

TITLE XXXVII.

TRADE.

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CHAPTER 1.

BEEF AND PORK.

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REV. 514.

1835-6.

PAMPH. 234.

Inspectors
appointed.

An Act to regulate the repacking of beef and pork for exportation.

Revision....Approved April 10, 1846.

To take oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, or person administering the government of this state, for the time being, on the application and recommendation of the common council of any city or town corporate, or the committee of any township within this state, shall appoint and commission one or more inspectors and repackers of beef and pork, (who shall not be dealers in the said articles) in such parts of the state as may be deemed necessary and expedient.

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

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

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

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

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

5. *And be it enacted*, That there shall be three denominations or qualities of beef; the first to be denominated "mess beef," to consist of choice pieces, without hocks, shanks or necks; the second, to be denominated "prime beef," shall not contain more than half a neck and two shanks, with the hocks cut off; the third, to be denominated "cargo beef," shall not have in a barrel more than half a neck and three shanks, all to be good sound beef of cattle well

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Form.

Filed.

Stores pro-
vided.

Barrels, how
to be made.

Beef, how as-
sorted.

TI. XXXVII. CHAP. I. fatted. There shall not be any shanks or bony pieces put into any of the barrels as merchantable, from which the meat has been cut for smoking; no beef shall be repacked until it has been in salt a sufficient length of time, and each barrel shall be repacked with at least three half pecks of salt, not inferior to Lisbon salt, and half barrels half the same quantity of salt; the first denomination shall be branded "New Jersey mess beef," and the initial of the inspector's christian name, and his surname at full length, together with the name of the place where repacked; the second denomination shall be branded "New Jersey prime beef," and the third "New Jersey cargo beef," with the name of the inspector and place where inspected and repacked as aforesaid, on both the last mentioned denominations; and half barrels shall contain half the quantity of each description, and shall be branded as the whole barrels.

Brands.

Pork, how assorted.

6. *And be it enacted*, That the said inspectors and repackers shall carefully examine all pork to be by them repacked, and such only as is well fatted shall be branded by them as merchantable; "mess pork" shall consist of the sides only of good fat hogs, and the barrels containing it shall be branded on one of the heads "New Jersey mess pork," and the initial of the repacker's christian name, and his surname at full length, with the name of the place where repacked; the second quality shall be denominated "prime pork," and shall consist of good sound fat pork, of which there shall not be in a barrel more than three shoulders with the legs cut off at the knees, and not more than two sizeable heads, with the ears and snouts cut off, and which barrel shall be branded on one of the heads "New Jersey prime pork," with the repacker's name and place where repacked as aforesaid; the third quality shall be denominated "cargo pork," and shall not contain more than four shoulders with the legs cut off at the knees, and not more than two heads not exceeding in weight thirty pounds, and which barrel shall be branded on one of the heads "New Jersey cargo pork," with the name of the inspector and place where repacked, as before directed; half barrels of pork shall contain one half the quantity of, and be in every respect as to quality as the whole barrels; and the respective denominations shall be branded as is directed with respect to whole barrels; each barrel shall have at least one half bushel of salt, not inferior to Lisbon salt, and each half barrel not less than one peck of the like quality.

Brands.

Inspection and branding.

7. *And be it enacted*, That every barrel or half barrel of salted beef or pork, which shall be exposed to sale within this state, to be exported from it to any market beyond the sea, or that shall be so exported by the owner thereof, shall, before the sale or exportation

thereof, be carefully inspected and examined by one of the inspectors and repackers of beef and pork for the time being, who shall pass as merchantable, and brand as is before directed, each and every barrel and half barrel, being of the materials and dimensions herein before directed and described, and which shall respectively contain the quantity and quality of salted beef or pork herein before mentioned and required, packed and secured in the manner aforesaid; and the said inspectors and repackers are hereby required and directed to examine and repack, and brand as aforesaid, all such beef or pork brought to them for inspection or repacking, although the same may not be intended to be exported as aforesaid to any foreign market.

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

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

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

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

12. *And be it enacted*, That if any inspector and repacker of beef and pork shall neglect or delay to repack any beef or pork, when thereunto required by the owner or possessor thereof, for the

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CHAP. 1. space of forty-eight hours, every such inspector and repacker shall, for each neglect, pay to such owner the sum of five dollars per barrel.

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

For shifting or mixing. 14. *And be it enacted*, That if any person or persons shall, at any time, intermix, take out, or shift, any beef or pork, that has been repacked and branded as aforesaid, every person so taking out, intermixing, and fraudulently shifting such beef or pork, and being thereof convicted, shall forfeit and pay twenty dollars for every barrel so disturbed by intermixing or shifting.

For branding without authority. 15. *And be it enacted*, That if any person or persons, other than the said inspectors and repackers, shall brand any casks of beef or pork whatever, in the manner directed by this act, every person so offending shall forfeit the sum of twenty dollars for every cask so branded.

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

Extra mess beef. 17. *And be it enacted*, That it shall be lawful for any person or persons to put up or pack beef for ship stores or exportation, under the denomination of extra mess beef, if the same shall be of the quality and assorted in manner hereinafter specified, to wit: the best pieces, without hocks, shanks, or necks of oxen or steers, well fattened, and weighing at least six hundred pounds, exclusive of the hide and tallow, and shall be repacked in the same manner as is directed in this act, and shall be branded "New Jersey extra mess beef;" and the initials of the inspector's christian name, and his surname at full length, together with the name of the place where repacked.

Brand. Penalties. 18. *And be it enacted*, That any person or persons repacking, as aforesaid, shall be liable to all the forfeitures and penalties, and entitled to all the fees which are herein before prescribed and directed.

CHAPTER 2.

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CHAP. 2.

CANAL NAVIGATION.

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| 1. Manifests to be verified. | 2. Vessel may be detained. |
| 2. Penalty if false. | 3. False oath perjury. |

An Act to prevent frauds in the manifests of vessels navigating the Delaware and Raritan canal.

1837-8.
PAMPH. 70.

Passed February 16, 1838.

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 master or other person having the charge or command of any vessel or boat navigating the Delaware and Raritan canal, shall produce to each and every collector of tolls a manifest in writing, containing a just and particular account of all the goods, wares, merchandise, and other matters on board of such vessel or boat; and it shall and may be lawful for such collectors of tolls, if they shall deem it advisable, to require the said master, or other person having the charge or command of any such vessel or boat, to declare to the truth of such manifest, which declaration shall be on oath or solemn affirmation, before such collector so requiring it, in manner and form following, to wit: I do solemnly, sincerely and truly swear (or affirm), that the manifest subscribed with my name, and now delivered by me to ——— one of the collectors of tolls of the Delaware and Raritan Canal Company, contains, to the best of my knowledge and belief, a just and true account of all the goods, wares and merchandise, including packages of every kind and nature whatsoever, which now are or were on board the ——— at the time of her entering the Delaware and Raritan canal; that I am at present, and have been since her entering the said canal, master of the said vessel or boat; that no package whatsoever, or any goods, wares or merchandise, have, to the best of my knowledge and belief, been unladen, landed, or taken out, or in any manner whatever removed from on board the said vessel or boat, since her entering the said canal at ——— excepting such as are now particularly specified and declared in the account herewith.”

2. *And be it enacted,* That if, on examination of the cargo of the said vessel or boat, by the said collector of tolls, it shall turn out that such manifest does not contain a just and true account of the the said cargo, the master or other person having the charge or command of such vessel or boat shall forfeit and pay the sum of one hundred dollars to the said the Delaware and Raritan Canal Company, to be recovered in their name in an action of debt, with

11. XXXVII. costs ; and it shall be lawful for the collector of tolls to detain such
 CHAP. 3. vessel or boat till the said penalty and costs be paid, unless said
 Vessel de- master, or other person having the charge or command of such ves-
 tained. sel or boat, shall enter into bond to said company, with one or
 more sureties, being freeholders in this state, in the penal sum of
 two hundred dollars, conditioned for the payment of such penalty
 and costs as may be recovered against him or them by virtue of
 this act ; and immediately upon the delivery of such bond to the
 collector of tolls, the said vessel or boat shall forthwith be released.

False oath
 perjury.

3. *And be it enacted,* That the several collectors of tolls of the
 said the Delaware and Raritan Canal Company be, and they are
 hereby authorized and empowered to administer the oath or affirm-
 ation required by this act, to the master or other person having the
 charge or command of such vessel or boat ; and if such master or
 other person having the charge or command of such vessel or boat,
 shall falsely, wilfully and corruptly swear or affirm, then such
 person so offending shall be deemed and adjudged to be guilty of
 wilful and corrupt perjury, and on being convicted thereof, shall
 be punished accordingly.

CHAPTER 3.

FLOUR AND MEAL.

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| 1. Inspectors appointed. | 6. Time and place of inspection. |
| 2. Oath required. | 7. Penalty for exporting without. |
| 3. Flour inspected and branded. | 8. Powers of inspector. |
| 4. How packed, etc. | 9. Not to make purchases. |
| 5. Duty of inspectors. | 10. Of fines, penalties, etc. |

REV. 565.

An Act for the inspection of flour and meal.

Passed February 18, 1813.

Governor to
 appoint in-
 spectors.

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 person administering the government of this state shall from time to time appoint one or more inspectors of flour and meal in each of the cities of Perth Amboy, Burlington, New Brunswick, and Trenton, and as many inspectors of flour and meal in each county in this state, as shall appear necessary, who shall hold their respective offices during the pleasure of the person administering the government aforesaid.

Oath to be
 taken.

2. *And be it enacted,* That the inspectors to be appointed in pursuance of this act, before they enter upon the duties of their

respective offices, shall take the following oath or affirmation, before one of the judges of the court of common pleas, viz: I, A. B. do swear, (or affirm, as the case may be,) that I will faithfully, truly, and impartially, according to the best of my judgment, skill, and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law.

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CHAP. 3.

3. *And be it enacted*, That no wheat flour, rye flour, indian meal or buckwheat meal, shall be shipped for exportation out of this state to a foreign market, before the same shall have been submitted to the view and examination, and approved of and branded by one of the inspectors aforesaid; and it shall not be lawful for such inspector to brand any cask containing indian meal, unless the same shall have been made of corn properly kiln-dried, and shall be ground fine and bolted.

Articles to
be inspected
and branded.

4. *And be it enacted*, That all wheat flour, rye flour, indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak or other suitable timber, each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chime, and properly nailed, which said casks shall be but of two sizes, one size whereof shall contain one hundred and ninety-six pounds of flour or meal, with staves of twenty inches long, and each head sixteen inches and one half diameter, the other size whereof shall contain ninety-eight pounds of flour or meal, the staves whereof may be twenty-two inches long, and each head fourteen inches diameter, or the staves may be twenty-seven inches long, and each head not to exceed twelve inches diameter, both which sizes of casks shall be made nearly straight, for the convenience of stowage, and the tare of said casks, respectively, shall be marked on one head with a marking iron; *provided nevertheless*, that nothing in this act shall be construed to prevent the packing of indian meal in hogsheads, for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal, packed as aforesaid, shall be branded with the initials of the christian name and surname of the manufacturer thereof, at full length, together with the net weight of the flour or meal which shall be contained in each cask, except hogsheads of indian meal, on which the net weight only shall be branded; and on each cask of wheat flour intended for the first quality, shall be branded the word "superfine," and on each cask intended for second quality, shall be branded the word "fine," and on each cask intended for the third quality, shall be branded the words "fine middlings," and on each cask intended for the fourth quality, shall be branded the word "middlings," and on each cask of rye

Flour, etc.,
how packed.

Size of casks.

Indian meal
may be pack-
ed in hogs-
heads.

To be brand-
ed.

Qualities to
be marked.

TI XXXVII. flour intended for the first quality, shall be branded the words
 CHAP. 3. "superfine rye flour," and on each cask intended for the second
 quality, shall be branded the words "fine rye flour," and on each
 cask of indian meal shall be branded the words "indian meal," and
 on each cask of buckwheat meal shall be branded the word and
 letter "B. meal," before either, respectively, shall be offered for
 inspection; and the manufacturer or owner of any flour or meal
 put up in a cask or casks, shall be and hereby is made subject to a
 penalty of fifty cents for every pound, each, such cask is tared less
 than the true weight thereof; and any inspector of flour or meal
 having reason to suspect such cask or casks to be falsely tared, may
 ascertain the same, by a suitable examination thereof.

Duty of in-
 spectors.

5. *And be it enacted*, That it shall be the duty of the said in-
 spectors, upon application to them made, to examine and deter-
 mine the quality of such flour and meal, and on each cask made
 and branded, and the flour or meal packed therein agreeably to

To brand.

this act, he shall then, and not otherwise, brand the initial letter
 of his christian name, and his surname at full length, together with
 the name of the city, town, or county where the same is inspected,
 on the quarter, in a distinguishable manner; and in all cases where
 the brands describing the quality of flour or meal shall not in his
 judgment be branded according to its respective kinds and quali-
 ties, he shall alter the same so as to describe the real quality, ac-
 cording to the true intent and meaning of this act; that it shall be

To weigh.

the duty of the inspector from time to time to weigh such casks of
 flour and meal as he or they shall suspect of being too light, and
 if found not to contain the just and true weight, to mark or brand
 the same on the head with the word "light," and for each cask
 which he or they shall so mark or brand with the word "light,"

Inspector's
 fees.

such inspector shall be entitled to receive from the owner or ship-
 per of such flour or meal, for his trouble of weighing the same,
 that is to say, for every barrel or half barrel, the sum of twenty
 cents, and for each hogshead forty-five cents; and every cask of
 flour or meal which shall not contain the full weight branded there-
 on, the manufacturer thereof shall forfeit and pay for every pound
 weight of flour or meal so deficient, the sum of twenty cents, and
 on all flour or meal injured in manufacturing, or otherwise da-
 maged so as not to be fit for exportation under any denomination,
 in the judgment of the said inspector, he shall mark or brand on the
 same, the word "bad," which flour or meal, so marked or branded
 "light" or "bad," shall not be shipped out of this state to any fo-
 reign market, under the penalty of five dollars for every cask so
 marked or branded, to be recovered in any court having cognizance
 thereof, by action of debt, by any person who shall prosecute for

Bad flour or
 meal not to
 be shipped.

the same; and for the trouble aforesaid the said inspectors shall be entitled to receive two cents for each and every cask of flour or meal, and four cents for each and every hogshead of indian meal, he shall so inspect or examine, to be paid him by the owner or possessor of such flour or meal, who shall charge the buyer or purchaser of such flour or meal with one half of the amount of such inspection over and above the price of such flour or meal.

6. *And be it enacted*, That all flour or meal purchased for exportation shall be inspected as aforesaid, at the time and place of such exportation, and if any purchaser of flour or meal for exportation shall not have the same inspected as aforesaid, at the time and place of such exportation, such purchaser or exporter shall forfeit and pay for every cask of flour or meal five dollars, although the said flour or meal may have been inspected and branded any time previous to such purchase.

7. *And be it enacted*, That if any person shall lade, or attempt to lade, on board any vessel, with intent to ship or export the same direct out of this state to any foreign market, any flour or meal not branded as aforesaid, by one of the inspectors, for good and merchantable flour or meal, such person shall forfeit the same; and if any person shall have exported any flour or meal out of this state to a foreign market, not branded by one of the inspectors for good and merchantable flour or meal, such person shall forfeit and pay the sum of five dollars for every cask of flour or meal so exported.

8. *And be it enacted*, That it shall and may be lawful for any inspector of flour or meal to enter on board of any vessel, between sunrise and sunset, to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act; and if any person shall hinder or interrupt any such inspector in so entering on board and searching, every such person shall forfeit and pay one hundred dollars, to be recovered in any court having cognizance thereof, one half thereof to the use of the overseers of the poor in the city or town where the offence may happen, and the other half to the person prosecuting for the same.

9. *And be it enacted*, That no inspector of flour or meal shall purchase any flour or meal other than for his own private use, under the penalty of five hundred dollars; and if any person shall alter or counterfeit any of the aforesaid brand marks, whether state or private, such person shall forfeit for every such offence the sum of one hundred dollars; and that if any person shall put any flour or meal into any empty casks for sale, which have been branded by the inspector before such casks were emptied, without first cutting out the said brands, such person shall for every cask so repacked

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CHAP. 3.

Further fees
of inspector.

Where to be
inspected.

Penalty.

Penalty for
exporting
without in-
spection.

Inspector
may go on
board vessels
to examine

Penalty for
hinderance

Inspectors
not to make
purchases.

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CHAP. 4.

Brands to be
cut out of
empty casks.

Fines and
penalties,
how recover-
ed.

In what case
inspector
may seize
and sell.

forfeit and pay the sum of five dollars ; and that every person offer-
ing for sale any flour for wheat flour, which shall be found upon
examination to be or contain a mixture of indian meal or any other
mixture, such person shall forfeit and pay for every such cask so
mixed the sum of five dollars, and the flour shall be liable for the
payment thereof.

10. *And be it enacted*, That all such fines, penalties, and forfeit-
ures aforesaid, not herein otherwise directed to be collected, shall
be recoverable before any justice of the peace, or in any court of
record in this state having cognizance thereof, by any person who
will prosecute for the same, one half to the prosecutor, and the
other half to be paid to the overseers of the poor of the city or
town where the fraud is detected ; and for the more certain and
easy recovery of the penalties for the false tare or brand mark
upon any cask of flour or meal, it shall be lawful for the inspectors
thereof to seize and sell the same, and out of the net proceeds
retain such penalty or penalties, one half for his own use, and the
other half to the overseers of the poor in the city or town where
the same may be recovered, to the use of the poor thereof, and pay
the remainder to the owner or consignee of such flour or meal.

CHAPTER 4.

HAWKERS AND PEDLERS.

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|---------------------------|-------------------------------------|
| 1. License required. | 5. For peddling without. |
| 2. How obtained. | 6. Sales in public market. |
| " Fees and tax for. | 7. License certified, etc. |
| 3. Penalty for forging. | 8. Penalties recovered and applied. |
| 4. For lending or hiring. | 9. Limitation of suits. |

An Act relating to hawkers, pedlers and petty chapmen.

HAR. 314, 363.

1837-8.
PAMPH. 149.

License re-
quired.

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

1. BE IT ENACTED *by the Senate and General Assembly of the
State of New Jersey*, That no person shall follow, use or exercise
the business or calling of a hawker, pedler, petty chapman or itin-
erant auctioneer in this state, or shall go or travel from town to
town, or to the houses of other persons, either on foot, or with a
horse or horses, mule or mules, or other beast or beasts of burthen,
carrying, selling or exposing, either at private or public sale, any
goods, wares or merchandise not the growth, product or manu-
facture of this state, until such person shall have first obtained a
license for that purpose, in the manner hereinafter directed.

2. *And be it enacted*, That such license shall be granted by the ^{TL. XXXVII.} governor of this state, or person administering the government, ^{CHAP. 4} upon a recommendation for that purpose, by the inferior court of ^{How obtain-} common pleas of the county where the application for such license ^{ed.} may be made; and that every person who shall obtain such license to travel with a horse or horses, or other beasts of burthen, for the purpose of selling goods, wares or merchandise, either at public or private sale, or both, shall pay to the governor, or person administering the government, the sum of three dollars and fifty cents; ^{Fee for li-} and every person who shall obtain a license to travel on foot for ^{cence.} the purposes aforesaid, shall pay two dollars; *provided*, that no such license shall be exercised or used until the person or persons licensed to travel with a horse or horses, or other beasts of burthen, shall have first paid to the governor, or person administering the government, the sum of fifteen dollars, for the use of the state; and ^{Tax.} the persons licensed to travel on foot, shall have first paid to the governor, or person administering the government, the sum of eight dollars, for the use of the state; which said payment shall be endorsed by the governor, or person administering the government, on the said license, at the time of granting the same, and which said license shall continue and be valid for one year only, unless ^{Term.} renewed, as hereinafter provided.

3. *And be it enacted*, That if any person shall forge or counter- ^{Penalty for}feit any license, or any such endorsement thereon, as before ^{forging.} mentioned, for the purpose of using the same, or shall wilfully and knowingly travel with any such forged license, for the purpose of selling as aforesaid, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as in other cases of forgery.

4. *And be it enacted*, That if any person, having obtained a ^{Lending or} license as aforesaid, shall lend or hire the same to any other person ^{hiring.} or persons, for the purpose of using or exercising the same, such license shall thereby become void; and the person lending or hiring such license, and the person using the same under colour thereof, shall each forfeit the sum of one hundred dollars, to be recovered in any court of competent jurisdiction, with costs of suit, in an action of debt, the one half to the use of the poor of the township in which said suit shall be brought, and the other half to the person suing for the same.

5. *And be it enacted*, That if any person shall be found hawking, ^{Peddling} peddling or travelling from house to house, or place to place, to ^{without.} vend, either at public or private sale, any goods, wares or merchandise herein before mentioned and described, without first having obtained a license as herein before mentioned, such person

TI. XXXVII. shall forfeit the sum of fifty dollars, to be recovered in an action of
 CHAP. 4. debt, by any person who may sue for the same, the one half to the
 prosecutor, and the other half to the use of the state, before any
 justice of the peace of any of the counties in this state, together
 with the costs of prosecution.

Sales in pub- 6. *And be it enacted*, That nothing in this act contained shall
 lic markets. prevent any person from selling or exposing to sale, any goods,
 wares and merchandise in any public market in this state, without
 a license for that purpose; *provided always*, that any person found
 hawking or peddling as aforesaid, who shall, upon demand being
 made by any person in this state, refuse to produce and show such
 license as aforesaid, then the person so offending shall forfeit and
 pay the sum of ten dollars for every offence, to be recovered in an
 action of debt, by any person who shall sue for the same.

License cer- 7. *And be it enacted*, That it shall be the duty of every person
 tified and who may have obtained a license in pursuance of this act, before
 copy filed. he shall sell, or expose for sale, any goods, wares or merchandise
 by virtue thereof, in any county of this state, to file in the clerk's
 office of such county a copy of his license, and the clerk of such
 county shall thereupon endorse on the original license a certificate
 of a filing of the said copy; and in case any person shall sell or
 expose for sale, any goods, wares or merchandise, as aforesaid,
 without having first procured the said certificate on his license, he
 shall be liable to all the penalties of this act; and the said clerks
 shall be entitled to receive fifty cents for such certificate and filing.

Penalties re- 8. *And be it enacted*, That it shall be the duty of the overseers
 covered and of the poor of every township in this state, to sue for and recover
 applied. the penalties of any person or persons who may offend against any
 of the provisions of this act in their respective townships; and they
 shall be entitled to one half of any penalty or penalties, when re-
 ceived, to their own use, the other half to be appropriated to the
 poor of the township.

Limitation of 9. *And be it enacted*, That every suit for any penalty prescribed
 suits, etc. by this act, shall be commenced within six months from the time
 of incurring such penalty, and not after; and every such suit may
 be commenced by warrant, in the court for the trial of small causes,
 any law, usage or custom to the contrary notwithstanding.

CHAPTER 5.

TL XXXVII.
CHAP. 5.

HERRING.

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Of the packing of herring. 2. Casks and brands. 2. What casks lawful. 3. Examination by inspector. 4. Penalty for selling without. 5. Inspector's compensation. 6. Re-examination of casks. 7. Penalties recovered and applied. 8. Inspector, how commissioned. | <ol style="list-style-type: none"> 9. Oath required. 10. Term of office. 11. Casks branded. 12. Not used twice. 13. Penalty for neglect. 14. Penalty for offences. 15. Reference of disputes. 16. Powers of inspector. 17. Foreign herring exempt. |
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An Act to regulate the packing of herring for exportation.

MAR. 14.

Passed November 27, 1821.

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 herring designed for exportation, which shall be packed after the passing of this act, shall be sound and merchantable, well packed and well secured, with a proper quantity of salt and pickle, in tight casks, made of good, sound, well seasoned white-oak timber, hooped with at least fourteen good and substantial hoops, secured at each bilge with three pins, and at each head or chime hoop with at least three nails; and the casks shall be of the following dimensions, viz: the length of the stave, when in the cask, shall be twenty-seven and a half inches; the head, seventeen and a half inches; the bilge, twenty inches; and to contain twenty-eight gallons, wine measure; and every half barrel containing herring designed for exportation shall be of the gauge of fourteen gallons of the measure aforesaid; and each and every barrel or half barrel of herring designed for exportation shall be branded with the initial letters of the christian name, and the surname at full length, of the person or persons putting up the same, or of the person selling such herring, under the penalty of fifty cents for each and every barrel or half barrel sold and delivered, not branded as aforesaid; and in case the aforesaid barrels or half barrels of herring, not being branded as aforesaid, and after the fine being paid, the inspector appointed by virtue of this act may brand them with his name, in the manner hereafter described, for which he shall demand and receive from the person selling the same, the sum of six cents for each barrel or half barrel.

2. *And be it enacted,* That herring designed for exportation may be packed in tight casks made of any kind of timber, if sound and merchantable, well packed and secured with a proper quantity of dry salt, the casks to be of the same size and dimensions as is designated by the first section of this act, and secured by being

In what condition herring must be packed, and in what casks.

Dimensions of the casks.

To be branded.

What casks are legal.

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hooped with at least twelve good and sufficient hoops, and nailed or pinned as directed in the first section.

To be examined by an inspector.

If not merchantable to be crossed.

Penalty on those who sell without inspection.

3. *And be it enacted*, That every barrel or half barrel of herring designed for exportation shall, before the exportation thereof, be carefully examined by an inspector appointed by virtue of this act, who shall pass as merchantable, and brand with the brands hereinafter described, each and every barrel or half barrel, being of the materials herein before directed and described, which shall respectively contain the proper quantity of sound and merchantable herring, and be secured in manner aforesaid; and the said inspector shall erase and effectually deface the brand, mark, or marks off and from each and every barrel and half barrel containing herring designed for exportation as aforesaid, which shall not be of the dimensions, and made in the way herein before described, and which shall not be of the quality, and packed and secured in the manner herein before directed and described; and if the same cannot be rendered merchantable, according to the requisitions and meaning of this act, by salting, pickling, repacking, and coopering thereof, then the said inspector shall impress and brand a cross thus, X, each stroke of said cross being at least two and a half inches in length, upon one head of each and every barrel or half barrel containing herring so as aforesaid incapable of being rendered merchantable.

4. *And be it enacted*, That each and every person or persons, who shall sell and deliver any barrel or half barrel of herring for exportation to the purchaser or purchasers thereof, before the same has been duly examined by an inspector appointed by virtue of this act, and branded with the brands herein directed for branding the same, or who shall lade or ship on board of any vessel or vessels for exportation, or who shall refuse to allow or suffer the said inspector, in the cases aforesaid, to erase and effectually deface the brand, mark, or marks off and from every barrel and half barrel of herring, and if need be, to impress and brand thereon the said mark of a cross as aforesaid, shall forfeit and pay for each and every barrel or half barrel so sold or delivered, and for each and every barrel or half barrel so laden or shipped on board any vessel or vessels as aforesaid, and for each and every barrel or half barrel from which he, she, or they shall refuse to allow or suffer the said brand, mark, or marks to be erased and effectually defaced as aforesaid, and for each and every barrel or half barrel whereon he, she, or they do refuse to allow or suffer the said mark of a cross to be impressed and branded as aforesaid, the sum of one dollar and twenty-five cents; and all and every person or persons who shall, by any means whatsoever, wilfully erase or deface the said

mark of a cross, after the same has been duly impressed and branded by the said inspector upon any barrel or half barrel as aforesaid, shall forfeit and pay the sum of twenty dollars for each and every barrel and half barrel off and from which the said mark of a cross shall be erased or defaced, the said sums of money or forfeitures to be recovered and applied in the manner hereafter provided and declared.

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CHAP. 5.

How to be
recovered.

5. *And be it enacted*, That the inspectors appointed by virtue of this act, may lawfully demand, receive, and take from the person or persons selling the same, the sum of twenty-five cents for each and every barrel or half barrel of herring he may repack; and for each and every barrel or half barrel of herring he shall fill up and head, the sum of eight cents; and for inspecting, examining, and branding every barrel or half barrel of herring, the sum of eight cents; and for each and every barrel or half barrel of herring exported from any port in this state, the customary allowance and compensation for the expense and trouble of cooping and putting the same into good and merchantable order and condition; *provided*, that it shall and may be lawful to and for the owner, owners or sellers of such herring to employ any person or persons, other than the said inspector, to do, execute and perform the cooping necessary to put the same in good and merchantable order and condition as aforesaid; and in that case the said inspector shall not be entitled to have or receive any allowance or compensation whatsoever, for or on account of said cooping.

Compensation
for in-
spection.

Proviso.

6. *And be it enacted*, That each and every barrel and half barrel of herring, inspected and branded as is by this act required, shall, if lying on hand and unsold, and not exported from this state for six months from and after such inspection and branding, before sale or delivery, be again examined by the said inspector, and if found sound and merchantable, agreeably to the intent and meaning of this act, they shall or may be exported as aforesaid, but if unsound, they shall be subject to the same regulations as stated in the third section of this act; and the said inspector shall have and receive, from the person or persons selling the aforesaid barrels or half barrels of herring, for his expense and trouble for opening, examining and heading each and every barrel as aforesaid, the sum of three cents.

When casks
re examined.

7. *And be it enacted*, That all and singular the forfeitures and penalties in and by this act imposed, shall be collected by the said inspector, with costs of suit, in any court having cognizance thereof, one half thereof to and for his own use, the other half, when recovered, to be paid by the said inspector to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof.

Penalties,
how to be re-
covered, and
for whom.

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CHAP. 5.

Inspector,
how to be
commission-
ed.

8. *And be it enacted*, That the governor, or person administering the government of this state for the time being, on the application and recommendation of the common council of any city or town corporate, or on the application and recommendation of twelve respectable freeholders of any other town within this state, may appoint and commission one or more inspectors and repackers of herring (who shall not be dealers in said articles) in such parts of the state as may be deemed necessary and expedient.

Oath to be
taken,

9. *And be it enacted*, That each and every inspector and repacker of herring, appointed and commissioned as aforesaid, shall, before he enters upon the execution of the said office, take and subscribe the following oath or affirmation, before one of the justices of the supreme court of this state, or before one of the judges of the court of common pleas in and for the county in which the duties of such office are to be exercised, viz: I, A. B. do solemnly swear (or affirm), that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and repacker of herring, according to the true intent and meaning of the laws of this state relative to the same; and that I will not directly or indirectly brand, or suffer to be branded, any casks of herring but what shall be sound and merchantable, agreeably to the said laws. A copy of which said oath or affirmation, subscribed by the person appointed as aforesaid, and signed by the officer by whom it was administered, shall be filed in the office of the clerk of the county where the said inspector and repacker usually resides.

and filed.

Term of of-
fice.

10. *And be it enacted*, That the said inspectors shall hold their offices for the term of five years from the time of their appointment, and no longer; but upon being again recommended as aforesaid, may be reappointed.

Casks, how
to be brand-
ed.

11. *And be it enacted*, That the said inspectors and repackers shall provide themselves with, and brand every barrel and half barrel of herring, as follows: "New Jersey herring;" and also the initial letter of his christian name and his surname at full length, together with the name of the place where inspected or repacked.

Penalty for
using casks a
second time.

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

Penalty for
neglect or
delay.

13. *And be it enacted*, That if any inspector or repacker of herring shall neglect or delay to inspect or repack any herring, when thereunto required by the owner or possessor thereof, for the space of forty-eight hours, every such inspector or repacker shall,

for each neglect, pay to such owner or possessor the sum of two dollars per barrel or half barrel.

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14. *And be it enacted*, That for every offence which the said inspectors and repackers shall commit against the true intent and meaning of this act, and be thereof convicted, he or they so offending shall forfeit the sum of twenty dollars, and be rendered incapable of serving again in said office.

Penalty on
inspector for
offences
committed.

15. *And be it enacted*, That if any dispute shall happen between the said inspectors or repackers and the possessor of such herring concerning the soundness or package of the same, or the soundness or contents of the casks, it shall be lawful for any justice of the peace of the city or county where the said dispute arises, upon application to him made, and he is hereby required to issue his warrant to two indifferent, judicious persons of skill and integrity, to view and search the said herring, together with the cask in which they are contained, and make report forthwith, after having examined the same, to the said justice, (which report shall be in writing, and to which they shall swear or affirm,) according as they find the same; and the said justice is hereby empowered and required to give judgment accordingly; and in case the said herring shall be found to be unfit for exportation, the said justice shall order them not to be exported, under the penalty of forfeiting all such herring, and shall also award the owner or possessor to pay the said inspector and repacker the sum of twenty-five cents per cask, for all such herring as shall be judged not fit for exportation as aforesaid, with reasonable charges; but in case the said herring, upon trial as aforesaid, shall be found good and merchantable, according to the directions of this act, the charges of prosecution shall be paid by the inspector.

Disputes to
be settled by
referees.

16. *And be it enacted*, That the said inspectors shall have full power by virtue of this act, and without any further or other warrant, to enter on board any ship, sloop or vessel whatsoever, lying or being in any port or place in this state, to search for and make discovery of any herring shipped for exportation, and if the owner or possessor, or their servants or others, shall deny him or them entrance, or if the said inspectors shall be in any way molested in making such discovery as aforesaid, every such person shall forfeit and pay the sum of twenty dollars; or if any person or persons shall ship off any cask or casks of herring, not branded as is herein before required, every such person so offending shall forfeit and pay the sum of one dollar and twenty-five cents for every cask so shipped.

Inspectors
authorized
to enter on
board of ves-
sels.

17. *And be it enacted*, That salted herring, in barrels or half barrels, which shall have been brought or imported from any place

Foreign her-
ring not sub-
ject to in-
spection.

TL. XXXVII.
CHAP. 6. or places without the bounds and limits of this state, with the name of the state, town or place from which the same shall have been brought or imported, branded or marked at full length, and in plain legible manner thereon, and which shall be exported with the same name so as aforesaid branded or marked thereon, and not as the herring of New Jersey, shall not be liable to examination by the inspectors herein appointed, but the same may be lawfully exported without inspection.

CHAPTER 6.

MARKETS.

1. How established.

2. How regulated.

REV. 522. **An Act to provide for the establishment of markets for the sale of live stock in the several counties of this state.**

Passed February 29, 1804.

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

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

May pass by-laws, etc., for the regulation of.

2. *And be it enacted,* That it shall and may be lawful for the said board of chosen freeholders to pass ordinances and by-laws for the regulation of said markets; *provided,* that the same be not repugnant to the constitution and laws of the United States or of this state.

CHAPTER 7.

PILOTS.

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| <ol style="list-style-type: none"> 1. Commissioners appointed. 2. To certify appointment of pilot. 3. Pilot's oath. 4. Examination of applicants. 5. Fresh licenses taken out. 6. Power of removal. 7. Power to make rules. 8. Penalty on pilot for neglect. 9. Penalty for refusal to do duty. 10. Penalty for carelessness. 11. Of partnerships. 12. Commissioners disinterested. 13. Pilot's pay, if carried to sea. | <ol style="list-style-type: none"> 14. May receive pilotage, rates. 15. Fees for detention. 16. Fees for extra services. 17. Refusal of master to receive. 18. Of apprentices. 19. Who exclusively employed. 20. Precautions to be used. 21. Taxation or certificate of pilotage. 22. Penalty for intoxication. 23. How penalties applied. 24. Percentage of commissioners. 25. Pilot's bond and license. 26. Commissioners' annual report. |
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An Act to establish and regulate pilots, for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook.

1836-7.
PAMPH. 110.
1837-8.
PAMPH. 56.
1838-9.
PAMPH. 29,
66.

Revision.....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, by and with the advice and consent of the Senate, shall appoint seven commissioners of pilotage, who shall hold their offices, respectively, for three years; and in case any commissioner of pilotage, so appointed, shall die or resign, or in any other way become disqualified to act, it shall be the duty of the governor, by and with the advice and consent of the Senate, forthwith to fill such vacancy; and the person so appointed to fill such vacancy, shall hold his office for the like term of three years; and the commissioners of pilotage, or a majority of them, shall be authorized, and full power and authority are hereby given to them, to permit, at their discretion, any person to act as a branch pilot off the bar at Sandy Hook, or of the river Raritan, or of the harbours of Jersey City, Newark or Perth Amboy, they having examined the said person in the manner hereinafter mentioned, and made such inquiries respecting him and his qualifications, as to them, the said commissioners, or a majority of them, shall appear necessary and expedient.

Commissioners of pilotage appointed.

Term.

Powers.

2. *And be it enacted*, That the commissioners of pilotage shall give to every person appointed by them as a branch pilot or deputy pilot, a certificate of his appointment, signed by a majority of them, or by their chairman, or by their direction; which certificate shall be presented to the governor.

Certificates to be given.

3. *And be it enacted*, That whenever any person shall produce to the governor, or in case of his absence from the seat of government, to the secretary of state, a certificate of the aforesaid tenor, from the commissioners of pilotage, or a majority of them, the

Oath to be administered.

TI. XXXVII. said governor or secretary of state, as the case may be, shall ad-
 CHAP. 7.

minister to such person the following oath or affirmation, to wit :
 I, A. B. do solemnly swear (or affirm), that I will well and faithfully, and according to the best of my skill and knowledge, execute and discharge the business and duty of a ——— branch pilot for the bar, Jersey City, Newark, and Perth Amboy and harbour of Sandy Hook, and that I will at all times use my best endeavours to repair on board all ships and vessels that I shall see and conceive to be bound for, or coming into, or going out of the harbour aforesaid, unless I am well assured that some other licensed pilot is then on board the same; and I do further swear (or affirm), that I will, from time to time and at all times, make the best despatch in my power to bring safely over the bar of Sandy Hook, every vessel committed to my care in coming in or going out; and that I will, from time to time and at all times, truly observe, follow, and fulfil, to the best of my skill, ability, and knowledge, all such orders and directions as I shall or may receive from the commissioners of pilotage, relative to all matters or things that may appertain to the duty of a pilot: *and further*, that I will not be copartner with more than twelve pilots at the same time, in any affair relative or incident to the business, duty, or office of a pilot.

Examination
 of applicants.

4. *And be it enacted*, That it shall be the duty of the said commissioners, before they grant a branch or license to any person applying therefor, to call such applicant before them, and in the presence of one or more of the branch pilots of this state, who shall be personally notified to attend for the purpose, or in case of the nonattendance of the pilot or pilots who shall be so notified to attend for that purpose, then without the assistance or presence of any branch pilot, to examine such person so applying for a branch or license to act as a pilot or deputy pilot, or to cause him to be examined touching his qualifications for such an employment, and in particular, touching his knowledge of the tides, soundings, bearings, and distances of the several shoals, rocks, bars, and points of land, in the navigation for which he applies for a branch or license to act as a pilot or deputy pilot.

When fresh
 licenses to
 be taken out.

5. *And be it enacted*, That the commissioners of pilotage shall have power and authority to order and direct all pilots for the bar and harbour aforesaid, to deliver up their former, and to take out fresh licenses whenever so required; but no pilot shall be charged with any fee upon receiving a new license as aforesaid; and every pilot not complying with these conditions, or any of them, shall forthwith forfeit his license, and shall be disqualified to act as a pilot for twelve months, and shall afterwards obtain no pilot's branch, unless he be readmitted under the same formalities as one applying in the first instance.

6. *And be it enacted*, That the commissioners of pilotage, and a majority of them, shall have power and authority to take away the branch of any pilot or deputy pilot, and to declare his license null and void, whenever it shall appear to them that such pilot has wilfully infringed or violated this act or the orders of the commissioners, or that he hath negligently and carelessly lost any vessel under his care, or that he is labouring under a mental derangement, so as to be incapable of attending to business, or that he is so addicted to the habits of intoxication as to be unfit to be intrusted with the charge of a vessel; and if any pilot hath forfeited his branch, or is no longer entitled to the use of his license by virtue of this or the foregoing clause, the commissioners of pilotage shall have power to call on him for the surrender of his license; and if he shall refuse to give up the same upon demand, the latter shall notify for one week, in the public papers of Jersey City, Newark, or in such paper as they shall deem necessary, that such person has no longer a right to act as a pilot until he is reinstated according to law; *provided*, that before any pilot shall be deprived of his branch or license, or suspended from acting thereunder, such pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode at least fifteen days before the time specified therein for his appearance, to appear before the said commissioners at such time as shall be specified in the said notice, to show cause, if any he may have, against his suspension or the revocation of his branch or license; and if such pilot shall neglect or refuse to appear at the time specified in such notice before the said commissioners, or if the cause shown by such pilot against his suspension or the revocation of his branch or license shall not appear sufficient and satisfactory to the said commissioners, it shall and may be lawful for them either to revoke the branch or license of such pilot, or to suspend him from acting as a pilot, as they may judge proper.

7. *And be it enacted*, That the said commissioners shall have full power and authority to make and establish such rules, orders, and regulations, not inconsistent with the constitution or the laws of this state or of the United States, for the better government of the said pilots, and with such fines and penalties for the breach thereof, as they shall deem proper, and the same from time to time to revoke or amend; and the commissioners, or a majority of them, are hereby authorized, upon due proof of misbehaviour of a pilot, when in the execution of his duty, after due notice and hearing of such pilot, to fine such pilot, not exceeding twenty-five dollars, or to suspend him.

8. *And be it enacted*, That when any pilot or deputy pilot

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Power to
take away
license.

When pilot
shall cease
to act.

Proviso.

Power to
make rules.

To fine for
misbehavi-
our.

TI. XXXVII. shall see a vessel on the coast having a signal for a pilot, or shall
 CHAP. 7.

Penalty on
 pilot for ne-
 glect.

hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, when it is practicable for him to do so, such pilot shall, on conviction, forfeit and pay one hundred dollars, to be recovered by action of debt in any court of record, one half to the informer, the other half to the master of such vessel; and may, upon proof thereof, be rendered by the commissioners incapable of acting again as a pilot or deputy pilot.

His duty, and
 penalty for
 refusal.

9. *And be it enacted,* That every pilot cruising or standing out to sea shall offer his services first to the vessel nearest the land, or in most distress, under the penalty of fifty dollars; and if any pilot, not being hindered by sickness or other lawful cause, shall refuse to go on board any vessel, when required by the master, to execute his office, such pilot shall forfeit and pay the sum of one hundred dollars; and in either case, upon complaint and conviction before the commissioners, such pilot shall be liable to be suspended by them for such time as they shall think fit; and every pilot, on offering his services to the master of any vessel, shall produce and show to such master his warrant of appointment and license granted him in virtue of this act, under the penalty of ten dollars for every neglect.

Shall show
 his license.

Penalty for
 carelessness.

10. *And be it enacted,* That if any pilot or deputy pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall for ever after such conviction be incapable of acting as pilot or deputy pilot in this state, and shall be also liable, by action at common law, to pay all such damages as any person shall sustain by such negligence or carelessness; and if any pilot or deputy pilot shall run any vessel on shore, he shall not be entitled to any pilotage; and if by negligence, he shall also be liable, by action at common law, to pay all damages occasioned thereby.

Of partner-
 ships.

11. *And be it enacted,* That no more than twelve pilots shall be in partnership, or in any manner share the profits derived from the pilot business, under the penalty of two hundred dollars for each and every offence, to be paid, one half for the use of the informer, and the residue to the state treasurer, by each pilot thus in partnership.

Commission-
 ers to have
 no interest.

12. *And be it enacted,* That no commissioner shall be concerned or have any interest in the pilotage business.

Pilot's pay,
 if carried to
 sea.

13. *And be it enacted,* That if any vessel going out, shall carry off to sea, through the default of the owner or master of such vessel, any pilot or deputy pilot, when a boat is attending to receive such pilot from on board such vessel, the master or owner or consignee of such vessel shall pay the board of commissioners afore-

said, for the use of such pilot, besides the pilotage of such vessel, at and after the rate of seventy-five dollars per month, until such pilot shall return to the port of Jersey City, Newark or Perth Amboy, as the case may be.

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CHAP. 7.

14. *And be it enacted*, That it shall and may be lawful for every branch pilot or deputy pilot, duly appointed and licensed, to ask and receive pilotage from any person or persons who shall employ him to pilot any vessel from the eastward or southward of the White Buoy, situate on the eastern edge of the Outer Middle Ground, near the bar, to the port of Jersey City, Newark or Perth Amboy, and shall there safely moor such vessel, or take her to a proper wharf, as the master, owner or consignee of such vessel may desire; and, likewise, from any person or persons who shall employ him to pilot any ship or other vessel from port, to the eastward or southward of said White Buoy, so far that such vessel may safely proceed to sea, at and after the following rates, that is to say: for vessels of the United States, and for vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, the sums following, viz: for every vessel drawing less than fourteen feet, any sum not exceeding two dollars for every foot such vessel shall draw; for every vessel drawing fourteen feet and less than eighteen feet, any sum not exceeding two dollars and fifty cents for every foot such vessel shall draw; and for every vessel drawing eighteen feet and upwards, any sum not exceeding three dollars for every foot such vessel shall draw; and for all vessels of war, any sum not exceeding five dollars for every foot such vessel shall draw; and for all other vessels, an addition of one-fourth to the above rates: *and further*, if the master or owner of any vessel having a pilot on board shall choose to have his said vessel, not destined to Jersey City, Newark or Perth Amboy as aforesaid, moored at any place within Sandy Hook, such pilot shall be allowed the same rate of pilotage as if the said ship or vessel was moored or conducted to a proper wharf, as aforesaid, and shall be entitled to his discharge from such ship or vessel within twenty-four hours thereafter; *provided*, that no more than half pilotage, at the rates aforesaid, shall be demanded or received by any such pilot who shall, to the westward of the said White Buoy, take charge of any vessel coming into port; *and provided also*, that no pilotage whatever shall be demanded or received by any such pilot for any such vessel coming into port, unless such pilot shall take charge of such vessel to the southward of the Upper Middle Ground, and such vessel be at least of the burthen of one hundred tons, unless such vessel shall make the usual signal for a pilot, in which case it shall be the duty of such

May receive
pilotage.

Rates of.

Half pilot-
age.

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 Additional
 pilotage.

 pilot to take charge of such vessel, and such pilot shall then be entitled to half pilotage therefor, as aforesaid: *and further*, that between the first day of November and the first day of April, inclusive, in every year, such pilot may ask and receive the additional sum of four dollars for every vessel drawing ten feet and upwards, and for every vessel drawing less than ten feet, the additional sum of two dollars, and one half of such additional sum for half pilotage; and it shall be lawful for every pilot and deputy pilot to ask and receive from any person or persons who shall employ him to pilot any vessel, and which shall be taken in charge by such pilot at such distance from land as that Sandy Hook lighthouse cannot be seen from the deck of such vessel in the day time in fair weather, the addition of one-fourth to the rates of pilotage allowed by this act.

Fees for de-
 tention.

 15. *And be it enacted*, That for every day which any pilot or deputy pilot shall be requested to remain or be detained on board any ship or vessel, by the master, owner or consignee, over and above the usual detentions of getting ships or vessels from the wharf to sea, and from sea to the wharf, he may demand and receive the sum of three dollars per day for each and every day he shall be so detained.

Fees for ex-
 tra services.

 16. *And be it enacted*, That every pilot or deputy pilot who shall have exerted himself for the preservation of any vessel appearing to be in distress, and in want of a pilot, shall be entitled for any extraordinary services to such sum as the pilot and master, owner or consignee can agree on, or in case of not agreeing, as the commissioners shall determine to be a reasonable reward.

Master re-
 fusing pilot,
 to pay half
 pilotage.

 17. *And be it enacted*, That if the master of any vessel (except schooners and sloops employed in the coasting trade licensed for that purpose, and not making the usual signal for a pilot,) coming into the ports of Jersey City, Newark and Perth Amboy, or into any of the waters of New Jersey, shall refuse to receive on board and employ a pilot who shall have offered to go on board and to take charge of the pilotage of such vessel, the master, owner or consignee of such vessel shall pay to the pilot half pilotage, from the place at which such pilot shall have offered himself to the port of destination; but no half pilotage shall be collected from any vessel in charge of a New York pilot.

Apprentices.

 18. *And be it enacted*, That to each and every boat in the pilot service, to and from Sandy Hook, there shall be not less than two apprentices, who shall be indented to the master of the said boat or boats, or some other branch pilot attached to the said boat or boats, for a term not less than four years; and it shall be the duty of the master pilot to whom such apprentices shall be indented, to attend

diligently to the instruction of said apprentices in the art and mystery of a pilot, from time to time, and, not less than once in every month of the last two years of the said apprenticeship, to take such apprentices on board of ships or other square rigged vessels, for the purpose of teaching said apprentices to work and manœuvre such ships or vessels. Every person who shall have served four years as an apprentice to a licensed pilot, and two years as a deputy pilot, shall be entitled to be examined and licensed as a branch pilot, if found qualified, in preference to any other applicants; and every person having served four years as an apprentice to a licensed pilot, shall be entitled to be examined and licensed as a deputy pilot, if found qualified, in preference to any other applicants: *and* further, that the said commissioners shall annually, in the month of May, cause all the said apprentices to be examined in their office, in the presence of two or more of the branch pilots, (who are hereby required to attend for that purpose) touching and concerning their knowledge of the tides, bearing and distances of the several shoals, reefs, bars, and points of land, currents, and every other matter the said commissioners may think proper, tending to promote the safe navigation of vessels between Jersey City, Newark, Perth Amboy and Sandy Hook.

19. *And be it enacted*, That the branch pilots, deputy pilots, and apprentices indented as above mentioned, and boat keepers (to be selected from the apprentices) shall be the only persons employed in the pilot service to and from Sandy Hook.

20. *And be it enacted*, That it shall be the duty of every pilot or deputy pilot, upon taking charge of any vessel, either outward or inward bound, to cause the lead to be regularly hove, and to see that the lead line is properly marked, and in default thereof, that he forfeit his pilotage.

21. *And be it enacted*, That in case the owner or consignee of any vessel shall not be satisfied with the amount of pilotage charged against such vessel, for the pilotage of such vessel to or from port, it shall be the duty of such pilot to have the amount of pilotage claimed by him as aforesaid, taxed or certified by the said commissioners, who are hereby required to examine and certify the same, without fee or reward; and that no suit or action shall be brought or maintained for such pilotage, until the same shall be taxed or certified as aforesaid.

22. *And be it enacted*, That in order to prevent intoxication in persons having the charge of vessels as pilots, that if any pilot or deputy pilot shall become intoxicated in charge of any vessel, as pilot, he shall, for the first offence, forfeit his pilotage, be suspended from duty for six months, and in addition thereto, forfeit

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CHAP. 7.

Instruction
of

Examined
and licensed.

Annual ex-
amination.

Who exclu-
sively em-
ployed.

Heaving the
lead.

When pilot-
age taxed or
certified.

Penalty for
intoxication.

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CHAP. 7.

and pay fifty dollars to the commissioners aforesaid, and to be by them paid to the trustees of the Pilot's Charitable Society, if such society is formed, and for the second offence, be deprived of his branch or license, as the case may be, and be for ever thereafter incapable of acting as a pilot.

How penal-
ties applied.

23. *And be it enacted*, That all forfeitures, fines and penalties, which shall or may be recovered and received under and by virtue of this act, and not otherwise appropriated, shall be applied, in the first instance, for, in or towards the payment of such costs of suit and disbursements of the said commissioners, in their prosecution and proceedings under this act, against offenders, as shall not be received by them from the party or parties prosecuted or proceeded against; and the overplus and residue thereof, if any overplus there should be, shall be accounted for and paid over, on the first Monday in June, in each and every year, to the Pilot's Charitable Fund, for the use and benefit of that association.

Fees of com-
missioners.

24. *And be it enacted*, That the pilots shall, once in each month, account to the said commissioners for the fees received by them for the pilotage; and the said commissioners shall be entitled to receive five per cent from the said fees, as a compensation for their services under this act, to be divided among the commissioners, according to the days they may have respectively attended.

Pilots to give
bond,

25. *And be it enacted*, That as soon as any branch pilot or deputy pilot shall have taken and subscribed the oath or affirmation prescribed in the third section of this act, the governor shall direct the commissioners of pilotage for the time being to take bond from such branch pilot or deputy pilot, in the sum of five hundred dollars, with two sufficient sureties, to be approved of by the said commissioners, for the faithful discharge of his duties prescribed in this act; and thereupon the said commissioners shall deliver to such pilot a license referring to his respective branch; and every such license shall be signed by the governor, and be of force during the term therein specified, or during such pilot's good behaviour; and every person who shall be appointed a pilot, and who shall have taken and subscribed an oath or affirmation, as directed in this act, and shall have given bond as aforesaid, shall be to all intents and purposes a pilot, agreeably to the certificate of the said commissioners.

and receive
license.

Annual re-
port.

26. *And be it enacted*, That it shall be the duty of the said commissioners to lay before the legislature, as early as the second week of their session, yearly and every year, all bonds taken by them as aforesaid, an abstract of their proceedings within the year then last past, together with a statement of the number of pilots in commission, the number of vessels taken in and out, and such observations

in relation to the system of pilotage, as in their opinion may tend ^{TI. XXXVII.} to the benefit of the cause of commerce, and may be of advantage ^{CHAP. 9.} to the general interests of this state.

CHAPTER 8.

TOLL OF MILLERS.

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| 1. Toll allowed. | | 3. Toll measures. |
| 2. Penalty for taking more. | | |

An Act to ascertain the toll of millers.

REV. 446.

Passed May 25, 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 every miller shall be allowed, for toll, one-tenth part of a bushel, and no more, out of every bushel of grain which he shall grind, including bolting, except malt, out of each bushel of which he shall be allowed one quart, and no more. Toll allowed to millers.

2. *And be it enacted,* That if any miller shall take or receive a greater toll for grinding than is allowed by this act, he shall, for every such offence, forfeit and pay three dollars, to be recovered by action of debt, with costs, by any person who shall sue for the same. Penalty for taking unlawful toll.

3. *And be it enacted,* That every miller shall keep in his mill an exact measure of one-tenth part of a bushel, and of one-twentieth part of a bushel, for his toll measures, with a fit instrument to strike the said measures, which shall be stricken whenever toll is taken; and if he fail in any of these particulars, he shall forfeit and pay three dollars, to be recovered as aforesaid. Millers to keep toll measures.

CHAPTER 9.

WEIGHTS AND MEASURES.

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| 1. Standard established. | | 4. Penalty for using others. |
| 2. Counties to be provided. | | 5. Standard of weights. |
| 3. Weights and measures sealed. | | 6. Standard of measures. |

An Act to establish a uniform standard of weights and measures in this state.

Revision....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the standard of weights and measures 1834-5.
PAMPH. 71.
1837-8.
PAMPH. 70.
1843-4.
PAMPH. 249,
267.
1845.
PAMPH. 141.
1846.
PAMPH. 132.

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CHAP. 9. of the United States, now deposited in the office of the secretary of state at Trenton, shall be the standard of weights and measures of this state, for the approving and sealing of the same, in the several counties thereof; and the said secretary of state is hereby enjoined to preserve and take care of the same, and to allow and assist such person or persons, authorized by the chosen freeholders of each county of this state, to compare and adjust a corresponding standard of weights and measures for each and every county, and shall give to such person or persons, so authorized, a certificate, under the seal of his office, of their correctness, as compared with the standard in his office; and the said secretary of state shall procure a seal, upon which shall be imprinted the letters S. S., and shall mark with the said seal each and every article so compared, for which he shall receive a reasonable compensation from the treasurer of this state, upon the certificate of the governor thereof.
- Standard established.
- Certificates furnished.
- Sealed.
- Chosen freeholders to provide for counties.
- County sealer.
- Oath.
- Filed.
- Notice to bring in weights and measures for sealing.
2. *And be it enacted*, That the chosen freeholders of each and every county shall, at the expense of the several counties in this state, provide, by the twentieth of March, eighteen hundred and forty-seven, a set of brass weights, from half an ounce up to fifty pounds avoirdupois, and measures from one pint up to a gallon, and from a quarter of a peck to half a bushel, and a yard stick, of good, permanent, and durable construction, according to the standard above mentioned, proved and sealed by the secretary of state, and likewise a seal, upon which shall be imprinted the letters C. S., who shall deposit the same with the clerk of the county they represent, who is and shall be hereby constituted the sealer of weights and measures for said county, and shall keep the same in his office in good order and repair, and shall take, on entering on the duties of his office, the following oath (or affirmation), viz:
- I ——— do swear (or affirm), that I will not stamp, seal, or give any certificate for any weights or measures, but such as shall, as nearly as possible, agree with the standard in my keeping, and will in all respects truly and faithfully discharge and execute the trust reposed in me to the best of my ability and capacity. So help me God.
- Which said oath (or affirmation) shall be administered by any justice of the peace, in the presence of not less than two members of the board of chosen freeholders of said county, and filed by said clerk in his office.
3. *And be it enacted*, That the clerk or sealer of weights and measures in every county of this state, shall post up a notification in writing, by setting up three advertisements in each township thereof, on the first day of March next, and on the same day every seventh year thereafter, or shall cause such notification to be pub-

lished at least four weeks successively in one or more newspapers printed and published in said county, requiring all and every person within their respective counties to bring in to the said sealer of weights and measures all such weights and measures by which they respectively buy or sell, giving at least thirty days notice of the appointed time for the sealing aforesaid; and the clerk or sealer may demand and receive from the owner of all weights and measures, so tried, proved, and sealed, by the seal of said clerk, two cents for each and every article which he may seal: it shall further be the duty of said clerk to give a certificate to every person or persons who may apply to him to have articles sealed, stating the number so sealed, their weight or capacity, and that they agree and correspond with the standard deposited in his office; and if any person or persons shall carry any weights or measures to said clerk to be sealed, at any time after the day notified for sealing as aforesaid, the clerk or sealer of weights and measures in such case may demand and take eight cents for each and every article he may seal.

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CHAP. 9.

Fees.

Certificate.

4. *And be it enacted*, That if any person or persons within this state shall, at the expiration of thirty days after the appropriate time of sealing, vend or sell any wares or merchandise, or any commodity whatever, by any other weights and measures but such as shall have been tried, proved and sealed as this act requires, the person or persons so offending shall forfeit and pay for every offence a sum not less than two, and not exceeding five dollars, one half to go to the prosecutor, and the other half to the poor of the township in which said offence may be committed, to be recovered by action of debt, in any court having cognizance of the same; *provided always*, that nothing in this act shall be so construed as to prohibit any person or persons from buying or selling by steel-yards or patent balances, when they shall have been tried by and agree with the standard aforesaid, and when the buyer and seller, payer and receiver, shall both consent thereto.

Penalty
for using
weights, etc.,
not sealed.

Proviso.

5. *And be it enacted*, That it shall be lawful and proper to calculate the standard of weights within this state in the following manner, to wit: sixteen drachms one ounce, sixteen ounces one pound, twenty-five pounds one quarter of an hundred, four quarters one hundred, and twenty hundred one ton, any usage or custom to the contrary thereof notwithstanding, except such as may be used in weights of coins and apothecary drugs.

Standard,
how calcu-
lated.

6. *And be it enacted*, That the bushel shall consist of sixty pounds of wheat, fifty-six pounds of rye or indian corn, fifty pounds of buckwheat, forty-eight pounds of barley, thirty pounds of oats, fifty-five pounds of flax seed, and sixty-four pounds of clover seed.

Bushel.

