as the said justices shall deem proper, not less than ten dollars, nor more than one hundred dollars, for each day, said exhibition or show shall be licensed to continue.

Penalty for  
violation.

4. *And be it enacted*, That any person or persons offending against the provisions of this act, shall forfeit and pay for every offence, the sum of one hundred dollars; to be recovered in an action of debt, in any court having cognizance of the same, in the name of the county collector of the county where the offence is committed; and it shall be a duty hereby imposed, for the collector of the county, or the collector of the township wherein such exhibition is made, to prosecute for and recover the same; and any such collector so prosecuting, shall be entitled to retain in his hands twenty-five cents on every dollar he may receive by virtue of this act, as a compensation for his trouble.

Collector to  
prosecute.

Money, to  
whom paid.

5. *And be it enacted*, That all moneys received and recovered under this act, after deducting the amount allowed to be retained agreeably to the provisions of the preceding section, shall be paid over to the county collector of the county where the same shall be received, or the offence committed, within thirty days after the receipt thereof, for the use of the county.

## CHAPTER 2.

## CONVICTS, IMPORTATION OF.

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|---------------------------------|---------------------------------------|
| 1. Convicts not to be imported. | 3. Offenders bound to transport them, |
| 2. Penalty for importing such.  | " Or, liable to imprisonment.         |

## An Act to prevent the importation of convicts into this state.

REV. 266.

Passed January 28, 1797.

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 captain or master of any vessel, or any other person, shall, knowingly or willingly, import, bring or send, or cause, or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, any felon-convict, or person convict of an infamous crime, or under sentence of death, or other legal disability, incurred by a criminal prosecution, or who shall be delivered or sent to him or her from any prison or place of confinement, in parts out of the United States.

Persons convict of felony or other infamous crime, etc., not to be brought into this state.

2. *And be it enacted,* That every captain or master of a vessel, or other person, who shall so as aforesaid import, bring or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, or shall sell or offer for sale, any such person as above described, knowing him or her so to be, shall forfeit for every such offence, two hundred dollars, to be recovered, with costs, by action of debt, by any person who will sue for the same, in any court of record having cognizance thereof, in which the defendant shall be ruled to give special bail, the one moiety of said forfeiture to the state, and the other moiety to the person suing for the same.

Penalty for bringing or offering such for sale.

3. *And be it enacted,* That every person who shall offend against this act, shall, on conviction thereof, be adjudged and ordered to enter into a recognizance, with sufficient sureties, to convey and transport, within such reasonable time as shall be directed by the court, to some place without the limits and jurisdiction of the United States, every such felon-convict or other person of the description aforesaid, which he or she shall have been convicted of having brought, imported or sent, or having caused or procured to be brought, imported or sent, or having been aiding or assisting therein, into this state, or of having so as aforesaid sold or offered for sale; and in default of entering into such recognizance, with sufficient sureties as aforesaid, he or she shall be committed to jail, there to remain, without bail or mainprise, until he or she shall enter into such recognizance, or shall cause such felon-convict, or

Recognizance to be given to transport such convicts out of the state.

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CHAP. 3. other person of the description aforesaid, to be conveyed or transported to some place without the limits and jurisdiction of the United States.

4. Repealer.

### CHAPTER 3.

#### DISORDERLY PERSONS.

- |                                 |  |                              |
|---------------------------------|--|------------------------------|
| 1. Who adjudged to be.          |  | 3. May be committed.         |
| 2. Further description of.      |  | 4. Justice to issue process. |
| 3. Apprehended without process. |  | 5. Children bound out.       |

REV. 473.

#### An Act to describe, apprehend, and punish disorderly persons.

Passed June 10, 1799.

Who shall be adjudged to be disorderly persons.

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 paupers, who shall unlawfully return to the city or township, from which they were legally removed, without a certificate from the city or township to which they belong, or who shall leave their places of legal settlement; and all persons, who shall go about from door to door, or place themselves in streets, highways or passages, to beg, crave charity, or collect alms, or who shall wander abroad and lodge in taverns, inns, beer-houses, out-houses, houses of entertainment, market-houses, barns, or other places, or in the open air, and not give a good account of themselves, or who shall wander abroad, and beg or solicit charity, under pretence of being or having been soldiers, mariners, or sea-faring men, or of loss by fire, or other casualty, or of loss by the Indians, or by war, or other pretence or thing; and all persons who shall leave, or threaten to leave their families to be maintained by the city, township, or county, or to become chargeable thereto, or who, not having sufficient property or means for their subsistence or support, shall live idle, or not engage in some honest employment, or not provide for themselves or families; and all persons who shall use, or pretend to use, or have any skill in physiognomy, palmistry or like crafty science, or who shall pretend to tell destinies or fortunes; and all runaway servants or slaves, and all vagrants or vagabonds, common drunkards, common night-walkers, and common prostitutes, shall be deemed and adjudged to be disorderly persons.

Further description of disorderly persons.

2. And whereas divers ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, ware-houses,

stables, barns, or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behaviour hath not been of sufficient effect to prevent them from carrying their evil purposes into execution—*be it further enacted*, that if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit, or other implement, with an intent to break and enter into any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or upon any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

3. *And be it enacted*, That it shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any disorderly person, of the description aforesaid, and to take him or her before any justice of the peace of the county, where apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him, by the confession of the offender, or by the oath or affirmation of one or more witness or witnesses, to the work-house of the city, town or county, there to be kept at hard labour for any time not exceeding three calendar months.

4. *And be it enacted*, That it shall be the duty of every justice of the peace, of the proper county, to issue, on information, or his own view, his warrant or process to apprehend any disorderly person, within the intent and meaning of this act.

5. *And be it enacted*, That it shall be lawful for any two justices of the peace, at their discretion, to bind out the child of any beggar, vagrant, vagabond, common drunkard, or common prostitute, or of any person, who shall not provide for such child, as a servant or apprentice to any person, who may be willing to take such child, till the age of twenty-one years, if a male, or eighteen years, if a female, or for a less time.

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CHAP. 5.

## CHAPTER 4.

FAIRS, SUPPRESSION OF.

[REV. 265.

### An Act to suppress fairs.

Passed January 27, 1797.

No fairs to  
be hereafter  
held.

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 fair or fairs shall hereafter be held at any city, town or place in this state.

## CHAPTER 5.

FIRE CRACKERS, ETC.

- |                              |  |                               |
|------------------------------|--|-------------------------------|
| 1. Sale prohibited.          |  | 4. Penalty for exploding.     |
| 2. Exploding of, prohibited. |  | 5. How recovered and applied. |
| 3. Penalty for selling.      |  |                               |

1834-5.  
PAMPH. 57.

### An Act to prevent the vending, burning, or exploding of fire crackers, squibs, turpentine balls, or fire serpents.

Passed February 18, 1835.

Sale of fire  
crackers  
prohibited.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person to sell, barter or exchange, or to offer or exhibit for sale, barter or exchange, any fire cracker or squib in this state.

Exploding  
of, prohibi-  
ted.

2. *And be it enacted,* That it shall not be lawful for any person to burn, explode, or throw any burning fire cracker, squib, turpentine balls, or fire serpents in this state.

Penalty for  
selling.

3. *And be it enacted,* That any person offending against the provisions of the first section of this act, shall forfeit and pay for each and every offence, the sum of ten dollars.

Penalty for  
exploding.

4. *And be it enacted,* That any person offending against the provisions of the second section of this act, shall forfeit and pay for each and every offence, any sum not less than one, or exceeding five dollars.

How penal-  
ties recover-  
ed and ap-  
plied.

5. *And be it enacted,* That the forfeitures mentioned in this act, may be recovered in the name of any person who will sue for the same, before any justice of the peace of the county where the offence is committed, in an action of debt, with costs, one half for the use of the prosecutor, and the residue for the use of the poor of the township where the offence is committed.

6. Obsolete.

## CHAPTER 6.

## FUGITIVE SLAVES.

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Application for arrest of.</li> <li>2. Form of warrant.</li> <li>3. Affidavit of claimant.</li> <li>4. Record, and execution of process.</li> <li>5. Hearing, judgment, etc.</li> <li>6. Jury and proceedings.</li> <li>7. Case may be postponed.</li> </ol> | <ol style="list-style-type: none"> <li>7. When fugitive discharged.</li> <li>8. Record to be kept.</li> <li>9. Fees.</li> <li>10. Penalty for authorizing illegal removal.</li> <li>11. Security on adjournment.</li> <li>12. Final record made up.</li> <li>13. Punishment for illegal conduct.</li> </ol> |
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## An Act concerning fugitive slaves.

HAR. 146.

1836-7.

PAMPH. 134.

Revision....Approved April 15, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a coloured person, held to labour or service in any of the United States, or in either of the territories thereof, or in the District of Columbia, under the laws thereof, shall escape into this state, the person to whom such labour or service is due, his or her duly authorized agent or attorney constituted in writing, is hereby authorized to apply to any judge of any court of common pleas or justice of the peace, who on such application, supported by the oath or affirmation of such claimant or authorized agent or attorney as aforesaid, that the said fugitive hath escaped from his or her service, or from the service of the person for whom he is duly constituted agent or attorney, shall issue his warrant under his hand and seal, and directed to the sheriff or any constable of the proper county, authorizing and empowering said sheriff or constable to arrest and seize the said fugitive, who shall be named in said warrant, and to bring said fugitive before a judge of the court of common pleas of the proper county; which said warrant shall be in the form or to the effect following: State of New Jersey, ——— county, ss. The state of New Jersey, to the sheriff or any constable of ——— county, greeting: Whereas it appears by the oath (or solemn affirmation) of ——— that ——— was held to labour or service to ——— of ——— county, in the state of ——— and that the said ——— hath escaped from the labour and service of the said ———. You are therefore commanded to arrest and seize the body of the said ——— if he be found in your county, and bring him forthwith before any judge of the court of common pleas of said county, so that the truth of the matter may be inquired into, and the said ——— be dealt with as the constitution of the United States and the laws of this state direct: Witness our said judge, (or justice, as the case may be,) at

May be arrested on application and oath.

Form of warrant.

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\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. one thousand eight hundred and \_\_\_\_\_. By virtue of such warrant, the person named therein may be arrested by the proper sheriff or constable, to whom the same shall be delivered within the proper county.

Authenticat-  
ed affidavit  
of claimant  
required.

2. *And be it enacted*, That no judge or justice of the peace shall issue a warrant on the application of any agent or attorney as provided in the first section, unless the said agent or attorney shall, in addition to his own oath or affirmation, produce the affidavit of the claimant of the fugitive, taken before and certified by a justice of the peace or other magistrate, authorized to administer oaths in the state, district or territory in which such claimant shall reside, and accompanied by a certificate of the authority of such justice or other magistrate to administer oaths, signed by the clerk or prothonotary, and authenticated by the seal of a court of record in such state, district or territory; which affidavit shall state the said claimant's title to the service of such fugitive, and also the name, age and description of the person of such fugitive.

Record to be  
made

3. *And be it enacted*, That it shall be the duty of any judge or justice of the peace, when he grants or issues any warrant under the provision of the first section of this act, to make a fair record of the same upon his docket, in which he shall enter the name and place of residence of the person on whose oath or affirmation the said warrant may be granted; and also, if an affidavit shall have been produced under the provisions of the second section of this act, the name and place of residence of the person making such affidavit, and the age and description of the alleged fugitive contained in such affidavit; and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the court of common pleas of the proper county; and any judge or justice of the peace who shall refuse or neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding one thousand dollars; and any sheriff or constable receiving and executing the said warrant, shall, without unnecessary delay, carry the person arrested before the judge, according to the exigency of the warrant; and any sheriff or constable who shall refuse or wilfully neglect so to do, shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding five hundred dollars, or shall also be sentenced to imprisonment at hard labour, for a time not exceeding six months or both.

and filed.

Penalty for  
neglect.

Sheriff, etc.,  
to execute  
process.

Penalty for  
neglect.

Time of hear-  
ing.

4. *And be it enacted*, That when any person claimed as a fugitive slave shall be brought before any judge of the court of common

pleas, agreeably to the provisions of this act, unless the said fugitive shall admit, before him, the claim of the claimant or claimants, it shall be the duty of the said judge to appoint a certain time and place for the hearing of the said claimant's title to the services of such fugitive, and shall thereupon call to his assistance two other judges of the said court of common pleas; which said judges, at the time and place appointed, shall proceed to hear and determine upon said claim, and pronounce judgment thereon; and if the said judgment shall be in favour of said claim, to give a certificate thereof; which certificate, signed by any two of said judges, shall be a sufficient warrant for removing the said fugitive to the state, district or territory from which he or she fled; *provided*, that the oath of the owner or owners, or other persons interested, shall in no case be received in evidence before the judge on the hearing of the case.

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CHAP. 6.

Before whom.

Hearing, judgment, and certificate.

Proviso.

5. *And be it enacted*, That if either party shall demand a trial by jury, then it shall be the duty of the said judge, before whom such fugitive shall be brought, instead of calling to his assistance the said judges, as provided in the preceding section, to issue a venire directed to the sheriff of such county, commanding him to summon a jury of said county, to be and appear before the said judge, at the time and place appointed, to inquire into and determine upon said claim; and upon the trial of the said claim, the same proceedings shall be had as in all other cases of trial by jury; and if the said jury shall find a verdict in favour of said claimant or claimants, the same shall be recorded; and it shall be the duty of the said judge to give a certificate thereof, which certificate shall be a sufficient warrant for removing the said fugitive as aforesaid.

Either party may demand jury.

Proceedings thereupon.

Certificate.

6. *And be it enacted*, That in case of the non-attendance of any of the said judges, on the day appointed for the trial of the said claim as aforesaid, it shall and may be lawful for the judge or judges in attendance to postpone the said trial, and in his or their discretion to call to his or their assistance another judge or judges, so as to ensure a speedy trial of said claim; and in case a jury shall be demanded, and from any cause the sheriff shall be unable to obtain a jury on the day appointed, or the jury shall be unable to agree upon a verdict, then it shall be the duty of the said judge to issue a venire for another jury, at such time as he may appoint, so as to ensure a trial and verdict on said claim.

Case may be postponed.

When second venire to issue.

7. *And be it enacted*, That if the said judges shall decide, or the said jury find a verdict, against such claim, a record shall be made thereof, and the said fugitive shall be discharged from such claim and imprisonment under the same.

When fugitive discharged.

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Record to be kept.  
Fees.

By whom paid.

Penalty for authorizing removal without trial.

When fugitive to give security, or be committed.

When claimant to give security to prosecute.

8. *And be it enacted*, That a record shall be kept of all the proceedings had upon the said claim, and final judgment thereon.

9. *And be it enacted*, That the said judge, for keeping the said record, shall be entitled to receive one dollar; for issuing the venire sixty cents; the sheriff, for serving the same, one dollar and fifty cents; the jurors the same fees as by law are allowed to jurors in the courts of common law; and the said judge or judges, as the case may be, two dollars and fifty cents per day, each, for each and every day necessarily spent in said hearing; which fees shall be paid by the claimant, owner, agent or attorney, immediately on the performance of the duties aforesaid.

10. *And be it enacted*, That any judge or justice who shall give any certificate authorizing the removal of any fugitive slave out of this state, without the title of the claimant or claimants to the services of such fugitive having been first decided upon in his, her or their favour, under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both; and any judge refusing to perform any of the duties required by this act, shall, on conviction thereof, be liable to pay any sum not exceeding five hundred dollars, one half to the use of the person who shall prosecute for the same, and one half to the use of the county in which the same shall be prosecuted.

11. *And be it enacted*, That when the fugitive shall be brought before the judge agreeably to the provisions of this act, and either party shall make oath or affirmation, in writing, that he or she is not prepared for trial by reason of the absence of some material witness whom he or she shall name, it shall and may be lawful, unless security satisfactory to the said judge be given for the appearance of the said fugitive on a day certain, to commit the said fugitive to the common jail for safe keeping, there to be detained at the expense of the owner, agent or attorney, for such time as the said judge shall think reasonable and just, and to a day certain, when the said fugitive shall be brought before him by habeas corpus, in the court-house of the proper county, or in term time at the chamber of the said judge, for final hearing and adjudication; *provided*, that if the adjournment of the hearing be requested by the claimant, his agent or attorney, such adjournment shall not be granted, unless the said claimant, his agent or attorney, shall give security satisfactory to the judge, to appear and prosecute his claim on the day to which the hearing shall be adjourned, or on failure thereof to pay and satisfy forthwith unto the person so taken as a

fugitive, all such damages, costs, charges and expenses, as may have been sustained or accrued by reason of having been so taken and committed; *provided*, that on the hearing last mentioned, if the judge committing the said fugitive or taking the security as aforesaid, should be absent, sick or otherwise unable to attend, it shall be the duty of either of the other judges, on notice given, to attend to the said hearing, and to decide thereon.

12. *And be it enacted*, That it shall be the duty of the judge of any court of common pleas of this state, when he grants or issues any certificate or warrant of removal of any negro or mulatto, claimed to be a fugitive from labour, to the state or territory from which he or she fled, in pursuance of an act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled, "An act respecting fugitives from justice and persons escaping from the service of their masters," and of this act, to make a fair record of the same, in which he shall enter the name, age, sex and a general description of the person of the negro or mulatto for whom he shall grant such certificate or warrant of removal, together with the evidence, and the names of places of residence of the witnesses, and the party claiming such negro or mulatto, and shall, within ten days thereafter, file a certified copy thereof in the office of the clerk of the court of common pleas of the county in which he may reside.

13. *And be it enacted*, That if any person or persons shall seize, arrest or take any person, under pretence that such person is held to labour or service in any other of the United States or in either of the territories thereof, or in the District of Columbia, and hath escaped into this state, without having previously obtained the warrant herein before mentioned, or without having other legal authority for the purpose, under some act of the legislature of this state or of the congress of the United States, or if any two or more persons being armed, shall assemble together and enter the dwelling-house or place of abode of any other person, under pretence of searching for any person or persons held to labour or service in any other of the United States or either of the territories thereof, or in the District of Columbia, and who hath or have escaped into this state, without having previously obtained the warrant herein before mentioned or without having other legal authority for the purpose, under some act of the legislature of this state or of the congress of the United States, such person or persons so seizing, arresting or taking as aforesaid, and such persons so assembling as aforesaid and entering as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine

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CHAP. 6.

Proviso.

When certificate issues, record to be made

and filed.

Punishment for proceeding illegally.

TITLE XXI. not exceeding one thousand dollars, or by imprisonment at hard  
 CHAP. 7. labour not exceeding two years, or both, at the discretion of the  
 court before whom such conviction may be had.

## CHAPTER 7.

### GAMING, PREVENTION OF.

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|----------------------------------|--------------------------------|
| 1. Gaming indictable.            | 4. Money, how recovered.       |
| 2. Bets and wagers thereon void. | 5. When others may sue for.    |
| 3. Sale or mortgage, effect of.  | 6. Winner to answer in equity. |

REV. 267.

### An Act to prevent gaming.

Passed February 8, 1797.

Cock fight-  
 ing and play-  
 ing at cards  
 or dice for  
 money, de-  
 clared to be  
 indictable  
 offences.

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 playing at cards, dice or other game, with one or more die or dice, or with any other instrument, engine or device, in the nature of dice, having one or more figure or figures, number or numbers thereon, or at billiards, or A. B. C. or E. O. tables or other tables, or at tennis, bowls or shuffle-board, or at faro-bank, or other bank of the like kind, under any denomination whatever; and all cock-fightings, for money, goods, chattels, or other valuable thing, shall be, and hereby are declared to be offences against this state, and the authors, parties, players, bettors, wagers, contrivers, and abettors in and of the same, shall be prosecuted and proceeded against by indictment.

Bets and wa-  
 gers thereon  
 to be void.

2. *And be it enacted,* That all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages or other securities or conveyances, which shall be made, given, granted, drawn, entered into, or executed by any person or persons, where the whole or any part of the consideration of such promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances, shall be for money, goods, chattels, or other valuable thing or things whatsoever, won, laid, or betted at cards, dice, billiards, tables, tennis, bowls, shuffle-board, or any other game or games, or at any cock-fighting, or other sport or pastime, or for the reimbursing or repaying any money, knowingly lent or advanced at the time and place of such play, cock-fighting, or other sport or pastime, to any person or persons so gaming, laying or betting, or who shall, at such time and place, so play, lay, or bet, shall be utterly void and of none effect.

3. *And be it enacted*, That any conveyance, or lease of lands, tenements, or hereditaments, sold, demised or mortgaged, or any sale, mortgage, or other transfer of personal estate, to any person, or for his use, to satisfy or secure money, or other thing by him won of, or lent or advanced to, the seller, lessor or mortgagor, or whereof money or other thing, so won, or lent, or advanced, shall be part or all of the consideration money, shall enure to the use of the heirs or legal representatives of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest of such person in the lands, tenements, or hereditaments, so leased, mortgaged, bargained, or sold, and in the personal estate so sold, mortgaged, or otherwise transferred, to all intents and purposes, in the heirs or legal representatives of such lessor, bargainor, mortgagor, or vendor, as if such lessor, bargainor, mortgagor, or vendor had died intestate; and all grants, conveyances and transfers, to be made for preventing of such lands, tenements, hereditaments, or personal estate from coming to, or devolving upon such person or persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent, void, and of none effect.

TITLE XXI.  
CHAP. 7.

Real or personal estate sold or mortgaged for gaming debts, shall descend to the heirs or legal representatives.

4. *And be it enacted*, That it shall and may be lawful for any person, who shall lose any money, goods, chattels, or other valuable thing, by playing at cards, dice, billiards, tables, tennis, bowls, shuffle-board, or other game or games, or by betting on the sides or hands of such as do play at any game or games, or by betting at cock-fighting, or other sport or pastime, and shall pay or deliver the same, or any part thereof to the winner or winners, or other person for his or their use, or on his or their behalf, to sue for and recover the money, or value of the thing or things so lost and paid, or delivered, or any part thereof, from the respective winner or winners, with costs of suit, by action of debt, founded on this act, in any court of record in this state having cognizance thereof; in which action it shall be sufficient for the plaintiff or plaintiffs to allege, that the defendant or defendants is or are indebted to the plaintiff or plaintiffs in the moneys so lost and paid, or to the value of the thing or things so lost and delivered, for so much money had and received by such defendant or defendants, to the plaintiff's use, whereby an action hath accrued to the plaintiff or plaintiffs, according to the form of this act, without setting forth the special matter; *provided*, that such suit shall be instituted within six calendar months after losing and payment, or delivery as aforesaid.

When and how persons losing money by gaming, may recover the same.

5. *And be it enacted*, That if the person or persons, who shall lose and pay such money, or lose and deliver such thing or things as aforesaid, shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue, and with effect prosecute

If the loser does not sue within six months, any other person may prosecute.

TITLE XXI. for the money or other thing or things so lost and paid, or delivered,  
 CHAP. 8.  
 it shall and may be lawful for any other person or persons, by any such action as aforesaid, to sue for and recover the same, with costs of suit, from such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons suing for the same, and the other moiety to the use of the state; *provided*, that such suit shall be instituted within six calendar months from and after the expiration of the time limited in the preceding section for the loser to prosecute for the same.

Winners  
 compellable  
 to answer  
 bills in equi-  
 ty.

6. *And be it enacted*, That every person who, by virtue of this act, shall or may be liable to be sued for moneys or other things, so won as aforesaid, shall be obliged and compellable to answer, upon oath or affirmation, such bill or bills as shall be preferred against him in a court of equity, for discovering the money or other things so won as aforesaid.

7. Repealer.

## CHAPTER 8.

### GUNPOWDER MANUFACTORIES, ETC.

1. Of manufactories.

2. Of magazines.

REV. 549. **An Act to regulate gunpowder manufactories and magazines within this state.**

Passed February 7, 1811.

Manufactory, where not to be erected.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, no person or persons whatsoever, shall be permitted within this state to erect or establish, or cause to be erected or established, any manufactory which shall be actually employed in manufacturing gunpowder, either by himself or any other person, either on his own land or the land of another, within the distance of a quarter of a mile from any town or village, or house of public worship; or within the distance of a quarter of a mile from any dwelling-house, barn or out-house, without the consent, under hand and seal, of all and every the owner or owners of such dwelling-house, barn or out-house, as aforesaid; and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined any sum not exceeding two thousand dollars; *provided*, that nothing in this section shall be so construed as to prevent the completing, rebuilding or

repairing any powder-mill now erected or erecting in this state on the site on which the same shall be now erected or erecting. TITLE XXI.  
CHAP. 9.

2. *And be it enacted*, That no person or persons hereafter shall be permitted to erect or cause to be erected any powder magazine within this state, either upon his own land or the land of any other person, and actually deposit gunpowder therein, within the distance of half a mile from any town or village, house of public worship, dwelling-house or out-house. And any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of two thousand dollars. Magazine,  
where not to  
be erected.

## CHAPTER 9.

### HORSE RACING, PREVENTION OF.

- |                           |                                    |
|---------------------------|------------------------------------|
| 1. Penalty for racing.    | 4. Contributors to purse punished. |
| 2. Penalty for betting.   | 5. Penalty for letting land, etc.  |
| 3. Stakeholders punished. | 6. Wagers on races void.           |

### An Act to prevent horse racing.

1846.  
PAMPH. 133.

Approved March 19, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all racing, by running, pacing, or trotting of horses, mares, or geldings, for money or other valuable thing, or where twenty or more persons are assembled together, shall be, and hereby are declared to be offences against the state, and the authors, parties, contrivers, and abettors thereof, and all and every other person or persons concerned therein, either directly or indirectly, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for  
racing.

2. *And be it enacted*, That if any person shall bet or wager upon the running, pacing, or trotting of any horses, mares, or geldings, or shall be concerned in making up any purse for any such running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for  
betting, etc.

3. *And be it enacted*, That if any person shall be a stakeholder of any sum of money or other thing betted, staked, or wagered upon any such running, pacing, or trotting, or shall cause to be printed or set up any paper or other thing notifying or advertising Stakehold-  
ers punished.

TITLE XXI.  
CHAP. 10. any such running, pacing, or trotting, or shall be the rider of any horse, mare, or gelding in any race, of either running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Contributors to purse, etc., how punished. 4. *And be it enacted*, That if any person shall contribute or collect, or shall ask any other person to contribute or collect, any money, goods, or chattels, to make up a purse, plate, or other thing to be run, paced, or trotted for by any horse, mare, or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Penalty for letting land for a race-course. 5. *And be it enacted*, That if any person or persons shall let or rent his, her, or their land for the purpose of a racecourse for the running, pacing, or trotting any horses, mares, or geldings, or shall knowingly suffer any such running, pacing, or trotting upon lands belonging to him, her, or them, or of which he, she, or they may be in possession, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

Wagers on races to be null and void. 6. *And be it enacted*, That all wagers or bets which shall be laid, betted, or made on the running, pacing, or trotting of any horses, mares, or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons, when the whole or any part of the consideration thereof shall be for money, goods, chattels, or other thing won, laid, or betted on the running, pacing, or trotting of any horses, mares, or geldings, shall be utterly void and of no effect.

7. Repealer. Supplied; see Tit. XXIII, Ch. 3.

## CHAPTER 10.

### INNS AND TAVERNS.

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|--|--|
| <ol style="list-style-type: none"> <li>1. Licenses granted.</li> <li>2. Recommendation for, required.</li> <li>3. Necessity for, certified.</li> <li>4. Penalty for imposition.</li> <li>5. Recognizance required.</li> <li>6. By whom taken and filed.</li> <li>7. Fees.</li> </ol> | <ol style="list-style-type: none"> <li>8. Form of license.</li> <li>9. Confined to person and place.</li> <li>10. Liquor not to be sold elsewhere.</li> <li>11. When application to be made.</li> <li>12. License limited to a year.</li> <li>13. Not granted unless inn necessary.</li> <li>14. Not granted to sheriff, etc.</li> </ol> |
|--|--|

15. Nor to shop-keeper.
16. What inn-keeper to have and keep.
17. Tax to be paid.
18. Duty of clerk.
19. Duty of county collector.
20. Clerk's accountability.
21. Tavern rates fixed and set up.
22. Sign to be erected.
23. Gaming not allowed.
24. License may be revoked.
25. Penalty for selling to apprentice, etc.
26. Or taking goods from such.
27. No credit for liquor.
28. Such debts not recoverable.
29. Except in case of travellers, etc.
30. Proceedings against offenders.
31. License forfeited for drunkenness.
32. Construction of act.

33. Rights of cities, etc., saved.
34. Sign without license prohibited.
35. Lists to be laid before jury.
36. No second application in one year.
37. Selling without license indictable.
38. How liquor may be described.
39. How selling of, punishable by fine.
40. Not to be sold in court-house, etc.
41. Penalty for permitting it.
42. What evidence of knowledge.
43. Of court-houses and jails.
44. Who may be witnesses.
45. Freeholder to recommend but one.
46. Of temperance inns.
47. License.
48. Recognizance.
49. Fees.
50. Rates.

TITLE XXI.  
CHAP. 10.

An Act concerning inns and taverns.

REV. 281, 744.

HAR. 192, 208.

Revision....Approved April 17, 1846.

1837-8.

PAMPH. 241.

1838-9.

PAMPH. 79.

1841-2.

PAMPH. 97.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more of the judges of the inferior courts of common pleas in and for the several counties of this state, shall be, and they are hereby authorized to grant licenses to persons to keep inns and taverns, and to utter and sell victuals, and vinous, spirituous, and other strong liquors, for the accommodation of men, and provender for horses, within their respective counties, in the manner prescribed by this act, and not otherwise.

2. *And be it enacted*, That no person shall be licensed to keep an inn and tavern, but such as shall be recommended by at least twelve reputable freeholders of the city or township where the said inn and tavern is proposed to be kept, who shall certify that the person so recommended by them, is of good repute for honesty and temperance, and is known to the persons recommending, to have at least two spare beds more than are necessary for the family's use, and is well provided with house room, stabling and provender; and it shall be the duty of the presiding judge, at the time of application made, and before a license is granted, to call upon the judges present, to make known any facts or objections within their individual knowledge, if any there be, why such application should not be granted; and thereupon the court may, in their discretion, grant the license prayed for by the applicant.

3. *And be it enacted*, That no person shall be licensed to keep an inn or tavern, unless the freeholders who shall recommend him or her, shall also certify that such an inn or tavern is necessary, and will conduce to the public good.

4. *And be it enacted*, That if any person, who shall sign a

TITLE XXI.  
CHAP. 10.

Penalty for  
imposing on  
the court.

recommendation as aforesaid, shall therein have imposed on the court, either by signing to an undeserved character, or by describing a situation not true, or in any other manner, then every person, so offending, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in the sum of ten dollars, to be paid to the overseers of the poor, where the said inn and tavern was proposed to be kept, and applied to the use of the poor of the township or precinct.

Recogniz-  
ance requir-  
ed.

5. *And be it enacted*, That every person, before he or she shall receive a license to keep an inn and tavern, shall become bound by recognizance to the state, in the sum of one hundred dollars, as principal, with two sufficient sureties, being freeholders in the county, in the sum of fifty dollars each, to be taken before the court that shall grant the said license, with condition following, to wit:

Condition.

The condition of this recognizance is such, that whereas the above bounden A. B. is licensed by the court, to keep an inn and tavern, in the house where — dwelleth, in the township or precinct of — in the county of — for the space of one year next ensuing; if, therefore, the said A. B. during the continuance of the said license, shall not keep a disorderly inn or tavern, nor game himself or herself, nor suffer any person to game in his or her house, for money, or the value of money, nor violate the laws made concerning inns and taverns, but shall, during the said term, in all things respecting him or her as an inn-holder and tavern-keeper, use and maintain good order and rule, and find and provide good, wholesome and sufficient lodging, diet and entertainment for man, and stabling and provender for horse, and observe the directions of the law relating to inns and taverns, then this recognizance to be void, or else to remain in full force and virtue.

If applicant  
sick, three  
sureties suf-  
ficient.

And if the applicant for a license to keep an inn and tavern, shall be prevented by sickness, infirmity, or other reasonable cause, to be judged of and allowed by the said court, from attending in person, then the said court may grant the license, on three sureties as aforesaid, entering into such recognizance, in sixty dollars each. All recognizances taken by virtue of this section, shall be and remain with the clerk of the court, before whom the same shall be taken.

Taken by  
judge, and  
filed.

6. *And be it enacted*, That the recognizance required by the fifth section of this act, may be taken by any judge of the said court of common pleas, out of court, and being signed by such judge, and filed by the clerk, shall have the same force and effect as if the same had been taken in open court.

7. *And be it enacted*, That it shall be lawful for the said court

to demand and receive, for every such license granted and recog-<sup>TITLE XXI.</sup>  
nizance taken, the sum of one dollar; and for the clerk of the <sup>CHAP. 10.</sup>  
court to demand and receive, for entering, drawing and filing such <sup>Fees.</sup>  
recognizance, and drawing the license, and annexing thereto the  
seal of the court, and making entry in the minutes of such license  
being granted, the sum of one dollar.

8. *And be it enacted*, That every license to keep an inn and <sup>Form of li-</sup>  
tavern, shall be signed by the clerk of the court which granted the <sup>cence.</sup>  
same, and shall have the seal of the said court thereto affixed by  
the said clerk; which license shall be in the words, or to the effect  
following:

— county, to wit:

At an inferior court of common pleas, in and for the said county,  
held at — in the same, the — day of — in the year of our  
Lord one thousand —

The said court doth hereby allow and license A. B. of the town-  
ship of — in the county aforesaid, to keep an inn and tavern, in  
the house wherein — dwells, for one whole year from the day  
above said, and no longer; so that the said A. B. shall use and ex-  
ercise this license, during the said term, according to the tenor and  
true meaning of the laws in such case made and provided. Given  
under my hand and the seal of the said court, the day and year  
first above written.

#### C. D. Clerk.

9. *And be it enacted*, That no license shall entitle any person to <sup>Confined to</sup>  
keep an inn and tavern in any other place than that in which it <sup>person and</sup>  
was first kept, by virtue of such license; and such license, with <sup>place.</sup>  
regard to all other places and persons, shall be void.

10. *And be it enacted*, That no license shall authorize any im-<sup>No liquor to</sup>  
holder or tavern-keeper, or any person by his or her authority or <sup>be sold else-</sup>  
permission, to sell, or to keep and expose for sale, any rum, gin, <sup>where.</sup>  
brandy, whiskey, cider-spirits, or other ardent spirits, wine, or any  
other liquid, of which distilled spirits or wine shall form a compo-  
nent part, in any bar, stand, or other place out of the inn or tavern  
house for which license shall have been granted according to law;  
and any person offending against the provisions of this section shall  
be considered as keeping a disorderly house, and forfeit his or her  
license and recognizance, and shall be liable to all the penalties im-  
posed by law for selling without license.

11. *And be it enacted*, That from and after the passing of this <sup>When appli-</sup>  
act, all and every person applying to any court authorized by law <sup>cation to be</sup>  
to grant license to keep an inn and tavern, shall make his or her <sup>made.</sup>  
application to the court for said purpose, on the first day of the  
session of said court, and the said court shall, on the first day of  
said session, or on some other day thereof, publicly fixed on by

TITLE XXI. the said court on the said first day, determine in open court on said  
 CHAP. 10. application, by granting or refusing the same.

To continue  
 one year,  
 but may be  
 renewed.

12. *And be it enacted*, That every license to keep an inn and tavern, shall be made to continue for one year, and no longer; but may be renewed yearly by the said courts, upon the like recommendation, penalties, assessments, and fees, and in the same manner in every respect, as when such license was originally granted: *and further*, if any person, who, at the expiration of his or her license shall neglect or refuse to renew the same in manner aforesaid, shall, notwithstanding, sell and retail vinous, spirituous or strong liquors, then such person shall be subject to the like penalties as for selling without license.

No more inns  
 to be licens-  
 ed than ne-  
 cessary.

13. *And be it enacted*, That it shall be the duty of, and it is hereby expressly enjoined upon, the said courts, to license no more inns and taverns, in their respective counties, than shall be necessary to accommodate and entertain travellers and strangers, to serve the public occasions of the said counties, and for the convenience of men's meeting together to transact business; and to prevent as much as possible, inns and taverns to be kept for the encouragement of gaming, tippling, drunkenness, and other vices.

No license  
 granted to  
 sheriff, etc.

14. *And be it enacted*, That the said courts shall not grant a license to keep an inn and tavern to any sheriff, under-sheriff, or jail-keeper.

No shop-  
 keeper li-  
 censed.

15. *And be it enacted*, That the said court shall not grant a license to any shop-keeper, to keep an inn and tavern; neither shall any inn and tavern and shop for selling goods, wares, and merchandise, be kept in one house; and if any shop-keeper shall give or retail strong liquors, so as to encourage drunkenness, reveling or frolicking in his or her house or store, he or she shall forfeit sixteen dollars for every such offence, to be recovered with costs, by action of debt, by any person who will prosecute for the same, in any court of record having cognizance of that sum; *provided however*, that nothing in this section shall be so construed as to prevent the keeping of an inn and tavern and shop for selling goods, wares, and merchandise under the same roof, in any city, borough or town corporate in this state, where the house is so constructed that the shop and tavern (though under the same roof) shall be entirely distinct, without any communication existing between them, and where the tavern and shop shall be kept by different persons, neither of whom have an interest in, or connection with, the business of the other.

Penalty on  
 shop-keepers  
 etc.

When inn  
 and shop  
 may be un-  
 der one roof.

What neces-  
 sary for  
 keeping an  
 inn.

16. *And be it enacted*, That every inn-holder and tavern-keeper, shall have and keep in his or her house, at least two good feather beds for guests, with good and sufficient bedclothes for the same, and provide and keep good, wholesome, and sufficient diet for tra-

vellers, and stabling and provender of hay and grain for four horses more than his or her own stock, upon pain of forfeiting, for every neglect or default of having any of the articles in this clause mentioned, the sum of three dollars, to be recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person or persons who shall prosecute for the same.

TITLE XXI.  
CHAP. 10.

17. *And be it enacted*, That every person, to whom the court shall see cause to grant a license to keep an inn and tavern, shall, before the delivery of the said license to him or her, pay to the clerk of the said court such sum as the said court shall assess thereon; and the said court shall take into consideration the situation and circumstances of the place where the inn and tavern is intended to be kept, as affording more or less profit to the applicant, and agreeably thereto shall ascertain the sum to be paid for every license, not being less than ten nor more than seventy dollars; and no license shall be delivered to any person, unless the money, so assessed for the same, shall have been paid to the clerk of the court.

Tax to be  
paid for li-  
cense.

18. *And be it enacted*, That it shall be the duty of every clerk of the said courts, to make and enter upon the minutes of the said courts a true account of the moneys which he shall, from time to time, receive upon licenses granted for inns and taverns, and to pay the same moneys, within two weeks after the receipt thereof, to the collector of the county, to and for the use of the said county, accompanied with a copy of the account thereof from the minutes, signed by at least three of the judges present, a duplicate of which account, signed as aforesaid, the said clerk shall also transmit to the clerk of the board of chosen freeholders of the said county.

Clerk to  
keep account  
and pay over  
moneys.

19. *And be it enacted*, That it shall be the duty of every county collector, to lay yearly and every year before the board of chosen freeholders of such county, at their annual meeting, an accurate state and account of the moneys which he shall have received from the clerk aforesaid, upon licenses for inns and taverns, together with the settlement he shall have made with the said clerk for such moneys.

County col-  
lector to  
make annual  
statement.

20. *And be it enacted*, That the said clerks shall at all times be accountable to the board of chosen freeholders, for the moneys which they shall receive for licenses as aforesaid, to and for the use of the said counties respectively.

Accountabil-  
ity of clerks.

21. *And be it enacted*, That it shall be the duty of the said courts, and they are hereby respectively empowered and directed, at every of their spring sessions hereafter, to ascertain the rates and prices of the several liquors, meat, and entertainment for man, and also fix the several sums for the provender, stabling and pasture for horses, to be taken by every licensed inn-holder and tavern-keeper

Tavern rates  
fixed.

TITLE XXI.  
CHAP. 10.

Fair copy  
set up.

Penalty for  
neglect.

Penalty for  
demanding  
more.

Sign to be  
erected.

Penalty for  
neglect.

Gaming not  
allowed.

License may  
be revoked.

within their respective counties; and every such inn-holder and tavern-keeper shall obtain from the clerk of the court, and in ten days after such session fix or set up to open view, in the most public room in his or her inn and tavern, a fair copy of the rates and prices of the articles and things, so ascertained by the said court, with a copy of this clause thereto subjoined, attested by the said clerk, and keep up the said copy so as aforesaid, exposed to open view until a new rate shall be made, under the penalty of four dollars for every day that he or she shall refuse, neglect, or omit to fix, set, or keep up the same, to be sued for and recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person or persons who shall prosecute for the same: *and further*, if any inn-holder and tavern-keeper shall ask, demand, or receive a greater price for any liquors, diet, lodging, provender, stabling, pasturage, or other article, than by such rate shall be allowed, he or she so offending shall, for every offence, forfeit and pay four dollars, to be recovered in the manner last above mentioned, and his license shall immediately thereupon become void; and lastly, the said clerk shall be entitled to receive from such inn-holder and tavern-keeper, for the copy of rates aforesaid, and this section thereto annexed, the sum of fifty cents.

22. *And be it enacted*, That every inn-holder and tavern-keeper shall, within twenty days after obtaining his or her license, put up or fix a sign on or adjacent to the front of his or her house, with his or her name thereon, and keep such sign up, during the time he or she shall keep an inn and tavern, under the penalty of one dollar for every month's neglect thereof, to be recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person or persons who shall prosecute for the same.

23. *And be it enacted*, That it shall be deemed an offence against this state, for any inn-holder or tavern-keeper to permit or suffer any cock-fighting, or playing with cards or dice, or to keep any billiard table, or other gaming table, in his or her inn or tavern, or in any out-house, tenement, yard or garden belonging thereto, or therein to permit any kind of gaming by lot or chance.

24. *And be it enacted*, That it shall be the duty of the said courts, within their respective counties, to revoke or annul any license by them granted to any person to keep an inn and tavern, in case such person shall offend against any section or part of this act, or shall not observe the directions thereof, or shall not do all and every the matters and things therein prescribed and enjoined to be done; and if such person, after a copy of the rule or order of the said court revoking or annulling his or her license, shall have

been served on him or her, shall, notwithstanding, continue to sell or retail any vinous, spirituous or strong liquors, then such person shall be liable to the like penalties as for selling without license. TITLE XXI.  
CHAP. 10.

25. *And be it enacted*, That if any inn-holder or tavern-keeper shall sell any vinous, spirituous or strong liquors, to any apprentice or servant, knowing or having reason to suspect or believe him or her to be such, without the consent of his or her master or mistress, such inn-holder or tavern-keeper shall, for every offence, forfeit the sum of four dollars, to be recovered by action of debt, with costs, by the master or mistress of such apprentice or servant, in any court of record having cognizance thereof. Not to sell to  
servants or  
apprentices.

26. *And be it enacted*, That if any inn-holder, tavern-keeper or other person or persons shall take or receive, directly or indirectly, from any apprentice or servant, any clothing or other goods, chattels, wares or merchandise, in payment for any vinous, spirituous or strong liquors, or in pawn or pledge to secure such payment, then he, she or they, so offending, shall forfeit and pay unto the master or mistress of such apprentice or servant, treble the value of all such clothing or other goods, chattels, wares or merchandise, which he, she or they shall have so taken or received as aforesaid, to be recovered by such master or mistress, his or her executors or administrators, by action of debt or on the case, with costs, in any court having cognizance of the same. Or take  
goods, etc.,  
from them.

27. *And be it enacted*, That if any inn-holder and tavern-keeper shall trust or give credit to any person or persons, for vinous, spirituous or strong liquors, he, she or they, so trusting or giving credit to any person or persons as aforesaid, shall lose the debt, and be for ever disabled from suing for or recovering the same, or any part thereof; and if any inn-holder and tavern-keeper shall sue for any such debt, the person or persons sued shall and may plead this act in bar; and if the plaintiff in such suit shall become nonsuit, or a verdict or judgment shall be given for the defendant, then such plaintiff shall pay double costs. Not to give  
credit for li-  
quor.  
Plea in bar.

28. *And be it enacted*, That if any inn-holder and tavern-keeper shall take or get from any person or persons, trusted as aforesaid, any note, bill, bond or other security, for any vinous, spirituous or strong liquors, sold and drank in or at his or her house, under pretence that it is for victuals or any other thing, whereby to evade this act, then every such note, bill, bond, or other security, shall be void; and the defendant or defendants may plead this act in bar to any action or suit to be brought thereon. Note, etc.,  
given for  
such debt  
void.

29. *And be it enacted*, That nothing in this act shall be construed to debar any inn-holder and tavern-keeper from taking, receiving or recovering any sum or sums of money which shall But may re-  
cover from  
travellers.

TITLE XXI.  
CHAP. 10.

Proceedings  
against of-  
fenders.

Money reco-  
vered to be  
paid to the  
state.

TITLE VIII.  
CH. 9.

Proviso.

License for-  
feited for  
drunken-  
ness.

Construc-  
tion of act.

become due and owing to him or her, from persons who may be lodgers in his or her house, or from travellers not residing in the town, city, precinct or township where such inn and tavern is kept.

30. *And be it enacted*, That it shall be the duty of every justice of the peace, on view, complaint or information, that any inn-holder and tavern-keeper hath committed any act or thing, or hath neglected, omitted or refused to observe or do any act or thing, whereby in the judgment of such justice the recognizance aforesaid may be forfeited, or the condition thereof broken, to require, by summons under his hand and seal, such inn-holder and tavern-keeper to appear at the next court of general quarter sessions of the peace, then and there to answer to the matter of such complaint or information; and also to bind the complainant or any other person, in recognizance to appear and give evidence; and it shall be the duty of the said court to direct the jury, which shall there attend for the trial of traverses, or some other jury of good and lawful men, to be then and there empanelled by the sheriff, to inquire thereof; and if the jury find that such inn-holder and tavern-keeper hath done, or hath neglected, omitted or refused to observe or do any act or thing whereby the said recognizance is broken, such act being specified in such complaint or information, the said court shall adjudge him or her guilty, which verdict and adjudication shall be final; and thereupon the said recognizance shall be forfeited, judgment final, with costs, shall be given against the recognizers, as in case of debt, and execution shall issue thereon accordingly: *and further*, that the sheriff shall pay the money, which he shall have received by virtue of such execution, into the treasury of this state, at the time and in the manner prescribed by law in regard to penalties on forfeited recognizances and fines and amercements, and shall be entitled to the fees and subject to the penalties and actions thereby prescribed; *provided*, that the said court, at the request of the attorney general, or attorney prosecuting the pleas in his absence, or of the party complained of, or either of his or her sureties, may, on reasonable cause shown, adjourn the trial of such complaint or information to the then next sessions or term.

31. *And be it enacted*, That if any inn-holder and tavern-keeper shall be convicted of being drunk in his own inn and tavern, besides the penalty consequent on the crime of drunkenness, his license shall immediately thereupon become void.

32. *And be it enacted*, That this act shall not be construed to prevent any inn-holder and tavern-keeper, who, before the passing thereof, was licensed according to law, from acting as such during the term for which his or her license shall have been granted; subject, nevertheless, to the like conditions, duties, pains and penalties, as if this act had not been made.

33. *Provided always, and be it enacted,* That nothing in this act contained shall be taken, deemed or construed to alter, change, or in any manner affect the rights, powers, privileges and immunities given and granted by law to any city or town corporate in this state, relative to the licensing of inns and taverns within their respective cities or towns corporate, such cities or towns corporate, nevertheless, conforming to the directions and being subject to the limitations, restrictions and provisions herein contained and given to the inferior courts of common pleas, in the several counties of the state, except that the recommendation for a license in such cities or towns corporate, shall be signed by at least ten reputable freeholders residing therein.

TITLE XXI.  
CHAP. 10.

Rights of cities, etc., not affected by this act.

34. *And be it enacted,* That it shall not be lawful for any person, not having a license to keep an inn and tavern, to put or keep up, on or near his or her dwelling-house, any sign or other device usually employed to denote the keeping an inn or tavern; and every person so offending, shall forfeit and pay five dollars for every month that the same shall be so kept up, to be recovered by action of debt, with costs, by any person who shall sue for the same, before any justice of the peace in the county where the offence shall be committed.

Persons not licensed not to erect sign.

Penalty.

35. *And be it enacted,* That it shall be, and it is hereby made the duty of the clerks of the courts of general quarter sessions of the peace, in the several counties of this state, at least once in every year, or oftener, if thereunto required by the grand jury, duly empannelled, for any county, to make out a list of the names of all the persons within the said county who shall have a license to keep an inn and tavern, and to lay the said list before the grand jury of said county, on the first day of their meeting.

Lists to be laid before grand jury.

36. *And be it enacted,* That whenever any of the inferior courts of common pleas, in and for any of the counties in this state, shall reject and refuse to grant the application of any person or persons for license to keep an inn and tavern, under the provisions of this act, it shall not be lawful for such person or persons whose application to keep such inn and tavern shall have been rejected by the court aforesaid, to apply again for said license, at any time within one year thereafter.

If license denied, to be final for one year.

37. *And be it enacted,* That it shall not be lawful for any person or persons, without license for that purpose first had and obtained, to sell, or cause or knowingly permit to be sold, directly or indirectly, any wine, rum, gin, brandy, whiskey, cider-spirits or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, except such as shall be compounded and intended to be used as medicine, by less measure than one

Selling liquor without license a misdemeanor.

- TITLE XXI.  
CHAP. 10. quart, or any mixed liquors by less measure than five gallons; and any person so offending, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding twenty dollars, together with the costs of prosecution; *provided*, that the prosecution shall be commenced within six months after the offence shall have been committed; *and provided also*, that nothing in this act shall be construed or taken to prohibit any person or persons from selling metheglin, currant wine or other wine or cider, made by him, her or them.
- Proviso. 38. *And be it enacted*, That in all indictments hereafter found upon this act, it shall be sufficient to describe the liquor sold as ardent spirits, without specifying particularly the kind or description thereof.
- How described in indictment. 39. *And be it enacted*, That if any person or persons shall, without a license for that purpose first had and obtained according to law, sell by retail any rum, brandy, wine or spirits, of any kind, or any other liquid of which distilled spirits shall form a component part, (except such as are compounded and intended to be used for medicine) under the quantity of one quart, he or she so offending, shall forfeit and pay for every such offence ten dollars, to be recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person who may prosecute for the same, in the name of the overseer or overseers of the poor of the township in which such offence may take place, one half for the benefit of the person so prosecuting, and the residue for the use of the poor of such townships; *provided*, that such prosecution shall be commenced within six calendar months after said offence shall have been committed; *provided also*, that nothing in this act contained shall be so construed as to prevent or impair any prosecution or proceeding by indictment under this act.
- May be prosecuted for penalty. Provisoes. 40. *And be it enacted*, That it shall not be lawful for any sheriff, under-sheriff, jailer, or other person whatever, to sell, or knowingly permit to be sold, in any of the court-houses or jails of this state, any wine, gin, whiskey, cider-spirits, brandy or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient; and in case any sheriff shall so offend, he shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in the sum of one hundred dollars, together with costs of prosecution; and if any under-sheriff, jailer, or other person shall so offend, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined in the sum of one hundred dollars, together with costs of prosecution.
- No liquor to be sold in court-house or jail. Offence a misdemeanor or. 41. *And be it enacted*, That if any sheriff shall knowingly permit any under-sheriff, jailer, or other person to sell in the court-
- Penalty for permitting such sale.

house or jail of the county of which he is sheriff, any wine, gin, whiskey, cider-spirits, brandy or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, he shall, for every such offence, forfeit and pay the sum of fifty dollars, one half to the use of the person prosecuting for the same, and the other half to the use of the county in which the said offence was committed, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit.

42. *And be it enacted*, That when any suit shall be commenced against any sheriff for violation of the forty-first section of this act, if it shall appear upon the trial that the said offence was committed during the sitting of any of the courts in the court-house, such fact shall be deemed and taken as conclusive evidence of the knowledge of the said sheriff in that behalf.

43. *And be it enacted*, That it shall not be lawful for any under-sheriff, jailer, or other person or persons who may occupy the court-house or jail of any of the counties in this state, to keep the same as a house of public entertainment, and sell, or permit to be sold therein, food or provisions of any kind, after the manner of licensed inn-keepers; and if any person or persons shall offend against the provision of this section, he, she, or they shall forfeit and pay, for every offence, the sum of twenty-five dollars, to be recovered by any person prosecuting for the same, one half to the use of the person so prosecuting, and the other half to the use of the county in which the said offence was committed, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit.

44. *And be it enacted*, That in any suit which may be brought under this act, the inhabitants of the county in which said suit may be brought, shall be deemed and taken as competent witnesses.

45. *And be it enacted*, That the freeholders required to recommend to the courts suitable persons for license to keep inns and taverns, shall be such as shall not have recommended any other application for a license under the second section of this act, in the same township, city or borough for the same year.

46. *And be it enacted*, That it shall and may be lawful for the inferior courts of common pleas of the several counties in this state, to grant licenses to keep temperance inns and taverns in said counties, on applications of similar form, and accompanied by like recommendations as are required by this act, excepting that applications for such temperance licenses shall distinctly state the intention of the applicant to keep a temperance house.

47. *And be it enacted*, That the license to be issued on such application, shall be in the following form :

TITLE XXI.  
CHAP. 10.

What shall  
be evidence  
of know-  
ledge.

Court-house  
or jail not to  
be kept as  
house of en-  
tertainment.

Inhabitants  
witnesses.

Freeholder  
to recom-  
mend but  
one.

Temperance  
inns.

License.

TITLE XXI. — county, to wit:  
 CHAP. 10.

At the inferior court of common pleas, in and for the said county, held at — in the same, the — day of — in the year of our Lord one thousand —. The said court do hereby allow and license A. B. of the township of — in the county aforesaid, to keep a temperance inn and tavern, in the house wherein — dwells, for one whole year from the day above said, and no longer; so that the said A. B. shall use and exercise this license, during the said term, according to the tenor and true meaning of the laws in such case made and provided. Given under my hand and the seal of the said court, the day and year first above written.

C. D. Clerk.

Recogniz-  
 ance.

48. *And be it enacted*, That every person, before he or she shall receive a license to keep a temperance inn and tavern, shall become bound by recognizance to the state, in the sum of one hundred dollars, as principal, with two sufficient sureties, being freeholders in the county, in the sum of fifty dollars each, to be taken before the court that shall grant the said license, with condition following, to wit:

Condition.

The condition of this recognizance is such, that whereas the above bounden A. B. is licensed by the court, to keep a temperance inn and tavern, in the house where — dwelleth, in the township or precinct of — in the county of — for the space of one year next ensuing; if, therefore, the said A. B. during the continuance of the said license, shall not keep a disorderly inn or tavern, nor game himself or herself, nor suffer any person to game in his or her house, for money or the value of money, nor keep, offer, sell or otherwise dispose of in his or her house, nor in any out-house, yard or garden connected therewith, any vinous, fermented, spirituous or strong or intoxicating liquors, nor violate the laws made concerning inns and taverns, but shall, during the said term, in all things respecting him or her as an inn-holder and tavern-keeper, use and maintain good order and rule, and find and provide good, wholesome and sufficient lodging, diet and entertainment for man, and stabling and provender for horse, and observe the directions of the law relating to inns and taverns, then this recognizance to be void, or else to remain in full force and virtue.

Fees.

49. *And be it enacted*, That the applicant for such license to keep a temperance inn and tavern, shall pay to the court and clerk the same fees for said license, recognizance and rates, as are provided for in the seventh and twenty-first sections of this act, but shall be wholly exempt from the tax imposed and provided for in the seventeenth section of said act.

Exempt  
 from tax.

Rates.

50. *And be it enacted*, That the said courts of common pleas

shall exercise the like discretion in granting such license, and in prescribing rates for the regulation of prices under the same, as is provided for in this act. TITLE XXI.  
CHAP. 11.

CHAPTER 11.

LOTTERIES, SUPPRESSION OF.

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>1. Lotteries adjudged nuisances.</li> <li>2. Penalty for opening or drawing.</li> <li>3. Penalty for aiding in.</li> </ul> |  | <ul style="list-style-type: none"> <li>4. Conveyances void.</li> <li>5. Cases saved.</li> </ul> |
|---|--|---|

An Act for suppressing of lotteries.

REV. 272.  
1843-4.  
PAMPH. 179.

Revision....Approved April 10, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all lotteries for money, goods, wares, merchandise, chattels, lands, tenements, hereditaments, or other matters or things whatsoever, shall be, and hereby are adjudged to be common and public nuisances; and the supreme court, the courts of oyer and terminer and general jail delivery, and the courts of general quarter sessions of the peace, shall respectively have cognizance of such offences. Lotteries  
adjudged  
nuisances.

2. *And be it enacted*, That no person or persons shall, within this state, publicly or privately, erect, set up, open, make or draw any such lottery or lotteries; and every person who shall offend in the premises shall forfeit, for every such offence, two thousand dollars, to be recovered by action of debt, with costs, by any person who will sue for the same, in any court of record having cognizance thereof; and the person so offending shall likewise be proceeded against by way of indictment, as is directed in the preceding section; and all penalties recovered under this act shall be appropriated to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted; and in every action instituted under this act, the inhabitants of the county where the same is instituted shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation or being interested. Penalty for  
opening or  
drawing.

3. *And be it enacted*, That if any person shall give, barter, sell, or otherwise dispose of, or offer to give, barter, sell, or otherwise dispose of, any ticket or tickets in any lottery, whether erected, set up, opened, or made in this state or elsewhere; or if any person shall be aiding or assisting in any such lottery, by printing, writing, or in any other manner publishing an account thereof, or where Penalty for  
aiding, etc.

TITLE XXI  
CHAP. 12.

tickets may be had or obtained in the same; or if any person shall set up, show, or expose to public view, any scheme or schemes, advertisement or advertisements, of or concerning such lottery, or shall permit or suffer any such lottery to be drawn in or on his or her house or land, every person so offending shall, for every offence, forfeit and pay the sum of thirty dollars, to be recovered and applied in the manner prescribed in and by the section next preceding.

Conveyances void.

4. *And be it enacted*, That every grant, bargain, sale, conveyance, or transfer of any goods, chattels, lands, tenements, hereditaments or real estate, which shall be made in pursuance of any such lottery, is hereby declared to be invalid and void.

Cases saved.

5. *And be it enacted*, That this act shall not extend to, or affect, any lottery which shall be established by or under the authority of the United States, or which has been or shall be established by or under the authority of the legislature of this state.

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## CHAPTER 12.

### MINORS, ENTERTAINMENT OF.

- |                                     |  |                           |
|-------------------------------------|--|---------------------------|
| 1. Tavern-keepers prohibited.       |  | 3. Debts contracted void. |
| 2. Store-keepers, etc., prohibited. |  | 4. Who deemed a minor.    |

REV. 532.  
1840-1.  
PAMPH. 53.

An Act to prohibit tavern-keepers, store-keepers, confectioners and hucksters from entertaining minors at colleges, academies, and schools, for the purposes of instruction, and from selling to them.

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

Tavern-keepers prohibited from entertaining minors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act, it shall be unlawful for any tavern-keeper in this state to receive and entertain at his or her house of public entertainment, any minor under the age of twenty-one years, who is a scholar or member of any college, academy or school within this state; and if any such tavern-keeper shall receive and entertain any such minor or scholar, or sell, or directly or indirectly supply him with any wine, ardent spirits, porter or strong drink of any kind, he or she shall for each offence forfeit and pay the sum of ten dollars, to be recovered by action of debt, with costs of suit, by the parent or guardian of such minor, or by any other person who shall sue for the same, one half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy or school of which such minor may be a member; *provided always*, that nothing

Provisc.

in this act shall prevent the reasonable entertainment of such minor in coming to, or returning from such college, academy or school, and until he is provided with lodging and board, according to the usage and practice of such college, academy or school.

TITLE XXI.  
CHAP. 12.

2. *And be it enacted*, That from and after the passing of this act, it shall be unlawful for any store-keeper, confectioner, or huckster within this state, to sell, or directly or indirectly to supply any minor, who is a member of any college, academy or school within this state, at the place where such college, academy or school is situate, or within three miles therefrom, with any wine, ardent spirits, porter, or other strong drink, without the special permission in writing of the president, principal master, or teacher of the said college, academy or school; and if any store-keeper, confectioner or huckster shall sell, or directly or indirectly supply any such minor with the said liquors, or any of them, without such permission, he or she shall, for each offence, forfeit the sum of ten dollars, to be recovered by action of debt, with costs of suit, by any such parent or guardian, or by any other person who shall sue for the same, one half of which penalty shall belong to the person so prosecuting, and the other half to the college, academy or school of which such minor is a member.

Store-keepers, etc., likewise prohibited.

3. *And be it enacted*, That no debt contracted by any minor under the age of twenty-one years, being a scholar or student of any college, academy, or school within this state, without the special permission in writing of the parent or guardian of such minor, or of the president, principal master, or teacher of the said college, academy or school, shall be binding on or recoverable of the said minor, or his parent or guardian, in any of the courts of this state; *provided*, that nothing herein contained shall prevent the recovery of any debt contracted by such minor, for reasonable entertainment in coming to or returning from such college, academy or school, and until he is provided with lodging and board according to the usage and practice of such college, academy or school; or for the convenient and proper board and lodging of any scholar or student of such college, academy or school, boarding and lodging out of the same, by the permission of the president, principal master, or teacher thereof.

Debts so contracted void.

Proviso.

4. *And be it enacted*, That in all actions, suits, and proceedings, which may be brought to recover any debt contracted as aforesaid, (except debts contracted as mentioned in the proviso of the preceding section) every person being a regular scholar or student of any college, academy or school, within this state, shall be deemed and taken to be a minor, unless he shall be proved to be of full age, by other evidence than the admission or declaration of such person.

Who deemed a minor.

TITLE XXI.  
CHAP. 13.

## CHAPTER 13.

MORRIS CANAL, PROTECTION OF.

HAR. 397. An Act for the better protection of the Morris canal, its works and appendages.

Passed March 10, 1832.

Prohibition  
of certain in-  
juries to the  
canal or  
works.

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 shall, in any manner, wilfully or maliciously destroy, injure or obstruct the Morris canal, or any of its parts, or any of the works therewith connected, or thereunto appertaining, or shall wilfully or maliciously injure or obstruct the passage of any boat therein, or navigating the same; or if any person or persons shall, against the will or consent of the person who may be by the said company appointed to have charge of, or to attend any lock or inclined plane on the said canal, open any gate of such lock or plane, or shall work or attempt to work such plane, or to pass a boat, raft, or other floating thing through or over such lock or plane; or if any person shall wilfully or maliciously let off or discharge water from the said canal, through or by any waste-weir, or waste-gate, or otherwise, or shall shut down or close, either in part or in whole, any feed-gate, or water-weir, or water-gate, which may have been opened to feed the said canal, or any part thereof, or to discharge water for the safety thereof, the person or persons so offending shall forfeit and pay to the said company the sum of twenty-five dollars, to be recovered by, and in the name of the President and Directors of the Morris Canal and Banking Company, in any court having competent jurisdiction; *provided,* that nothing herein contained shall be taken or construed to prevent the said company from proceeding, if they shall elect so to do, under and pursuant to the provisions of the thirteenth section of the act entitled, "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," against the person or persons so offending, as in the said act is specified, and saving to the said company the right also to prosecute a civil suit, as it is given to them by the said act; but there shall, nevertheless, be no more than one penalty imposed upon any person or persons, in virtue of this act and the last mentioned act, for the same offence.

Penalty.

Proviso.

HAR. 92.

## CHAPTER 14.

## OFFENDERS, APPREHENSION OF.

- |                                 |  |                          |
|---------------------------------|--|--------------------------|
| 1. Reward offered for offender. |  | 3. For unknown offender. |
| 2. For aider or abettor.        |  |                          |

An Act to empower the governor to offer a reward for the apprehension of certain offenders. REV. 775.

Revision....Approved April 15, 1846.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful to and for the governor or person administering the government, for the time being; to issue his proclamation for apprehending and securing any person or persons charged, on oath or affirmation of one or more credible witness or witnesses, with having committed murder, burglary, robbery or other dangerous outrage and violence upon the person or property of any person within this state, and in such proclamation to offer such reward as the said governor or person administering the government may think proper, according to the nature and aggravation of the crime, not exceeding six hundred dollars for any one offender; which reward shall be paid, on conviction of the party charged, to the person or persons entitled thereto, by the treasurer of the state, out of any public money in his hands, on a warrant or certificate, signed by the governor or person administering the government, for that purpose.

Reward to be offered for offenders.

2. And be it enacted, That it shall and may be lawful for the governor or person administering the government, to issue his proclamation, offering a reward as aforesaid, for apprehending and securing any person or persons charged, on oath or affirmation as aforesaid, with aiding, abetting, comforting, harbouring or concealing any person or persons, who hath or have committed any of the crimes above specified and described, knowing him, her or them to be guilty thereof; which reward, on conviction of the person so charged, shall be paid in the same manner as is above directed.

Or the abettors of such.

3. And be it enacted, That when any murder, burglary, robbery or other offence, as aforesaid, hath been, or shall be committed by any person or persons unknown, it shall and may be lawful for the governor or person administering the government, for the time being, on the oath or affirmation of one or more credible witness or witnesses, setting forth the fact, and that the same was perpetrated by a person or persons unknown, to issue his proclamation, offering a reward as aforesaid, for apprehending and secur-

And so, tho' offender be unknown.

TITLE XXI. ing the person or persons who may have committed the same, and any person or persons who may have aided, abetted, comforted, harboured or concealed him, her or them, knowing him, her or them to be in such wise guilty; which reward shall, in every case, be paid on conviction of the party offending, as in manner aforesaid.

## CHAPTER 15.

### RAILROAD ENGINES.

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|---|--|---|
| <ul style="list-style-type: none"> <li>1. Bell to be rung.</li> <li>2. Board erected.</li> <li>3. Penalty for neglect.</li> </ul> |  | <ul style="list-style-type: none"> <li>4. Penalty for injuring board.</li> <li>5. Depots may be fenced in.</li> </ul> |
|---|--|---|

1838-9.  
PAMPH. 170.

### An Act to prevent accidents from the use of locomotive engines on railroads.

Passed March 9, 1839.

Bell to be rung.

1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every incorporated company that hath been, or hereafter may be, authorized to construct any railroad in this state, shall cause to be placed on some part of every locomotive engine used by any such company, a bell, of a weight not less than thirty pounds, which they shall cause to be rung, at the distance of at least three hundred yards from the place where any such railroad crosses a turnpike road or highway upon the same level with the said railroad, and be kept ringing until the engine has crossed such turnpike or highway, or has stopped.

Board to be erected.

2. *And be it enacted,* That every such company shall cause a board with this inscription, "Look out for the locomotive," to be erected and maintained wherever the road of such company may be crossed, as aforesaid, by any turnpike road or public highway, so as to be easily seen by travellers.

Penalty for neglect.

3. *And be it enacted,* That if any such company shall refuse or neglect to comply with either of the foregoing provisions, they shall forfeit for every such refusal or neglect the sum of one hundred dollars, to be sued for by the clerk of any township in which such refusal or neglect shall occur, for the use of the said township, and to be recovered, with costs, in an action of debt, in any court having cognizance thereof; *provided,* that nothing herein contained shall be construed to take away from any individual or individuals any right he, she, or they may have to recover damages

Proviso.

for any injury which may be incurred by any refusal or neglect to comply with the requirements of this act. TITLE XXI  
CHAP. 16

4. *And be it enacted*, That if any person shall wilfully obliterate, destroy, or injure any such board, so as aforesaid erected, he, she, or they so offending shall forfeit for every such offence the sum of twenty dollars, to be recovered, with costs, by any such railroad company, in an action of debt, before any court having cognizance thereof, for the use of said company. Penalty for  
injuring  
board.

5. *And be it enacted*, That it shall and may be lawful for any such company to cause a fence or other enclosure to be made around their depots, where the public safety requires it, so as to prevent persons, other than travellers, from coming near the locomotives and train of cars, and to exclude from such enclosures all persons except travellers and the agents of the said companies. Depots may  
be fenced in.

## CHAPTER 16.

### RELIGIOUS MEETINGS.

- |                               |  |                      |
|-------------------------------|--|----------------------|
| 1. Traffic near, prohibited.  |  | 3. Who not affected. |
| 2. Violation of law punished. |  | 4. Defence.          |

An Act to prevent the disturbance of meetings held for the purpose of religious worship. REV. 664

Passed February 2, 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 from and after the passing of this act, it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat or vessel, or other place, for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed, or strong drink, (excepting as hereinafter excepted) within three miles of any place of religious worship, in this state, during the time of holding any meeting for religious worship at such place. Liquors not  
to be sold  
within three  
miles.

2. *And be it enacted*, That if any person or persons shall or do violate this act, by erecting, fixing, or having any booth, stall, tent, carriage, boat or vessel, or other place, for the purpose or use aforesaid, or by selling, bartering, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or other fermented, mixed, or strong drink, in, at, or about any such booth, stall, tent, carriage, boat or vessel, or other Violations  
punished,  
and in what  
manner.

TITLE XXI.  
CHAP. 16.

place, prepared or used for the purposes aforesaid, within three miles of any place of religious worship, during the time of holding any meeting for religious worship at such place, the person or persons so offending shall first be informed of his, her, or their violation of this act, and shall be warned by any justice of the peace, constable, or two freeholders of the county where the offence is or shall have been committed, to desist from such offence, and to remove such booth, stall, tent, carriage, boat or vessel, together with all such articles of traffic, spirituous liquors, wine, porter, beer, cider, or other strong drink, belonging to, or in the possession of the person or persons so offending; and if such person or persons, on receiving such information and warning, shall forthwith cease to offend against this act, and shall remove as aforesaid, at least three miles from such place of religious worship, then no further proceeding under this act shall be had against such person or persons; but if such person or persons shall refuse or neglect immediately to remove, as aforesaid, when informed and warned as aforesaid, then all the said articles of traffic, spirituous liquors, wine, porter, beer, cider, and other fermented, mixed and strong drink, and all the vessels, chests, and other things containing the same, together with such booth, stall, tent, carriage, boat or vessel, or other place prepared or used for the purpose aforesaid, shall be and are hereby declared to be forfeited; and it shall be lawful for any justice of the peace and constable, with two freeholders of the county, to seize and take possession of all or any part of the said forfeited articles and liquors, together with such booth, stall, tent, and carriage, boat or vessel, and at any time within ten days after, to advertise and sell the same; and after deducting and paying the necessary and lawful expenses of such seizure and sale, the residue of the proceeds of such sale or sales shall be paid to the overseers of the poor of the township for the use of the poor of the county, where the support of the poor is a county charge, and where it is a township charge, to the poor of the township where such offence shall have been committed.

Who it shall  
not affect.

3. *And be it enacted*, That nothing in this act contained shall be taken or construed so as to affect any licensed tavern-keeper, in his or her ordinary and lawful business, at his or her usual place of residence, specified in his or her license, nor shall it be so taken and construed, as to affect any merchant, shop-keeper, farmer, mechanic, or other person, in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual places of doing such business; neither shall it be so taken or construed as to affect any person or persons attending any religious meeting, or their property; nor shall it be so taken, construed, or

understood, as to affect any person or persons who shall have a permit in writing from the person or persons having the oversight, charge and management of any such meeting, to sell bread and other necessary articles of food for man and beast; provided the conduct of persons attending such meeting shall accord with the lawful rules and regulations of such meeting, and the property of such persons attending such religious meeting be not of the description forbidden by this act.

4. *And be it enacted*, That if any suit or action shall be brought against any person or persons for doing, or causing to be done, any thing in pursuance of this act, according to the provisions thereof, the defendant or defendants may plead the general issue, and give the special matter, under this act, in evidence; and if in such suit or action, a verdict and judgment shall be given for the defendant or defendants, or the plaintiff shall become nonsuit, or discontinue his action, the defendant or defendants shall have and recover double costs of suit.

## CHAPTER 17.

### ROUTES AND RIOTS, ETC.

- |                             |  |                                |
|-----------------------------|--|--------------------------------|
| 1. Proclamation to be made. |  | 3. Penalty for opposing, etc.  |
| 2. Rioters apprehended.     |  | 4. Penalty for not dispersing. |

### An Act to prevent routs, riots and tumultuous assemblies.

REV. 279.

Passed February 24, 1797.

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 publication of this act, if any persons, to the number of twelve or more, being armed with clubs, guns, swords, or other weapons, or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any justice of the peace, sheriff, under-sheriff, or constable of the county, where such assembly shall be, shall, among the rioters, or as near to them as he can safely come, command silence, while proclamation is making, and shall, openly and with a loud voice, make, or cause to be made, proclamation in these, or the like words:

State of New Jersey. By virtue of an act of this state entitled, "An act to prevent routs, riots and tumultuous assemblies," I am directed to charge and command all persons, being here assembled,

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immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said act. God save the state.

Justices, etc.,  
to make pro-  
clamation.

And all justices of the peace, sheriffs, under-sheriffs, and constables, within the limits of their respective jurisdictions, are hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, routous, riotous, or tumultuous assembly, to resort to the place where such unlawful, routous, riotous, or tumultuous assembly shall be, and there to make, or cause to be made, proclamation in manner aforesaid.

Rioters to be  
apprehend-  
ed.

2. *And be it enacted by the authority aforesaid,* That if such persons, so unlawfully, routously, riotously, and tumultuously assembled as aforesaid, shall, after proclamation made, or attempted to be made, in manner aforesaid, continue together and not disperse themselves within one hour, then it shall and may be lawful to and for every justice of the peace, sheriff, under-sheriff, or constable of the county where such assembly shall be, and to and for such other person and persons as shall be commanded to be assisting unto any such justice, sheriff, under-sheriff, or constable, (who are hereby respectively authorized and empowered to command all the citizens of this state to be assisting to them therein) to seize and apprehend, and they are hereby required to seize and apprehend such persons, so unlawfully, routously, riotously and tumultuously continuing together, after proclamation made, or attempted to be made, as aforesaid, and forthwith to carry the persons so apprehended, before one or more of the justices of the peace of the county, where such persons shall be so apprehended, in order to their being proceeded against, for such their offences, according to law; and if the persons so unlawfully, routously, riotously, and tumultuously assembled, or any of them, shall happen to be killed, wounded, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such justice of the peace, sheriff, under-sheriff, or constable, and all and singular person and persons, being aiding or assisting to them, or any of them, shall be held guiltless, and be absolutely indemnified and discharged.

Persons  
killing riot-  
ers held  
guiltless.

Opposing  
the making  
such pro-  
clamation,  
how punish-  
ed.

3. *And be it enacted by the authority aforesaid,* That if any person or persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person or persons that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made,

that then every such opposing, obstructing, letting, hindering, or hurting such person or persons, so beginning or going to make such proclamation as aforesaid, shall be adjudged a misdemeanor, and be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labour, or both, the fine not to exceed one hundred dollars, nor the imprisonment six months.

4. *And be it enacted by the authority aforesaid,* That all persons, who, for the space of one hour after proclamation made, or attempted to be made, as aforesaid, shall unlawfully, routously, riotously, and tumultuously continue together, to the number of twelve or more, if armed, or of thirty or more, if unarmed, as aforesaid, then such persons, so offending, shall be adjudged guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labour, or both, the fine not to exceed one thousand dollars, nor the imprisonment three years.

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CHAP. 18.Punishment  
for unlaw-  
fully con-  
tinuing to-  
gether an  
hour after  
proclama-  
tion made.

## CHAPTER 18.

## TIMBER, PROTECTION OF.

- |                               |                                    |
|-------------------------------|------------------------------------|
| 1. Penalty for destroying.    | 4. Act limited.                    |
| 2. Punished as a misdemeanor. | 5. Of tenants in common.           |
| 3. Receiver, how punished.    | 6. When offences to be prosecuted. |

An Act to prevent the unlawful waste and destruction of timber in this state. REV. 700.

Passed February 28, 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 if any person or persons whatsoever, shall, at any time hereafter, cut, fell, work up, carry away, box, bore, or destroy any tree, sapling or pole, standing or lying on any land within this state, to which such person or persons hath not or have not any right and title, without leave first had and obtained of the owner or owners of the said land for that purpose, every such person or persons so offending, shall forfeit and pay for each tree, sapling, or pole so cut, felled, worked up, carried away, boxed, bored, or destroyed as aforesaid, the sum of eight dollars; one half to the owner or owners of the land, and the other half to the person or persons who shall sue for and prosecute the same to effect, at any time within eighteen months from the cutting, felling, working up, carrying away, boxing, boring, or destroying of any

Penalty in a  
civil suit.

TITLE XXI.  
CHAP. 18.

Authority of  
the justice.

such tree, sapling, or pole ; and that whenever any person or persons, within this state, shall be sued or prosecuted before any justice of the peace within the same, it shall and may be lawful for such justice of the peace to proceed, whenever the penalty demanded shall not exceed one hundred dollars, notwithstanding any claim the defendant or defendants may offer to make to the land whereon and from which the said tree, sapling, or pole may be cut, felled, worked up, boxed, bored, destroyed, or carried away, and to issue execution for the same, with costs of suit, unless the defendant or defendants shall immediately enter into bond to the plaintiff or plaintiffs, with one or more sufficient sureties or surety, being freeholders, in double the sum so demanded, with a sufficiency for costs of suit, conditioned for his or their appearance at the next court where the same may be cognizable, in an action of trespass, and to pay damages found against him, her, or them, with costs of suit, any law, usage, or custom to the contrary notwithstanding.

Made a misdemeanor,  
and how  
punished.

2. *And be it enacted*, That if any person or persons whatsoever, shall, at any time hereafter, unlawfully cut, fell, work up, carry away, box, bore, bark, or destroy any tree, sapling, log, or pole, standing or lying on any land in this state, to which such person or persons hath not or have not any legal right and title, without leave first had and obtained of the owner or owners of the said land for that purpose, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labour, not exceeding one year, or both, at the discretion of the court before whom such offender or offenders shall be convicted ; *provided*, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the first section of this act, for the same offence, and shall be discharged therefrom by due course of law, or who shall cut, fell, work up, carry away, box, bore, bark, or destroy any tree, sapling, log, or pole, standing or lying on any land in his or her actual possession, nor any person or persons who shall cut, fell, work up, carry away, box, bore, bark or destroy any tree, sapling, log, or pole, lying and being on land not his, her, or their own, by reason of not knowing the exact boundaries of lands in his, her, or their possession, nor any person who shall do the same by mistake or accident, without any intention to injure or defraud the owner thereof.

Proviso.

Receiver,  
how punished.

3. *And be it enacted*, That if any person or persons shall saw up any log, or receive or buy any tree, sapling, log, pole, wood, or timber, so unlawfully taken and carried away, knowing the same

to have been so unlawfully taken and carried away, he, she, or they TITLE XXI.  
CHAP. 19. so offending, shall be deemed guilty of a misdemeanor, and on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment at hard labour not exceeding six months, or both, at the discretion of the court before whom such offender or offenders shall be convicted.

4. *And be it enacted*, That nothing in this act shall be deemed Limitation of  
act. or taken to extend to prohibit the cutting, felling, or carrying away any wood or timber, within the bounds or limits of the highways within this state, for making and repairing of bridges and highways.

5. *And be it enacted*, That no person or persons shall be exempt or protected from conviction and punishment for any offence or offences committed against the prohibitions in this act, by reason of being possessed of or entitled to a share or shares of propriety, under the pretence of being a tenant or tenants in common of the unlocated lands in this state, belonging to the general proprietors; *provided nevertheless*, that it shall and may be lawful Tenants in  
common of  
unlocated  
lands.  
Proviso. for any duly authorized agent or agents of the general proprietors to take, seize, and carry away all such wood or timber, as he or they may find cut or felled, on any of the said unlocated lands, and to dispose of the same for the use of the said general proprietors.

6. *And be it enacted*, That all offences against this act shall be prosecuted within eighteen months from the time they were committed, and not afterwards. Limitation of  
action.

7. Repealer.

## CHAPTER 19.

TOLL, UNLAWFUL, PROHIBITED.

An Act to prevent the taking of unlawful toll or fare on canals and railroads. 1838-9.  
PAMPH. 183.

Passed March 12, 1839.

WHEREAS complaints have arisen, that some of the incorporated Preamble. companies of this state have taken a greater amount of fare or toll than is allowed by law, and also of the unequal, fluctuating, and unlawful rates of toll or passage money, upon the several canals or railroads of this state—therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Penalty for  
taking un-  
lawful toll.

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any incorporated company or companies in this state, which is, are, or shall be authorized by law to take toll, or to charge for the transportation of passengers, goods, wares, or merchandise, which shall directly or indirectly, through or by any agent, director, or other officer whatsoever, take or demand of any passenger or person, under any pretence whatever, more than the charge, toll, rates, or fare allowed by law, shall forfeit and pay the sum of one hundred dollars for each and every such offence, to be prosecuted for and recovered with costs, before any justice of the peace in any county of this state, through which the said road or canal may pass, in the name and for the use of the person or persons prosecuting for the same.

## CHAPTER 20.

## TRAVELLERS, SAFETY OF.

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Boats landing and receiving passengers.</li> <li>2. Sending or receiving by small boat.</li> <li>3. Boat not to run against another.</li> <li>4. Nor impede another's passing.</li> <li>5. To keep at certain distance.</li> <li>6. Lights to be kept at night.</li> </ol> | <ol style="list-style-type: none"> <li>7. Stage not to run against another.</li> <li>8. Care to be used by drivers.</li> <li>9. Penalty for oversetting stage.</li> <li>10. Drivers liable to owner.</li> <li>11. Act to be posted in boats.</li> <li>12. Manner of prosecuting offenders.</li> </ol> |
|--|---|

HAR. 179.

## An Act for the safety of travellers.

Passed February 28, 1828.

Regulations to be observed by steamboats navigating the waters of this state.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That in all cases when any passenger or passengers is or are about to be landed from any steamboat navigating the waters within the jurisdiction of this state, and such steamboat is near the shore, so that the passenger or passengers can be landed immediately from the steamboat upon the shore, or upon another boat or vessel lying between the steamboat and the shore; and when any passenger or passengers is or are about to be taken on board of any steamboat, so navigating as aforesaid, immediately from the shore, or from any boat or vessel lying between such steamboat and the shore, such steamboat shall be stopped, and shall remain stopped, for the space of at least one minute, and as long as shall be necessary for the safety of the passengers landing from, or going on board of said steamboats; and if any captain, master, or commander of any steamboat, or other person having the charge or command of any steamboat, shall cause or permit any passenger to be landed from, or taken on board the same, contrary to the provisions of this section, he

shall forfeit and pay the sum of two hundred and fifty dollars for every such offence, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same; and the owner or owners of such steamboat shall be liable to any person who may be injured thereby for all damages thereby sustained, to be recovered in an action of trespass on the case, with costs of suit.

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Penalty.

2. *And be it enacted*, That no passenger shall be put, or suffered to go from on board any steamboat navigating the waters within the jurisdiction of this state, into any small boat for the purpose of being landed, until the engine of such steamboat shall be stopped; and the said engine shall not be again put in motion, until the small boat shall be at least twenty yards from the nearest water-wheel of the steamboat, or until the small boat shall have reached the place at which the passenger is to be landed, if that be within the said distance of twenty yards; and the captain, master, or commander of any steamboat, or other person having the charge or command of any steamboat, for the time being, who shall offend against this provision, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, by any person suing for the same; and, at his election, either before any justice of the peace having cognizance thereof, with triple costs of suit, or before any court of common pleas having cognizance thereof, with lawful costs, any law to the contrary in any wise notwithstanding.

Engine to be stopped, etc.

Penalty, how recovered.

3. *And be it enacted*, That when two steamboats navigating the waters within the jurisdiction of this state, are going in the same direction, it shall not be lawful for either of them to be wilfully so navigated as to run against, hinder, or delay the other, or to run her aground or ashore, or in any wise to injure or impede her, or unnecessarily to approach her, to within the distance of twenty yards; and every captain, master, or commander of any steamboat, or other person having the charge or command of any steamboat for the time being, who shall offend against this provision, shall forfeit and pay the sum of one hundred and fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same; and the owner or owners of any steamboat which shall be made to violate any of the provisions of this section, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action at law, with costs.

Steamboats not to be run against each other.

Penalty.

Owners liable for damages.

4. *And be it enacted*, That when two steamboats, navigating the waters within the jurisdiction of this state, are going in the same direction, and one of them shall attempt to pass the other, the captain, master, or commander of such other, or the person having the

Boat not to deviate, to impede another's passing.

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Further pe-  
nalty.

Owners lia-  
ble.

Provisoos.

Steamboats  
not to ap-  
proach near-  
er than ten  
yards to  
each other.

Penalty.

Lights to be  
kepton board  
when under  
way at night.

Penalty.

charge or command thereof for the time being, shall not cause her to deviate from her proper course, for the purpose of hindering or delaying the steamboat so attempting to pass, or of preventing or attempting to prevent her passing; and every captain, master, or commander of any steamboat, or other person having the charge or command of any steamboat, for the time being, who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punishable by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had, the fine not to exceed two hundred dollars, nor the imprisonment six months; and the said misdemeanor is hereby made indictable and punishable in the county adjoining the waters upon which such offence shall be committed; and the owner or owners of any steamboat so deviating as aforesaid, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action of trespass on the case, with costs of suit; *provided*, that nothing herein contained shall be construed to take away any action or suit, to which such owner or owners may or shall become liable at common law; *and provided*, that nothing in this section contained shall be construed to extend to any case, where the person having charge of any small boat, not belonging to such steamboat, under the control of the captain or master thereof, shall wilfully or unnecessarily stop such small boat, within the said distance of twenty yards.

5. *And be it enacted*, That when two steamboats, navigating the waters within the jurisdiction of this state, are going in opposite directions, and meeting each other, it shall not be lawful for either of them to be so navigated as unnecessarily to approach the other, to within the distance of ten yards; and every captain, master, or commander of any steamboat, or other person having the charge or command of any steamboat, for the time being, who shall offend against this provision, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same.

6. *And be it enacted*, That whenever any steamboat shall be navigating any of the waters within the jurisdiction of this state, in the night time, she shall show two good and sufficient lights, one whereof shall be exposed near her bows, the other near her stern, and the last shall be at least twenty feet above her deck; and in case any steamboat shall navigate any of the waters within the jurisdiction of this state, without carrying and having exposed such lights as aforesaid, the captain, master, commander, or person having charge of such steamboat at the time, shall forfeit and pay two hundred dollars, to be recovered by action of debt, with costs

of suit, in any court having cognizance thereof, by any person suing for the same; and the owner or owners of any steamboat which shall be made to violate any of the provisions of this section, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action at law, with costs.

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CHAP. 20.

Owners liable for losses.

7. *And be it enacted,* That no person hereafter driving any stage coach, wagon, sleigh, or other carriage upon any turnpike road or public highway within this state, shall wilfully so drive the same as to run against, delay or hinder any other stage coach, wagon, sleigh, or carriage, or shall run his horses, to pass or prevent being passed, by any other stage coach, wagon, sleigh, or other carriage, or on any other occasion, or for any other purpose; and every person offending against the provision of this section, shall, for every such offence, forfeit and pay the sum of thirty dollars, to be recovered, with costs of suit, in an action of debt, before any justice of the peace having cognizance thereof, by any person who shall first sue for the same to effect; and the owner or owners of any such stage coach, wagon, sleigh, or carriage used for carrying passengers for hire, whether with or without passengers, the driver of which shall offend against this section, are hereby made jointly and severally liable for the said penalty.

Drivers of stages not to run against, etc., other stages.

Penalty.

Owners liable.

8. *And be it enacted,* That it shall not be lawful for the driver of any stage coach, wagon, sleigh, or carriage, used for carrying passengers for hire or reward, to leave the horses attached thereto without first making them fast with a sufficient rope, chain, or halter, or placing the lines in the hands of some other person to hold, till he, the said driver, shall return and take charge of said horses; and if any such driver shall offend against this section, he shall be liable to a penalty of twenty dollars, to be recovered in an action of debt, with costs of suit, before any justice of the peace having cognizance thereof, by any person who shall first sue for the same to effect; and the owner or owners of any such stage coach, wagon, sleigh, or carriage, the driver of which shall offend against this section, shall be jointly and severally liable for all damages and losses occasioned by such offence.

Drivers to be careful.

Penalty.

Owners liable.

9. *And be it enacted,* That it shall be, and hereby is declared to be the duty of the owner or owners of every stage coach, wagon, or other carriage, used for conveying passengers for hire or reward, to employ none but prudent, careful, and sober drivers of every such stage coach, wagon, or other carriage; and in case any such stage coach, wagon, or other carriage, in which any passenger or passengers shall be travelling, shall be overset in consequence or by reason of the intoxication or misconduct of the driver thereof,

Sober and careful drivers only to be employed.

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CHAP. 20.

the driver so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such conviction shall be had, the fine not to exceed one hundred dollars, nor the imprisonment twelve months; and the owner or owners of any stage coach, wagon, or other carriage, which shall be overset, as aforesaid, shall be jointly and severally liable to each and every passenger who shall be personally injured thereby, for all damages thereby sustained.

Penalty.

Owners liable.

Drivers liable to owners.

10. *And be it enacted*, That in all cases when the owner or owners of any such stage coach, wagon, sleigh, or other carriage, shall pay, or be compelled to pay, any fine or damages recovered against him or them for any thing prohibited by this act, occasioned by the act or neglect of any driver, such owner or owners may set off the amount thereof against any sum which may be due to such driver from said owner or owners.

This act to be posted up in steam-boats.

11. *And be it enacted*, That it shall be the duty of the owner or owners, captain or commander of every steamboat navigating the waters within the jurisdiction of this state, to keep a copy of this act posted up in some conspicuous place in the cabin of such boat, for the inspection of all passengers on board the same, under the penalty of twenty-five dollars for every neglect herein, to be recovered against the owner or owners, captain or commander of such steamboat, by action of debt, with costs of suit, in any court having cognizance thereof, by any person who shall first sue for the same to effect; and the said owner or owners, captain or commander, are hereby made jointly and severally liable for the said penalty.

Penalty.

Manner of prosecuting the violators of this act.

12. *And be it enacted*, That whenever any penalty imposed by this act is incurred, the suit or action for the recovery thereof, may be commenced by warrant or summons, in case the same is prosecuted in a court for the trial of small causes, and by *capias ad respondendum* or summons, in case the same is prosecuted in any other court, any law, usage, or custom to the contrary notwithstanding.

CHAPTER 21.

UNINCORPORATED BANKS.

1. Banking prohibited.  
" Penalty.

2. Tickets prohibited.  
3. Penalty.

An Act to prohibit unincorporated banks and the passing of tickets.

REV. 573.  
HAR. 361.

Revision.....Approved April 15, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no association of citizens unincorporated, or not incorporated for the express purpose of banking or establishing a banking house or office of discount and deposit, by the laws of this state or the United States, be permitted to establish, directly or indirectly, within this state, any banking house or office of discount and deposit, nor to discount any note, bond, bill, or other obligation, as a banking institution ; and all and every person or persons who shall, contrary to the true intent of this act, be concerned in such establishment, on conviction thereof in any court in this state having cognizance of the same, shall for every such offence forfeit and pay, for the use of the state, the sum of twenty thousand dollars, and the private estate of such person or persons offending as aforesaid, shall be liable for the payment of such forfeitures, and for all notes that may have been, or shall be issued by the said associations.

Banking prohibited.

2. *And be it enacted*, That it shall not be lawful for any person or persons, or body corporate, to issue or pay away, pass, exchange or transfer, or cause to be issued, paid away, passed, exchanged or transferred, any ticket, of any denomination whatever, intended to circulate for the payment of debts, dues or demands, in lieu of, or as a substitute for bank notes or bills, or other lawful currency of the state, without first having obtained a law for that purpose.

Tickets prohibited.

3. *And be it enacted*, That every person or persons, or body corporate, offending against the provision of the second section of this act, shall be liable to pay a fine of five dollars for every offence, to be recovered by an action of debt, with costs of suit, in any court having cognizance of the same, by any person who will sue for the same.

Penalty.

TITLE XXI.  
CHAP. 23.

CHAPTER 22.

VENDUES, SALE OF LIQUOR AT.

REV. 271.

An Act to prevent the use of spirituous liquors at vendues.

Passed February 11, 1797.

Penalty on giving or selling spirituous liquors at vendues.

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 who shall make any vendue in this state, shall give or sell, or suffer to be given or sold, in order to be drank at the time and place of such vendue, any vinous, spirituous, or other strong liquors, such person, so offending, shall forfeit twenty dollars, to be recovered by action of debt, with costs, by any person who shall sue for the same, in any court of record having cognizance of that sum, one half to the prosecutor, and the other half to the overseers of the poor of the township or precinct where the offence was committed, for the use of the poor thereof.

This act not to affect vendues held by civil officers.

2. *Provided always, and be it further enacted,* That this act shall not extend to any vendue made or held at any inn or tavern by any civil officer.

3. Repealer.

CHAPTER 23.

VICE AND IMMORALITY.

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| <ul style="list-style-type: none"> <li>1. What forbidden on sabbath.</li> <li>2. Fishing prohibited on do.</li> <li>3. Seventh-day christians exempt.</li> <li>4. Not subject to fines, etc.</li> <li>5. No driving stages on sabbath.</li> <li>6. Nor wagons, etc.</li> <li>7. Nor serving civil process.</li> <li>8. Cursing and swearing punished.</li> <li>9. When in justice's presence.</li> <li>10. Imprisoned, if fine not paid.</li> <li>11. Drunkenness punished.</li> <li>12. Exhibitions prohibited.</li> <li>13. Religious meetings protected.</li> </ul> | <ul style="list-style-type: none"> <li>14. Who may apprehend disturber.</li> <li>15. May be detained.</li> <li>16. Duty of justices.</li> <li>17. Form of conviction.</li> <li>18. Costs, by whom paid.</li> <li>19. Justice may receive it.</li> <li>20. Act to be put in force.</li> <li>21. Prosecutions to be in thirty days.</li> <li>22. What, if officers prosecuted.</li> <li>23. Accused may have jury.</li> <li>24. Who justices ex officio.</li> <li>25. Where offenders committed.</li> </ul> |
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An Act for suppressing vice and immorality.

REV. 378, 552.

Revision....Approved April 15, 1846.

1839-40.  
PAMPH. 4.  
1834-5.  
PAMPH. 98.

Business and diversion prohibited on the sabbath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That no travelling, worldly employment or business, ordinary or servile labour or work, either upon land or water, (works of necessity and charity excepted) nor shooting,

fishing, (not including fishing with a seine or net, which is hereaf-  
 ter provided for) sporting, hunting, gunning, racing, or frequenting  
 of tippling houses, nor any interludes or plays, dancing, singing,  
 fiddling or other music for the sake of merriment, nor any playing  
 at foot-ball, fives, nine-pins, bowls, long-bullets or quoits, nor any  
 other kind of playing, sports, pastimes, or diversion, shall be done,  
 performed, used or practised, by any person or persons, within this  
 state, on the christian sabbath, or first day of the week, commonly  
 called Sunday; and that every person, being of the age of four-  
 teen years or upwards, offending in the premises, shall, for every  
 such offence, forfeit and pay, to the use of the poor of the town-  
 ship in which such offence shall be committed, the sum of one dol-  
 lar; and that no person shall cry, show forth, or expose to sale,  
 any wares, merchandise, fruit, herbs, meat, fish, goods, or chattels,  
 upon the first day of the week, commonly called Sunday, or sell  
 or barter the same, upon pain that every person so offending shall  
 forfeit and pay to the use of the poor of the township where such  
 offence shall be committed, the sum of two dollars; and if any  
 person offending in any of the premises, shall be thereof convicted  
 before any justice of the peace for the county where the offence  
 shall be committed, upon the view of the said justice, or confes-  
 sion of the party offending, or proof of any witness or witnesses  
 upon oath or affirmation, then the said justice before whom such  
 conviction shall be had, shall direct and send his warrant, under his  
 hand and seal, to some constable of the county where the offence  
 shall have been committed, commanding him to levy the said for-  
 feitures or penalties by distress and sale of the goods and chattels  
 of such offenders, and to pay the money therefrom arising to the  
 overseers of the poor of the township where the said offence or  
 offences shall have been committed, for the use of the poor thereof;  
 and in case no such distress can be had, then every such offender  
 shall, by a warrant under the hand and seal of the said justice, be  
 committed to the common jail of the said county or to the jail of  
 any city or town corporate within the same, for a term not exceed-  
 ing ten days, to be certainly expressed in said warrant: *and fur-*  
*ther*, that if any person shall be found fishing, sporting, playing,  
 dancing, fiddling, shooting, hunting, gunning, travelling, or going  
 to or returning from any market or landing with carts, wagons or  
 sleds, or behaving in a disorderly manner, on the first day of the  
 week, called Sunday, it shall be lawful for any constable, or other  
 citizen, to stop every person so offending, and to detain him or her  
 till the next day, to be dealt with according to law; *provided al-*  
*ways*, that no person going to or returning from any church or  
 place of worship, within the distance of twenty miles, or going to

TITLE XXI.  
CHAP. 23.

Penalty.

Exposing ar-  
ticles for sale.

Penalty.

How reco-  
vered.Defendant  
imprisoned.Other things  
prohibited.

Provisoos.

TITLE XXI  
CHAP. 23.

call a physician, surgeon, or midwife, or carrying a mail to or from any post office, or going express by order of any public officer, shall be considered as travelling within the meaning of this act; *and provided also*, that nothing in this act contained shall be construed to prohibit the dressing of victuals in private families, or in lodging houses, inns and other houses of entertainment for the use of sojourners, travellers, or strangers.

Fishing prohibited on the sabbath.

2. *And be it enacted*, That no person shall, on the first day of the week, called Sunday, cast, draw, or make use of any seine or net, for the purpose of catching fish in any pond, lake, stream, or river, within the territorial limits or jurisdiction of this state, or be aiding or assisting therein; and every person offending in the premises shall, on being thereof convicted before any justice of the peace for the county where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of fourteen dollars for every such offence; and in case of nonpayment of the said forfeiture, then the said justice, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county in which the offence shall have been committed, commanding him to levy the said forfeiture or penalty by distress and sale of the goods and chattels of such offender, and to pay the money therefrom arising to the overseers of the poor of the township where the said offence shall have been committed, for the use of the poor thereof; and for want of goods and chattels whereby to make such distress, to convey the body of the said offender to the common jail of the county, or the jail of any city or town corporate within the same, there to remain in safe custody until the said forfeiture, with the costs of prosecution, shall be fully paid, or until such offender shall be delivered by due course of law.

Forfeit, and how collected.

or defendant imprisoned.

Exemption of those who keep seventh day.

3. *And be it enacted*, That every inhabitant of this state, who religiously observes the seventh day of the week as the sabbath, shall be exempt from answering to any process, in law or equity, either as defendant, witness, or juror, except in criminal cases; likewise from executing, on the said day, the duties of any post or office to which he may be appointed or commissioned, except when the interest of the state may absolutely require it, and shall also be exempt from working on the highways, and doing any militia duty on that day, except when in actual service.

Such not liable to fine.

4. *And be it enacted*, That if any person, charged with having laboured or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and shall then and there prove,

to the satisfaction of the said justice, that he or she uniformly keeps the seventh day of the week as the sabbath, and habitually abstains from following his or her usual occupation or business, and from all recreation, and devotes the day to the exercise of religious worship, then such defendant shall be discharged; *provided always*, that the work or labour, for which such person is informed against, was done and performed in his or her dwelling-house or work-shop, or on his or her premises or plantation, and that such work or labour has not disturbed other persons in the observance of the first day of the week as the sabbath; *and provided also*, that nothing in this section contained shall be construed to allow any such person to openly expose to sale any goods, wares, merchandise or other article or thing whatsoever, in the line of his or her business or occupation.

5. *And be it enacted*, That if any stage or stages shall be driven through any part of this state on the first day of the week, called Sunday, except sufficient reason shall be offered to show that it be done in cases of necessity or mercy, or in case of carrying the mail to or from any post office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted before any justice of the peace for the county where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or testimony of any witness or witnesses, forfeit and pay the sum of eight dollars for every such offence; and in case of nonpayment of the said forfeiture or penalty, then the same shall be levied, recovered, and applied in the manner and form prescribed in and by the second section of this act; and every justice of the peace in this state is hereby empowered and required, upon his personal knowledge or view, or other due information, of any stage or stages being driven or run through any part of this state as aforesaid, to stop and detain the same, or order and direct the same to be stopped and detained, at the costs and expense of the proprietor or proprietors of such stage or stages, until the following day, and then to be dealt with as herein before is directed.

6. *And be it enacted*, That no wagoner, carter, drayman, drover, butcher, or any of his or their servants, shall ply or travel with his or their wagons, carts, or drays, or shall load or unload any goods, wares, merchandise, or produce, or drive cattle, sheep, or swine, in any part of this state, on the first day of the week, called Sunday, under the penalty of two dollars for every offence, to be levied, recovered, and applied, in the manner and form prescribed in the second section of this act.

7. *And be it enacted*, That no person or persons, upon the first day of the week, commonly called Sunday, shall serve or execute,

TITLE XXI.  
CHAP. 23.

Proviso.

Penalty for  
driving stage  
on Sunday.

Duty of jus-  
tices.

Driving wa-  
gons, etc.

Civil process  
not served  
on Sunday.

TITLE XXI.  
CHAP. 23.

or cause to be served or executed, any writ, process, warrant, order, judgment, or decree, (except in criminal cases or for breach of the peace) but that the service of every such writ, process, warrant, order, judgment, or decree, shall be void to all intents and purposes whatsoever; and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment or decree.

Swearing or cursing punished.

8. *And be it enacted*, That if any person or persons shall, at any time or times hereafter, profanely swear or curse, and be thereof convicted, by the confession of the party offending, or on the testimony of any one or more witness or witnesses, or in the manner hereinafter mentioned, before any justice of the peace for any county in the state, every person so offending shall, for every such offence, forfeit and pay to the use of the poor of the township, where such offence or offences shall be committed, the sum of one half of a dollar.

In presence of justice.

9. *And be it enacted*, That in case any person shall profanely swear or curse, in the presence and hearing of any justice of the peace for any county, while in the execution of his office, every such justice of the peace shall, and is hereby authorized and required to convict every such offender of such offence, without any other proof whatsoever.

May be sent to prison.

10. *And be it enacted*, That in case any person, who shall be convicted of profanely swearing or cursing, shall not immediately pay down the respective sums so forfeited, with the charges of such conviction, or give security, to the satisfaction of the justice before whom such conviction is had, for the payment thereof within six days, then every such offender, being above the age of fourteen years, shall, by warrant under the hand and seal of such justice, be sent to the common jail of the county, or to the jail of any city or town corporate within the same, there to be and stand committed for any space of time, to be certainly expressed in the said warrant, not exceeding four days; but if the offender shall not be above the age of fourteen years, and shall not forthwith pay the said forfeiture, or give security for payment thereof, the parent or master shall pay the same, to be recovered by distress and sale of the goods and chattels of such parent or master.

If under fourteen, parent or master to pay fine.

Drunkenness punished.

11. *And be it enacted*, That if any person shall become intoxicated or drunk by the excessive use of spirituous, vinous, or other strong liquor, and thereof shall be convicted before any justice of the peace for the county wherein such offence shall be committed, either upon the view of such justice or upon the confession of the

party offending, or testimony of any one or more witness or witnesses, every person so offending shall forfeit and pay, for every such offence, one dollar, to the use of the poor of the township wherein such offence shall be committed; and in case any person, who shall be convicted of drunkenness as aforesaid, shall not immediately pay down the sum so forfeited, with the charges of such conviction, or give security to the satisfaction of the justice before whom such conviction is had, for the payment thereof, within three days, every such offender shall, by warrant under the hand and seal of such justice, be sent to the common jail of the county, or to the jail of any city or town corporate within the same, there to be and stand committed for any space of time, to be certainly expressed in the said warrant, not exceeding four days.

12. *And whereas* public shows and exhibitions of divers kinds have of late become very frequent and common within this state, whereby many strangers and worthless persons have unjustly gained and taken to themselves considerable sums of money, and it being found on experience, that such shows and exhibitions tend to no good or useful purpose in society, but, on the contrary, to collect together great numbers of idle and unwary spectators, as well as children and servants, to gratify vain and useless curiosity, loosen and corrupt the morals of youth, and straiten and impoverish many poor families—*be it further enacted*, that if any person or persons whatsoever shall, for any price, gain, or reward, show forth, exhibit, act, represent, or perform, or cause to be shown forth, exhibited, acted, represented or performed, on any public stage, or in any public house or other place whatever, any interludes, farces, or plays of any kind, or any games, tricks, juggling, sleight of hand or feats of uncommon dexterity and agility of body, or any bear-baiting, or bull-baiting, or any such like shows or exhibitions whatsoever, every person so offending, and being thereof convicted before any justice of the peace of the county where the offence shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses upon oath or affirmation, shall, for every such offence, forfeit and pay to the use of the poor of the township where such offence shall be committed the sum of sixteen dollars, to be levied, recovered, and applied in the manner and form prescribed in the second section of this act; *provided always*, that nothing in this section contained shall be deemed or construed to prevent the show or exhibition of any natural curiosity or any invention or improvement in the mechanic arts; *and provided also, and be it further enacted*, that if in the opinion of any three justices of the peace of any county, city, or town corporate, where any interlude, farce, or

TITLE XXI.  
CHAP. 23.

Exhibition of  
plays and  
shows pro-  
hibited.

Exceptions.

Justices may  
license.

TITLE XXI.  
CHAP. 23.

play is proposed to be performed, it shall be deemed that such interlude, farce, or play is innocent, or may probably tend to answer any reasonable or useful end, it shall and may be lawful for them, at their discretion, on application for that purpose, to give license in writing for such interlude, farce, or play to be performed, any thing herein before contained to the contrary notwithstanding.

Disturbers of  
religious  
meeting pun-  
ished,

13. *And be it enacted*, That if any person or persons whatsoever, either on the first day of the week, called Sunday, or on any other day or time, shall wilfully and of purpose disquiet, interrupt, or disturb any assembly of people met for religious worship, either by making a noise or by rude and indecent behaviour or profane discourse, whether within their place of worship or out of it, so near the same as to disturb the order and solemnity of the meeting, then every person so offending, and being thereof legally convicted before any justice of the peace of the county where the offence shall be committed, upon the view or personal knowledge of the said justice, or confession of the offender, or proof of any witness or witnesses upon oath or affirmation, shall, for every such offence, forfeit and pay, to the use of the poor of the township where such offence shall be committed, the sum of ten dollars, to be levied, recovered, and applied in the manner and form prescribed in the first section of this act; and in case no distress can be had whereby to levy the said forfeitures, as in the said section is prescribed, then every such offender shall, by a warrant under the hand and seal of the said justice, be committed to the common jail of said county, where the offence shall be committed, or to the jail of any city or town corporate within the same, to be certainly expressed in said warrant, for a term not exceeding ten days.

by forfeit

or imprison-  
ment.

Preamble.

And whereas, it may so happen that persons from a distance, or from another county or state, may disturb or interrupt a religious meeting, and no magistrate being at hand to issue, or no constable to serve, a warrant for his or their apprehension, the offender or offenders may escape punishment—

Any person  
may apprehend  
such.

14. *Be it enacted*, That any member of any church or religious society which may be disturbed or interrupted in their meetings, or any other person or persons, being citizens of this state and freeholders within the same, shall be and are hereby authorized to apprehend any and every such person so disturbing and interrupting them, immediately, and take him or them before a magistrate, as soon as conveniently may be, in order that he or they so offending may be dealt with according to law, and every such member or citizen as aforesaid, who may hereafter perform this service, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities, as a constable would be on the same occasion.

15. *And be it enacted*, That if any person or persons shall disturb or interrupt any religious meeting, as aforesaid, on the first day of the week, called Sunday, it shall be lawful for any constable or member of the meeting, and a citizen or freeholder as aforesaid, to apprehend such person or persons immediately, and detain him or them until the next day, then to be dealt with according to law, unless said offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for said magistrate to discharge such offender or offenders.

TITLE XXI.  
CHAP. 23.

If on Sunday, may be kept till next day.

16. *And be it enacted*, That every justice of the peace shall immediately, on information given upon oath or affirmation of any constable or peace officer, or of any other person whatsoever, cause the offender and offenders against this act to appear before him, and upon such information being proved as aforesaid, shall convict such offender and offenders in such manner as in and by this act is prescribed.

Duty of justices.

17. *And be it enacted*, That every justice of the peace, before whom any person or persons shall be, by virtue of this act, convicted of any of the offences aforesaid, shall cause such convict to be drawn up in the form, or to the effect following:

Conviction.

Hunterdon county, (or other county, as the case may require,) to wit: Be it remembered, that on the ——— day of ——— in the year of our Lord one thousand ——— A. B. was convicted before me, C. D. one of the justices of the peace of the said county, of crying (or showing forth, or exposing to sale,) one (or two, or more, specifying the number, quantity and kind of goods) on a Sunday, in the township of ——— in the said county of ——— (or, of travelling, or doing ordinary or servile work or labour, or of shooting, fishing, sporting, playing, hunting, gunning, or frequenting tippling-houses, or using some unlawful exercise or pastime, on Sunday, or of swearing one or two, or more, profane oath or oaths, or of cursing one or two, or more, profane curse or curses, or of having been drunk, at the township of ——— in the said county, as the case may require.) Given under my hand and seal the day and year above said.

Form of.

And such conviction shall not be liable to be removed by certiorari into the supreme court; but if the person offending shall think himself aggrieved by any such conviction, it shall and may be lawful for such person to appeal to the next court of general quarter sessions of the peace of the county where such conviction is had; which court shall, in a summary way, hear and determine such appeal, and confirm such conviction, with costs, or reverse the same,

Subject to appeal to sessions.

TITLE XXI.  
CHAP. 23.

as to them shall seem right and proper; *provided*, that no person shall be entitled to an appeal, unless such person shall first pay down to the justice the penalty and costs of prosecution awarded against him, to be returned to such person, in case, upon the appeal, the conviction thereof had shall be reversed.

Offenders to  
pay costs.

18. *And be it enacted*, That all charges of the information and conviction of any such offender shall be borne and paid by the party offending, if able, over and above the penalties inflicted by this act, which charges shall be settled and ascertained by the justice before whom such conviction shall be had, but shall in no case exceed, in the whole, one dollar; and the justice before whom any proceedings shall be had upon this act, or his clerk, may take, for the information, summons, conviction, and warrant thereupon, forty cents, and no more.

To whom to  
be paid.

19. *And be it enacted*, That it shall and may be lawful for every such offender to pay the said forfeitures and charges to the justice before whom such conviction is had; and such justice shall receive the same, and, as soon as conveniently may be, pay the same forfeitures to the overseers of the poor of the township where such offence was committed, for the use of the poor thereof.

Justices to  
put this act  
in execu-  
tion.

20. *And be it enacted*, That all and every justice and justices of the peace for the county wherein any such offence shall be committed, may, and they are hereby respectively authorized and required, to put this act into execution against any person or persons within their respective jurisdictions, although such justice shall be rated and pay to the relief of the poor of the township where any offence, contrary to the true intent and meaning of this act, shall be committed.

Prosecutions  
to be in thir-  
ty days.

21. *And be it enacted*, That no person shall be prosecuted or troubled for any offence against this act, unless the same be proved or prosecuted within thirty days after the commission of such offence.

Officers pro-  
secuted may  
plead, etc.

22. *And be it enacted*, That if any suit or action shall be commenced or brought against any justice of the peace, constable, or other officer or person whatsoever, for doing, or causing to be done, any thing in pursuance of this act, concerning any of the said offences, the defendant in such action or suit may plead the general issue, and give the special matter in evidence; and if, in any such action or suit, a verdict shall be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

Accused may  
demand trial  
by jury.

23. *And be it enacted*, That in every complaint or information which shall be made or brought before any justice of the peace, under and by virtue of this act, it shall and may be lawful for the

person charged in such complaint or information, after he has appeared thereto, and before the said justice has proceeded to inquire into the merits of the said complaint or information, to demand a trial by jury; and thereupon a venire shall be issued to summon a jury of six men to try whether the said person so charged is guilty or not guilty of the offence charged against him in said complaint or information; and it shall be the duty of the said justice to issue the said venire, and to direct a return thereof to be to him made, and to proceed therein as in other cases of trials by jury; *provided*, that the costs of the justice and constable upon the said venire, and the costs of the said jury, and of swearing and attending the same, shall in all cases be paid by the person demanding the said jury; and *provided also*, that this act shall not extend to any case in which any justice of the peace is authorized by this act, to convict upon his own view or personal knowledge.

TITLE XXI.  
CHAP. 24.

Provisoes.

24. *And be it enacted*, That the mayor, recorder and aldermen of every city or town corporate within this state, shall and may for the purposes of this act, be vested with all the power and authority of justices of the peace, within the bounds of their respective cities or towns corporate, and shall execute therein all the duties imposed by this act on justices of the peace.

Mayor, etc.,  
justices ex  
officio.

25. *And be it enacted*, That nothing in this act contained shall be construed to authorize the committing of any person to the jail of any city or town corporate, for any offence not committed within such city or town corporate.

When not to  
be commit-  
ted to city  
jail.

## CHAPTER 24.

### WOODS, MARSHES, MEADOWS.

1. Penalty for firing woods, etc. | 2. How fires to be extinguished.

#### An Act to prevent the burning of woods, marshes and meadows.

REV. 146.

Passed November 24, 1794.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any person shall wilfully set fire to, or burn, or procure or cause to be burnt, his or her own woods, marshes, or meadows, or the woods, marshes, or meadows in his or her tenure or possession, by means whereof any other person shall be damnified in his or her houses, buildings, fences, woods, or other property whatsoever, or

Setting fire  
to woods,  
etc., punish-  
able;

TITLE XXI.  
CHAP. 24.

shall wilfully set fire to or burn, or procure or cause to be burnt, any woods, marshes, or meadows of another, whether the same be enclosed or not, such person, so offending in any of the premises, shall be deemed to be guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labour not exceeding twelve months, or both; and also shall yield and pay double damages to the party injured thereby, to be recovered by action on the case, with costs of suit, in any court having cognizance thereof; *provided*, that nothing in this act contained shall be construed to prohibit the owners of salt and fresh marshes and meadows, and their tenants, from burning such marshes and meadows in the usual manner, in which the same have been heretofore burnt in the several counties of this state.

but this act  
not to pre-  
vent burning  
of marshes,  
etc., by the  
owners.

Woods,  
when on fire,  
how to be  
extinguish-  
ed.

2. *And be it enacted by the authority aforesaid*, That when the woods, in any part of this state, shall be on fire, the justices of the peace, the constables, and the overseers of the highways, residing in the vicinity of said fire, shall, and they are hereby severally authorized and required forthwith to order such and so many of the inhabitants within their respective jurisdictions, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person, so ordered to assist in manner aforesaid, shall refuse or neglect to comply with such order, he shall forfeit and pay one dollar for every day he shall so neglect or refuse to obey, to be recovered, with costs, before any justice of the peace of the county where such notice has been given; and the oath or affirmation of the person who shall give such order, shall be sufficient evidence whereon to convict such offender; and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto for superior exertion at the extinguishing, or in stopping the progress of such fire.

3. Repealer.

## CHAPTER 25.

## WORK-HOUSES.

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| <ol style="list-style-type: none"> <li>1. Counties may establish.</li> <li>2. Chosen freeholders govern.</li> <li>3. Who may be sent there.</li> <li>4. Materials, how furnished.</li> <li>5. Servants may be sent to.</li> <li>6. Masters to pay for food.</li> <li>7. Inmates, how governed.</li> </ol> |  | <ol style="list-style-type: none"> <li>8. Escapes, how punished.</li> <li>9. Account to be kept.</li> <li>10. Penalty for neglect.</li> <li>11. Two counties, etc., may unite.</li> <li>12. Courts may commit to.</li> <li>13. Duties of master.</li> </ol> |
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An Act for the establishment of work-houses in the several counties in REV. 443.  
this state.

Passed February 20, 1799.

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 of every county in this state are hereby authorized, whenever they may think proper, to build or purchase a work-house, at such place in the county as the said corporation shall think fit. Board of chosen freeholders authorized to build or purchase work-house.

2. *And be it enacted,* That the said work-house shall be under the direction, superintendence, and government of the said corporation, who are hereby authorized to appoint and hire some fit person to be master of the said work-house, and other officers and servants, if necessary, and to make such regulations, ordinances and by-laws, relative to the well ordering and governing the said work-house, and keeping the persons confined therein to labour, and the manner of their being confined, and relative to the due execution of this act, as they shall from time to time deem necessary or convenient, provided the same be not contrary to the constitution or laws of this state. To have the government of.

3. *And be it enacted,* That every person sentenced to hard labour and imprisonment, according to the act for the punishment of crimes or other law, for any time not exceeding six months, shall, by the sheriff or other proper officer of the county in which the conviction was had, be delivered to the master of the work-house, together with a copy of the sentence of the court, certified under the hand and seal of the clerk of the said court, or an order under the hand and seal of one or more of the justices of the peace of the said county, by whom the said sentence may be imposed, and shall be there received and safely kept to hard labour by the said master, agreeably to such sentence, and if he be fined, as well as sentenced to hard labour, then also to be kept to such labour until he pay the said fine, and likewise the costs of prosecution in the former, as well as in the latter instance, or be discharged by due course of law. But this section shall not extend to any offender whose sentence shall be imprisonment, or the payment of a fine, or Who to be sent to.

TITLE XXI. imprisonment and the payment of a fine, without the addition of  
CHAP. 25. hard labour in either case.

How money  
may be rais-  
ed for the  
purchase of  
materials for  
employment  
of inmates.

4. *And be it enacted*, That all disorderly persons and others, who are or shall be ordered by law to be sent to such work-house, shall be kept therein at the charge and expense of the county, unless otherwise directed by law; and the said corporation are hereby empowered to procure suitable articles, materials and things for their labour, work and employment; and the money necessary to be expended for the purposes specified in this act, shall be granted and raised by the order of the said corporation, in the like manner as money for other county purposes is directed to be granted, assessed, collected, and raised in and by the act entitled, "An act to incorporate the chosen freeholders in the respective counties of the state."

TITLE VI.  
Ch. 20.

What slaves  
and servants  
may be sent  
to work-  
house.

5. *And be it enacted*, That it shall be lawful for any justice of the peace to commit to the said work-house to hard labour, any stubborn, disobedient, rude or intemperate slave or male servant, on complaint of his or her master or mistress; and also, after due investigation of such complaint, to order such person to be punished by such confinement and labour as the said justice shall think reasonable.

Who to pay  
for their  
food.

6. *And be it enacted*, That when any servant or slave, of the description specified in the preceding section, shall be sent to such work-house, the master or mistress shall pay for the food and diet of his or her servant or slave such reasonable compensation as the said corporation shall fix.

Duties of  
masters of  
work-houses

7. *And be it enacted*, That the master of such work-house shall receive all such disorderly persons and others aforesaid, as shall be legally sent to him, and shall keep them to such work and labour as they are capable of and able to perform, during their continuance in the said house; and if they are guilty of indecent language or behaviour, or of profane cursing or swearing, or are disobedient, stubborn, rude, refractory or abusive, or are negligent or idle, or do not perform their task properly and in good condition, or wilfully mismanage their work, or destroy or injure the materials provided for them, then the said master is hereby authorized and required to punish them, by abridging them of their food and diet, as the case may require, until they be reduced to obedience, submission and order.

Persons es-  
caping, how  
to be further  
punished.

8. *And be it enacted*, That if any person committed to the said work-house, shall unlawfully abscond, or make his escape, or depart therefrom, then such person, on being returned to the said work-house, shall be punished by imprisonment at hard labour for double the time which may remain unexpired of the original sentence, or by abridging him or her of his or her food and diet, in such manner as the board of chosen freeholders may direct by the rules and re-

gulations, which may be established for the government of the said work-house. TITLE XXI.  
CHAP. 25.

9. *And be it enacted*, That the master of every such work-house shall keep an exact account of the time of the commitment and liberation of the said offenders, of their maintenance, of the articles and materials provided for them to work, and of the earnings and proceeds of their labour, and present the same to the said corporation, at their annual meeting, and also whenever he shall by them be thereunto required: *and further*, that he shall pay the amount of such earnings and proceeds to the said corporation, at the time of exhibiting his accounts as aforesaid; which said earnings and proceeds shall be appropriated by the corporation to the uses of such county. Masters of work-houses to keep an account of maintenance etc., of offenders.

10. *And be it enacted*, That if the master of such work-house neglect or refuse to account and pay as aforesaid, or neglect or refuse to perform any of the duties required of him by this or any other law, he shall for every offence forfeit fifty dollars, to be recovered, with costs, by action of debt, in any court having cognizance of the same, in the name and for the use of the said corporation. Penalty on master of work-house for neglect.

11. *And be it enacted*, That the boards of chosen freeholders of any two or more counties, are hereby authorized to unite in building or purchasing a work-house, in common for the said counties, at such place as they shall agree upon; which shall be under the joint direction, superintendence and government of the said corporations, who shall have the powers and do the duties herein before given to and enjoined upon any of the said boards; and the moneys necessary for the said purposes shall be apportioned between the said counties in such manner as the said corporations shall fix upon; and the sums so fixed to be paid by each county, shall be granted and raised in the same manner as money for other county purposes is directed to be granted, assessed, collected and raised, by the act to incorporate the chosen freeholders in the respective counties of the state. Two or more counties may unite in building or purchasing a work-house.

12. *And be it enacted*, That the court, justices of the peace, and other competent authority of that county, uniting to build or purchase as aforesaid, wherein such work-house happens not to be, shall have as full power to send and commit any person to the said house, as the said court, justices of the peace or other competent authority would by law have, if the said house were within the county to which they belong. Courts and other authorities of both counties may commit persons to such work-house.

13. *And be it enacted*, That the master of the work-house, so built or purchased by two or more of the said corporations, shall do the like services and duties, and be under the like regulations and penalties, as are herein before directed and enjoined upon the masters of other work-houses. Duties of the master of such work-house.

## CHAPTER 26.

## WRECKS.

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| <ol style="list-style-type: none"> <li>1. Commissioners appointed.</li> <li>2. Districts assigned.</li> <li>3. Duty of commissioners.</li> <li>4. Appeal, proceedings in.</li> <li>5. Commissioners, when not to sell.</li> <li>6. To make inventory.</li> <li>7. Protection of ship and cargo.</li> <li>8. Commissioners to take possession.</li> <li>“ When authorized to sell.</li> <li>9. Stranded goods found.</li> </ol> | <ol style="list-style-type: none"> <li>10. Punishment for stealing.</li> <li>11. Commissioner punished for abuse</li> <li>12. Oath and compensation.</li> <li>13. False lights.</li> <li>14. Adjusting compensation.</li> <li>15. Duty of arbitrators.</li> <li>16. Illegal compensation forbidden.</li> <li>17. Penalty for taking.</li> <li>18. Commissioner not to purchase.</li> <li>19. Appropriation of moneys.</li> </ol> |
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## An Act concerning wrecks.

REV. 716.  
1835-6.  
PAMPH. 331.

Revision....Approved April 10, 1846.

Commissioners to be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the courts of common pleas, in the several counties of this state, bordering on the sea, bays and sounds, and they are hereby required, each and every year hereafter, and oftener if necessary, to appoint one or more discreet and fit person or persons, not a judge of the court so making the said appointment, commissioner or commissioners of wrecks, in their respective counties, who shall hold such appointment not less than one year, nor more than five years, at the discretion of said courts, and shall severally enter into bond to the state of New Jersey, with two or more good and sufficient sureties, to be approved of by said court, in any sum not less than five thousand dollars, nor more than twenty thousand dollars, for the faithful discharge of the duties of their said office, which bond shall be deposited in the office of the secretary of this state; and it shall be the duty of the clerks of said courts, respectively, to make out a certificate, under the seal of said court, for each of the persons so appointed, of his appointment, and deliver the same to him; *provided*, that when any commissioner is appointed as aforesaid, for more than one year, and not exceeding five years, it shall not be necessary to renew his appointment or bond, until the time therein expressed shall have expired.

and give bond.

Provide.

Districts to be assigned.

2. *And be it enacted*, That the said courts of common pleas shall have authority, from time to time, to lay off and alter, at the discretion of the said courts, two or more districts on the sea, bays, sounds and rivers, adjoining their respective counties, and in such cases to appoint a commissioner in each and every district, who shall have the sole authority of commissioner of wrecks, in the district to which he shall be appointed, and give bond to the state as aforesaid.

3. *And be it enacted*, That it shall be the duty of the commis-<sup>TITLE XXI.</sup>  
 sioners appointed as aforesaid, on application to them made, by or <sup>CHAP. 26.</sup>  
 in behalf of any owner, supercargo, master, or other person, having <sup>Duty of com-</sup>  
 charge of any ship, or other vessel, or cargo, being stranded, or in <sup>missioners.</sup>  
 danger of being stranded, or in distress, on or near the shores of  
 their respective counties or districts, to call to his assistance and em-  
 ploy, as many men as shall be agreed on between the said commis-  
 sioner and the said owner, supercargo, master, or other person  
 having charge of said vessel or cargo, to be useful and necessary, to  
 assist in preserving the said vessel or cargo; which men so em-  
 ployed, shall be under the direction of the master, owner, super-  
 cargo, consignee, insurer or agent, having the lawful care of said  
 vessel and cargo, and the said commissioner, and all others, who  
 shall, at the request, or with the approbation of the master, owner,  
 supercargo, consignee, insurer or agent, having the lawful care and  
 charge of any vessel, stranded or in distress, assist in preserving  
 such vessel or cargo, shall be paid a reasonable compensation for <sup>Compensa-</sup>  
 their labour and trouble in and about the same; and in default <sup>tion.</sup>  
 thereof, the ship, vessel and goods shall remain in custody of the  
 commissioner, until all reasonable charges shall be paid, or secu-  
 rity given for that purpose, to the satisfaction of the parties; and  
 in case the parties shall disagree touching the amount of the com-  
 pensation to be paid to the commissioner, or other persons em- <sup>Mode of ad-</sup>  
 ployed in saving such vessel or cargo, it shall be lawful for the <sup>justing the</sup>  
 master, owner, supercargo, or other person having the lawful care <sup>same.</sup>  
 and charge of such vessel or cargo, to choose one indifferent person,  
 being a freeholder, and also for the commissioner to choose one  
 other indifferent person, being a freeholder, who shall adjust and  
 ascertain the same, and in case they cannot agree, the two free-  
 holders so chosen, shall appoint one other indifferent person, being  
 a freeholder, to assist them in said adjustment; and the decision of  
 any two of them shall be binding on all parties, unless the said  
 commissioner, or the said master, owner, supercargo, or other  
 person, having the lawful care or charge of, or interest in said  
 vessel or cargo, shall, in fifteen days, appeal to the court of common <sup>Appeal.</sup>  
 pleas of the county where such vessel or cargo shall be saved,  
 which court shall, at the next term, in a summary way, hear and  
 determine said appeal, and render judgment accordingly.

4. *And be it enacted*, That in case of an appeal, as provided <sup>Proceedings</sup>  
 by the next preceding section of this act, it shall be lawful for the <sup>in case of</sup>  
 master, owner, or supercargo, or other person or persons, legally <sup>appeal.</sup>  
 entitled to the care and charge of the said vessel or cargo, to pay  
 to the commissioner the sum awarded by said freeholders, where-  
 upon the said commissioner shall restore the vessel or cargo to the

TITLE XXI.  
CHAP. 26.

said master, owner, supercargo, or other person having the lawful care or charge of the said vessel or cargo, but this payment shall not prejudice the right or interest of the owner of the vessel or cargo on said appeal; *and further*, in case the sum for such compensation shall be lessened by the judgment of the said court of common pleas, the commissioners shall restore to the owner, or person or persons having the legal interest in said vessel or cargo, the difference between the award of the said freeholders and the judgment of the common pleas; and in case the judgment of the common pleas shall increase the said compensation, then the owners of the vessel or cargo shall be answerable for such increase, and judgment shall be rendered by the said court of common pleas against him, her or them for the same, and execution accordingly.

When commissioners not to sell ship or cargo.

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

Commissioners to make inventory.

6. *And be it enacted*, That every commissioner who shall aid and assist in saving any goods, or other property, shall, before the goods or other property is removed, make a true and perfect inventory of all the goods or other property that may be removed under his direction, which inventory shall describe the marks and numbers upon the respective packages or casks, the kind of goods or liquors that they contain, when that can be ascertained without unnecessarily breaking the packages, or injury to the goods, and the quantity as near as practicable, and shall sign his name thereto, which inventory he shall carefully transcribe into a book by him to be kept for that purpose; which book shall be subject to be inspected by the owner, supercargo, consignee, insurer or master, or other person or persons interested in said goods or property, and also be laid before the court of common pleas, by whom said commissioners shall be appointed, at the expiration of the said commission, and at such other time or times as the said court shall order or direct, for the inspection of said court.

Subject to inspection.

Punishment for entering or interfering with vessel unlawfully.

7. *And be it enacted*, That if any person, other than those employed by a commissioner, shall enter, or endeavour to enter, on board of any ship or other vessel, stranded or in distress on or near the sea shores of this state, or the bays or inlets thereof, without the leave of the master, owner, or other person having the care or charge of said vessel, or a lawful right thereto, or if any person shall molest the master, owner, or other person having the lawful

care and custody of such vessel, in saving the same, or the cargo, or any part thereof, or shall wilfully deface the marks of goods, being part of the cargo of such vessel, before they shall be inventoried by the commissioner as aforesaid, or some other person concerned in the care and preservation of such goods, such person shall forfeit and pay for every such offence the sum of one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance thereof, in the name of, and to the use and benefit of the owner of the ship, vessel, or goods, as the case may be; and in case of failure to pay such forfeiture immediately, or to give security to the satisfaction of the court before whom the conviction shall be had, to pay the same in twenty days, the said court shall immediately sentence the person so convicted, to imprisonment in the county jail, for any time not exceeding six calendar months: *and further*, in case any goods shall be found upon or in possession of any person, that shall have been stolen, or unlawfully carried off from any ship or other vessel in distress, or stranded as aforesaid, the person upon whom, or in whose possession such goods shall be found, shall, on demand, deliver the same to the owner, supercargo, master, or commissioner, or to such other person as shall be authorized by the owner, supercargo, master, or commissioner, to receive the same, and shall be also liable to pay to the owner double the value of the said goods so found upon him or her, or in his or her possession, with costs, to be sued for and recovered in any court having cognizance thereof.

8. *And be it enacted*, That should any vessel or other property, be cast on shore within the limits of any of the counties of this state, bordering on the sea, bays, sounds, rivers, creeks, or inlets, and no person present to claim the same as owner, supercargo, consignee, insurer, agent, or master, the commissioner of this district, and in case of his death or absence, a commissioner of any district of said county, shall take possession thereof, and cause an inventory to be made, and recorded in manner prescribed by the sixth section of this act, after which it shall be the duty of said commissioner or commissioners to cause a true description of said goods, with the marks, numbers, and kinds, as far as can be ascertained, and a description of the vessel in which said goods shall be found, as fully as can be conveniently done, to be advertised in one or more of the public newspapers of this state, for the space of four weeks; and in case the value of said goods shall exceed the sum of five hundred dollars, then to advertise the same in one of the public newspapers in each of the cities of New York and Philadelphia, for the same length of time; and in case no person shall claim the same within one year from the time the same shall

TITLE XXI.  
CHAP. 26.

When commissioner to take possession of vessel and cargo.

His duty.

Stranded goods advertised and sold.

TITLE XXI.  
CHAP. 26.

Charges deducted and balance paid.

Duty of the finder of stranded goods.

Punishment for concealing.

have been advertised, as aforesaid, the said commissioner or commissioners shall advertise the same for sale in two or more public places in the county where the said goods were stranded or found, not less than ten, nor more than twenty days, and proceed to sell the same at public vendue or outcry, for the best price that can be obtained for the same, and after deducting all reasonable charges and expenses, to be ascertained and allowed by one of the judges of the court of common pleas of said county, and the compensation for his own labour and trouble, as hereinafter provided, the residue of the money arising on such sales, together with an account of sales, be transmitted by the commissioner or commissioners, to the treasurer of this state; and the said treasurer shall file the account of sales in his office, and keep an account of the money so received, for the benefit of the owner, in case he shall claim the same, which may be done by proving his property to the satisfaction of the commissioner or commissioners, who shall have sold the same, together with two of the justices of the peace of the county, who are hereby authorized to investigate the case, and to hear proof thereof; and in case they shall be satisfied in whom the property is, they shall certify the same under their hands and seals, to the treasurer of the state, who shall file the same in his office, and pay the money to whom it shall be so certified to be due, deducting therefrom one per cent for his trouble; and in case no person shall claim the same within two years from the date of the advertisement of the said goods, the same shall be for the use of the state; but in case the goods shall be perishable, they may be sold at any time, after being advertised in two or more public places in the county, not less than five days.

9. *And be it enacted*, That when any person or persons shall find any stranded goods or other property, on or near the sea or bay, shores, or in any inlet, river, creek, or sound in this state, above the value of twenty dollars, and no owner appearing to claim the same, he, she, or they shall forthwith give information thereof to the nearest commissioner of the county; or in case the county shall be divided into districts, then to the commissioner of the district in which such goods or property shall be found, for which he, she, or they shall be allowed all reasonable charges or expenses, to be ascertained by said commissioner, and paid out of the product of the sales of such goods or other property: *and further*, should any person, finding stranded goods or other property, conceal the same, or convert them to his or her own use, or fail, within four days, to give information to the commissioner, as before directed, he or she shall pay to the said commissioner, double the value of such goods or other property, to be recovered, with costs,

by the said commissioner, in an action of debt, in his own name, in any court having cognizance thereof, for the use of the state, out of which said commissioner is hereby directed to pay to the owner of such stranded goods or other property, all the damage the said owner shall sustain by reason of such concealment, conversion, or failing to give information, in case the said owner appear and prove his property in one year from the time such judgment of recovery shall be rendered.

10. *And be it enacted*, That if any person shall steal or embezzle any stranded goods or other property, or conceal the same, knowing them to have been stolen or embezzled, such person shall forfeit and pay to the owner or commissioner, which ever shall first sue for the same, double the value of the goods or other property so stolen or embezzled, or found in his or her possession, he or she knowing the same to have been stolen or embezzled, to be recovered in any court having cognizance thereof; and the person so stealing, embezzling, or concealing the same, knowing the same to have been stolen or embezzled, shall moreover be liable to be prosecuted, convicted, and punished, on the part of this state, as in other cases of theft, or receiving stolen goods, knowing them to have been stolen.

11. *And be it enacted*, That in case any commissioner, appointed as aforesaid, either by fraud, connivance or wilful neglect, shall abuse the trust reposed in him by this act, he shall, on conviction thereof, forfeit and pay double damages to the party aggrieved by such fraud, connivance, or wilful neglect, to be recovered with costs, by action on the case, in any court having cognizance thereof, and shall thereafter be rendered incapable of acting or being again appointed a commissioner under this act: *and further*, in case any person, as aforesaid, shall refuse or neglect to give the assistance required by this act for the saving any vessel or cargo, he shall forfeit and pay the sum of five dollars, to be recovered, with costs, by any commissioner of the county, or in case the county where the offence shall be committed shall be divided into districts, then by the commissioner of the district in which the offence shall be committed, in an action of debt, before any justice of the peace of the county where such offence shall be committed, to and for the use of the state.

12. *And be it enacted*, That every commissioner appointed under this act, shall, before he enters on the duties of his office, take and subscribe the following oath or affirmation:

I, A. B., do solemnly swear (or affirm) that I will truly and faithfully perform and discharge the duties of a commissioner of wrecks for the district in which I am appointed, in the county of

TITLE XXI.  
CHAP. 26.

Punishment  
for stealing  
or embez-  
zling.

Commis-  
sioner pun-  
ished for a-  
buse of trust.

Fine for re-  
fusing to as-  
sist.

Commission-  
ers' oath.

TITLE XXI. — agreeably to law, to the best of my skill and abilities. So  
 CHAP. 26. — help me God.

Compensa-  
 tion when  
 no owner  
 appears.

*And further*, in case of stranded or wrecked property coming into the bounds of any commissioner, where no owner shall appear to claim the same, the said commissioner shall receive a reasonable compensation for his trouble, to be ascertained and allowed by the court of common pleas by whom the said commissioner hath been or shall be appointed, which compensation, so ascertained and allowed, shall be retained by the said commissioner out of the product of the sale of said goods, before the same shall be paid to the treasurer, as aforesaid.

Putting up  
 false lights  
 punished.

13. *And be it enacted*, That if any person shall put up false lights, in order to bring any vessel into danger, or wilfully do any act or thing tending to the immediate loss of such vessel, whereby such vessel shall be lost or destroyed, then every person so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof by due course of law, be punished by fine not exceeding one thousand dollars, or by imprisonment in solitary confinement not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

Who not eli-  
 gible to ad-  
 just compensa-  
 tion.

14. *And be it enacted*, That no person who shall be related within the third degree, according to the rules of the common law, to any person or persons claiming compensation for saving or assisting to save any vessel or cargo, or any part thereof, as before provided by this act, or any person having himself received compensation for saving any vessel or cargo, within three years next preceding, shall be considered as indifferent between the parties, or eligible to adjust and ascertain the compensation for saving or assisting to save any vessel or cargo, as herein before provided.

Arbitrators  
 to award mon-  
 ey.

15. *And be it enacted*, That from and after the passing of this act, when any person or persons shall assist in preserving a vessel, or cargo of any vessel, wrecked or in distress, and arbitrators shall be chosen to adjust and ascertain the amount of compensation for such services, it shall be the duty of said arbitrators to award the amount to be paid said salvors in money, and not to award any part of said cargo or vessel.

Commission-  
 er restricted  
 to his legal  
 compensa-  
 tion.

16. *And be it enacted*, That it shall not be lawful for any commissioner, appointed under this act, to engage directly or indirectly in the saving of any vessel or cargo as aforesaid, for his own private benefit and interest; but that he shall pay over to the salvors, the whole amount allowed or awarded to them in money as aforesaid; and that said commissioner shall receive no other compensation, interest, or reward for his services, than such as is provided for in this act.

17. *And be it enacted*, That if any commissioner shall be convicted of exacting any agreement or reward for his own personal benefit or interest, he shall be removed from, and thereafter be rendered incapable of holding said office.

TITLE XXI.  
CHAP. 26.

Penalty for taking any other.

18. *And be it enacted*, That no commissioner of wrecks in this state, shall be engaged directly or indirectly, in the purchase of any stranded or wrecked vessel or goods; and all goods so sold, shall be openly exposed to public view, in such parcels as shall be deemed most likely to cause the articles thus sold to bring the best price.

Not to purchase.

19. *And be it enacted*, That all moneys now in the treasury of this state, or which shall hereafter come into said treasury, arising from the proceeds of wrecked or stranded goods, or other property, shall, on the expiration of the time allowed by this act, to the owner to claim the same, and the same being unclaimed, be as soon as can conveniently be done, paid over to the trustees of the school fund, to be by them invested in some stock, in the same manner as other moneys are invested by them; and the interest, arising on the moneys so invested, shall enure and be received by the treasurer, for the benefit of the fund for the support of free schools, and be credited and accounted for accordingly.

When moneys paid to school fund.