Laws of the Royal Colony of New Jersey

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Laws of the Royal Colony of New Jersey

1703 · 1745

COMPILED, WITH AN INTRODUCTION

BY

BERNARD BUSH



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All of my benefactors notwithstanding, I cheerfully assume sole responsibility for whatever shortcomings this work may possess.

Bernard Bush
Executive Director
New Jersey Historical Commission

Trenton, New Jersey
April 1977

EDITORIAL NOTE

The two essential purposes of these volumes are to identify all of the laws enacted by the provincial legislature of New Jersey, and to publish complete and authentic texts of those laws based on the most reliable original sources, both printed and manuscript. This is the first compilation of the laws since 1800 and the most comprehensive one ever made. Some of the laws that appear here are not listed in the standard index.[1] Many are not to be found in the several compilations published in the eighteenth century.[2] Some were probably never printed and have existed only in manuscript. For a few of the laws only the titles, and in some cases brief summaries, were found; it is to be hoped that further research, especially in British repositories, will discover some or all of these missing texts. For the modern scholar the chief defect of the early printed compilations is their incompleteness. They contained only laws in effect at the time of compilation, on occasion even omitting acts that were about to expire with little likelihood of renewal.[3] For many laws, particularly private ones, only the title was given; for others, deemed of minor importance, the text was summarized. In addition, all the compilations had only the most rudimentary of indexes.

The present compilation contains the acts passed by the colonial assembly and approved by the governor and council. Acts subsequently disallowed by the crown are included. Bills introduced in the assembly but not passed are omitted, as are those passed by that body which failed to win the approval of the governor and/or council. Also excluded are executive and judicial acts having the force of law: governors' proclamations, royal charters in the colony, court decisions, and ordinances issued by the crown and the governors. Proceedings, resolutions, petitions, remonstrances, addresses, messages, reports and correspondence of both legislative houses are likewise beyond the scope of this work. Acts of Parliament pertaining to the colonies, which were on occasion published with the session laws and compilations, are omitted. Nor is the present work concerned with the acts of the Provincial Congress, convened in 1775, which superseded the colonial assembly and in July 1776 adopted the Constitution of the State of New Jersey.

Legislation often underwent changes before enactment, and these are reflected in different versions of bills; sometimes bills were published as broadsides and later were altered before becoming law. The text given here for each law is, as far as can be determined, the final version in which it was approved by governor and council. No attempt is made to trace the course of bills before passage or amendment, or otherwise to provide their legislative histories. By way of exception, laws disallowed by the crown after their adoption in the colony are so designated. The legislative history of colonial New Jersey still needs to be written, both in its institutional aspects and with respect to particular fields of legislation.[4]

The official session laws, printed shortly after enactment, are considered to

be the most reliable sources; insofar as they were printed and are extant, the present texts are based on them. Where no session law is available and there is an authenticated manuscript of the law, the text is based on the manuscript. Where neither session law nor manuscript exists, the text printed in Samuel Allinson's compilation, *Acts of the General Assembly* (1776), is used. The same rule applies to cases in which the extant session law or manuscript is incomplete. Printed and manuscript sources and variant printed sources have been compared as a means of verification of the texts used.

For the fact that a law was passed, the compiler has relied primarily on the printed session laws and secondarily on the eighteenth century compilations. These, however, are far from complete, omitting some laws known to have passed. For confirmation in these cases reference is made to the assembly *Votes and Proceedings*, most volumes of which (but not all) are extant in published and/or manuscript form. The date[5] of enactment given here is the date on which the act was approved by the governor. These are derived chiefly from the session laws, and when necessary from manuscript laws, assembly *Votes and Proceedings,* journals of the council, and the compilations of the laws. If not found, the date is given as "undetermined." In the case of acts for which no text has been located, reference to passage has been found in one or more of these sources.

Acts neither confirmed nor disallowed are not so indicated; the only negative action we have recorded is disallowance, and only when there is clear evidence of it. For example, a record of the Board of Trade's objection to a law and recommendation for its disallowance is not treated as proof of disallowance. To determine which laws were disallowed we have relied primarily on the published *Acts of the Privy Council* and related British records, and in addition on Allinson's compilation and on the journals of the New Jersey assembly and council.[6] The grounds of disallowance are generally given in the Privy Council *Acts*. Where they record disallowance, that is given priority as to the fact, the date of disallowance and other information. No case has been found in which Allinson notes disallowance and the Privy Council Acts record confirmation. Where Allinson notes disallowance and the Privy Council Acts contains no record, additional supporting evidence was sought.[7]

A considerable degree of license prevailed in eigtheenth century writing and printing. Consequently, not only did each printer of the colonial laws follow his own usage; he often varied it from one law to another. In preparing the laws for publication we have been careful not to change, add or delete punctuation except for greater ease in reading. Superfluous commas have been deleted; colons and semicolons have been added sparingly. The use of apostrophes was erratic in the eighteenth century; no attempt has been made to add or change them in the text. Generally, each sentence has been made to begin with a capital letter and end with a period; otherwise capitalization has been left unchanged. Eighteenth century spellings and archaic words have not been altered; however, obvious printer's errors have been corrected.

In the transcription of manuscript laws the calligraphy and physical condition did not always make possible a complete and unmistakeable reading of

the text. Missing words and letters are indicated by brackets. Some license has been taken in supplying paragraphing and punctuation without substantive departure from the originial. The text appears with the typographical characteristics of the printer of the laws for that year. Personal names and place names have been left intact. In case of an obsolete place name for which the modern equivalent is not clear, the modern name is supplied in brackets. All foreign words and phrases are italicized.

The annotations are for the most part bibliographical and are intended chiefly to guide the reader to the original sources from which the present text is derived. In cases where more than one volume of session laws was published in a single year, the citation includes the number of the assembly and session, and, where necessary, the sitting. Notes are also provided to explain the import of a law when it is not apparent from the text. Acts of Parliament referred to in the laws are also cited for the reader's convenience. Only in a very selective way is the reader given historical data readily available elsewhere, or informed about the identity of persons and places or conditions and events of the times. No attempt is made to explain the causes and effects of particular laws, or such matters as weights and measures and the relative value of currency.

In the most comprehensive eighteenth century compilation of the laws, that of Allinson published in 1776, there are footnotes providing a miscellany of information pertaining chiefly to the history of the laws following their passage (repeal or modification), their importance (the first law of its kind, etc.), their relation to other laws, and their standing at the time of publication. Reference is made here to those of Allinson's notes which pertain to repeal, disallowance, and the legal consequences of disallowance. In addition, when the text of a law has not been found, we have included any useful information about it provided by Allinson.

The laws are arranged by assembly, session and sitting, and under each in the order in which they appear in the published session laws, so far as can be determined.

Notes

1. John Hood, *Index of Colonial and State Laws of New Jersey Between the Years 1663 and 1903 Inclusive* (Camden: Sinnickson, Chew, 1905), pp. 39-67.

2. *The Laws and Acts of the General Assembly . . . Enacted in divers Sessions, the first of which began at Amboy, November 8, 1703* (New York: William Bradford, 1709); *The Laws, and Acts . . . as they were enacted . . . in divers sessions, the first of which began in November, 1703* (New York: William Bradford, 1717); John Kinsey, ed., *The Acts of the General Assembly . . . from the time of the surrender of the government . . . to the fourth year of the reign of King George the Second . . .*(Philadelphia: William and Andrew Bradford, 1732) including undated supplement, pp. 283-99; Samuel Nevill, ed., *The Acts of the General Assembly . . . from the time of the surrender of the government . . . to . . . the twenty fifth year of the reign of King George the Second . . .* (Philadelphia, William Bradford, 1752); Samuel Nevill, ed., *The Acts of the General Assembly . . . from the year 1753 . . . to the year 1761 . . . vol. 2* (Woodbridge:

James Parker, 1761); Samuel Allinson, ed., *Acts of the General Assembly . . . from the surrender of the government to Queen Anne . . . 1702, to the 14th day of January 1776* . . . (Burlington: Isaac Collins, 1776); William Paterson, ed., *Laws of the State of New Jersey, Revised* . . . (New Brunswick: Abraham Blauvelt, 1800), pp. 1-38. The laws of the proprietary governments of East and West New Jersey prior to 1703 are published in Aaron Leaming and Jacob Spicer, eds., *The Grants, Concessions, and Original Constitutions of the Province of New Jersey* . . . . (Philadelphia: William Bradford, 1758).

3. Allinson, *Acts of the General Assembly,* pp. 339-40. About the law in question, which provided remedy against excessive court costs in recovery of debts, Allinson writes: "As this Act will expire by its own Limitation at the next Session of Assembly, and as there is Reason to believe it will not be revived without Alteration, only the Title is thought necessary in this Collection." Altogether, pages 339-40 contain the titles but not the texts of eight acts—three expired, two private, two obsolete, and one disallowed. He notes at least one law to have been lost: In giving the title of an act to establish courts, passed December 16, 1748, he writes: "The Original Act is mislaid—It is said to have continued the Jurisdiction of Justices of the Peace to recover Debts and other Demands for and under Five Pounds," p. 188.

4. "Despite the significance of the subject, historians have paid scant attention to the New Jersey legislature in the seventeenth and eighteenth centuries. To be sure, we know a great deal about the constitutional-legal environment that facilitated the growth of representative institutions, about the procedures whereby the citizenry chose their legislators, and about the major legislative contests. But there is for New Jersey no study of the institutional development of the assembly, no close examination of the legislative committee system, no set of biographical profiles of assemblymen, no investigation of the composition and operation of the council, no systematic study of the relationship between provincial and legislative politics, no exploration of the connection between imperial politics and provincial government, and no definitive assessment of the impact of the Revolution on government and politics such as exists for other colonies. Indeed, whether at the town, county, or colony level, knowledge about government in colonial New Jersey is scarcely more than rudimentary." Larry R. Gerlach, "Power to the People: Popular Sovereignty, Republicanism, and the Legislature in Revolutionary New Jersey," in *The Development of the New Jersey Legislature from Colonial Times to the Present: Papers Presented at a Commemorative Symposium . . . May 24, 1975,* ed. William C. Wright (Trenton: New Jersey Historical Commission, 1976), pp. 11-12.

5. According to the Julian calendar, devised by the Romans in 46 B.C., the year began on March 25. According to the Gregorian calendar, which was adopted by Catholic Europe in the sixteenth century, the year began on January 1. Great Britain changed from the Julian to the Gregorian calendar in 1752. For the period prior to that year the dates from January 1 to March 24 are given with two years.

6. W.L. Grant and James Munro, eds., *Acts of the Privy Council of England, Colonial Series* (London: 1908-12), vols. 2-4; Cecil Headlam, ed., *Calendar of State Papers, Colonial Series, America and West Indies . . . Preserved in the Public Record Office* (London: 1860-1968), vols. 17:1704-1705 (1916), 18:1706-June, 1708 (1916), 20:1710-June,1711 (1924), 28:1722-1723 (1934), 34:1732 (1939). (Arthur P. Newton, co. ed., vol. 34); *Journal of the Board of Trade and Plantations,* vols. 1-4:1704-1782 (London: 1920-38); Allinson, *Acts of the General Assembly*; Frederick W. Ricord and William

Nelson, eds., *Journal of the Governor and Council,* vols. 1-6, 1682-1775 *Documents Relating to the Colonial History of the State of New Jersey, Archives of the State of New Jersey,* First Series, vols. 13-18 (Trenton, 1890-93), *Votes and Proceedings of the General Assembly of the Province of New Jersey* (variously titled, published 1710-75) and Manuscript Journals, Journals of the Assembly, New Jersey State Library.

7. The following examples will serve to illustrate the method used: Five acts of 1704, noted as disallowed in Allinson, are not referred to in the Privy Council *Acts;* supporting reference is found only in secondary sources. We record them as "disallowed?". An act of 1763, noted as disallowed in Allinson, is not so recorded in the Privy Council *Acts;* it was later repealed and apparently was not disallowed. We do not record it as disallowed. Three acts—to impose a duty (1730), to extend two acts of Parliament to New Jersey (1766), and to appoint commissioners for barracks (1767)—are recorded in the Privy Council *Acts* as disallowed but are not so noted in Allinson; we record them as disallowed. For an act of 1766 appointing barracks commissioners the date of disallowance is not given in the Privy Council *Acts,* but they contain clear evidence of its disallowance; we have recorded it as "disallowed, date undetermined."

INTRODUCTION

There is so much Insincerity and Ignorance among the people, and withall so rooted a Jealousy of their Governours, & so strong an Inclination in the meanest of the people (who are the majority & whose Votes make the assembly) to have the sole direction of all the affaires of the government, & to make the governour and other Officers Intirely dependant on themselves, that it requires much more temper, Skill, & Constancy to Overcome these difficulties than falls to every mans share. . . .

*Lewis Morris, Governor of New Jersey, 1739-1746**

At the turn of the eighteenth century an imperial policy was developing that was inimical to the continued existence of proprietary colonies in British North America. Their relatively self-governing status appeared increasingly to lead to practices contrary to the larger needs of empire. Charges of piracy and illegal trade, resistance to juridical control, legislation contrary to English laws, maladministration of justice, manufacturing in competition with that of England, inadequate defense measures—these were among the problems reported by the crown's colonial officials, who recommended abolition of all the proprietary and corporate governments and their replacement by royal provinces under more direct rule. The Navigation Act of 1696,[1] which created a Board of Trade, was aimed at the consolidation and strengthening of imperial authority over the colonies. Bills to create royal governments in all the colonies were introduced in Parliament beginning in 1701. While the issue was debated during the first half of the new century, there occurred the voluntary surrender of the Jerseys and their establishment as a united royal province in 1702.[2]

That change occurred after three decades of conflict between proprietors and inhabitants in the Jerseys had degenerated into such disorder and factionalism as to constitute a condition of near anarchy. The surrender of proprietary government to direct rule by the crown appeared a desirable prospect to virtually all of the provincial factions, as well as to the British government itself. In October 1701 negotiations were begun under King William for the surrender of the proprietary governments of East and West Jersey to the crown. Following the king's death in March 1702 the transition was executed by Queen Anne on April 17. Edward Hyde, Lord Cornbury, a cousin of the queen, already in America serving as governor of New York, was appointed to govern New Jersey as well. His official instructions from the crown, dated November 16, reached him in July 1703. They constituted the frame of government for the new royal province.[3]

New Jersey's population in 1702 was approximately 10,000, a small pro-

*Lewis Morris to Sir Charles Wagner, 10 May, 1739, Lewis Morris Papers, MG 16, Item 98, New Jersey Hstorical Society, Newark, N.J.

portion of the quarter of a million people who inhabited the area that became the thirteen colonies. By the 1770s its numbers had increased to 130,000, of a total population of two and half million. In a predominantly agrarian colonial economy, New Jersey was even more agricultural than most of the colonies, having no urban metropolis within its borders and depending largely on the ports and merchants of New York and Philadelphia for its external commerce. It was probably the most diverse in ethnic backgrounds and religious denominations of all the colonies.[4]

The Governor and His Instructions

The colonial government under royal rule consisted of a governor and a council appointed by the crown, a popularly elected assembly, and a judiciary and other officials appointed by the governor or directly by the crown. From 1703 to 1738 New Jersey was a secondary administrative unit in the domain of the royal governor of New York; in all other respects it had its own separate organs of government and its own officials.

The governor served at the pleasure of the monarch in accordance with a commission and instructions issued on his appointment. A governor's commission in the royal colonies possessed constitutional force based on imperial custom in the federal dominions of Britain.[5] His role and influence in the legislative process depended also on his political skill, the strength of his alliances with assembly factions, and the degree of his support in Britain. While there were some matters in which no governor was able to bend an assembly, he enjoyed certain very substantial weapons in his struggle to control the provincial government—the power to veto legislation; the power to convene, adjourn, prorogue or dissolve the assembly at any time; and control of the appointment of virtually every public official in the province other than the members of the assembly.[6]

Each governor was obliged to measure all acts of the provincial assembly against the provisions of his instructions, which he received with his commission from the crown. They described his powers, the nature of legislation which he was to encourage or prevent, institutions and offices he was to establish, and conditions which the home government wished to foster in the province. The queen's instructions to the first royal governor remained, with periodic modifications, the effective constitution of New Jersey until the Revolution.[7]

The instructions to Cornbury provided for the creation of a single assembly uniting the former provinces of East and West Jersey, sitting alternately at the two capitals, Burlington and Perth Amboy. The twenty-four members would consist of ten each to be chosen at large by the freeholders of East and West Jersey and two each elected by "the Inhabitants House-holders" of Burlington and Perth Amboy. Candidates for the assembly were required to possess one thousand acres of land in the division they represented (the eastern or western division). The qualification for voting was one hundred acres. The number and apportionment of representatives were subject to change only by act of assembly approved by the crown.

The governor was directed to have the previous laws of East and West Jer-

sey compiled[8] and to have those deemed useful enacted with suitable revision. Every act was to be transmitted to the home government for review within three months of its approval by the governor. He was directed to propose to the assembly revenue bills in support of the provincial government, including the salaries of elected and appointed officials. He was empowered to regulate public salaries and fees, with the council's advice and consent.

All acts levying money or imposing fines and penalties had to state (following the style of parliamentary acts) that the money was granted or reserved to the crown "for the public use . . . and the Support of the Government," with the assembly's desire that it be applied as intended. Careful accounts of public expenditures had to be kept and transmitted to the British treasury. Public funds might be expended only on the governor's warrant, with the advice of the council, but "the Assembly may be nevertheless permitted from time to time to View and Examine the Accounts of Mony or Value of Mony disposed of by virtue of laws made by them . . . ." There was to be no legislative act or executive order "whereby our Revenue after it shall be settled, may be lessened or impaired," nor could the colonial government alter the price or value of current coin (whether British or foreign) in the province, without the crown's permission.

The governor was also to seek legislation imposing import and export duties similar to those of New York so as to avoid undermining that colony's trade. And he was to inform the crown periodically of the province's trade, examine the rates of duties, and take measures for improvement. Engrossing (monopolizing) of commodities was forbidden, and freedom of trade was to be maintained. The governor was required to encourage merchants and to take measures for the efficient operation of the slave trade.

A one-year limitation was fixed on laws taxing wines and other strong liquors. In general, however, all laws were to be of indefinite duration, except those enacted for a temporary purpose. No law might be reenacted "except upon very urgent Occasions, but in no Case more than Once without Our Express Consent."

The governor was to propose legislation to confirm the rights of the general proprietors to their lands, quitrents and privileges (except the right of government) and the titles and estates of purchasers of lands from them. Only the proprietors and their agents were permitted to purchase land from the Indians within the boundaries of the proprietary grants.

Judges and other appointed public officials might be dismissed only for just cause and could not be subjected to arbitrary removal, and there was to be no time limit placed on their appointment. Neither the governor nor any other official might hold more than one public office at the same time. No new courts or judicial offices could be created without the crown's order. Appeals from judgments of provincial courts might be made to the governor, and ultimately to the Privy Council of England, except in small claims causes. The governor was directed to propose a law to set property qualifications for jury service.

Concerning the liberties of subjects, the queen directed the governor:

> You are to take care that no Mans Life, Member, Freehold or Goods be taken away or harmed . . . otherwise than by Established and known laws . . . agreeable to the laws of England.
>
> You are to permit a liberty of Conscience to all Persons (except Papists) so they be contented with a Quiet and Peaceable Enjoyment of the same, not giving Offense or Scandal to the Government.

Quakers were permitted to hold office, and a law was to be enacted permitting them to substitute their "solemn Affirmation and Declaration" for the oath of allegiance to the crown. The governor was directed to seek a law to prevent "Inhuman Severity" to servants and slaves, and to punish by death "the willful killing of Indians and Negroes" and to provide punishment for their maiming.

A Protestant oath was required for public office, and the governor was directed to take measures to support the Church of England and its practices in the province. The queen laid down this policy concerning the press:

> For as much as great inconveniences may arise by the Liberty of Printing in Our said Province, you are to provide by all necessary Orders, that no Person keep any press for printing, nor that any Book, Pamphlet or other matters whatsoever be printed without your especial Leave and License first obtained.

The instructions required the training of a militia and cooperation in the defense of other colonies, and the governor was to keep the home government fully informed of military matters. He was directed to seek legislation for the relief of creditors of bankrupts in Britain having estates in New Jersey. Finally, he was empowered, with the advice and consent of the council, to take any other action "that may be of Advantage and Security" to the province, subject to crown approval. He was not, however, to "Commence or declare War" without the crown's command, "except it be against Indians with Council consent," in which case he was to inform the home government promptly.

Other Agencies of Government

In carrying out these policies and representing the royal interests, the governor relied on his administrative powers and on the system of appointed public officials in the colony. Above all, he relied on the council, which functioned essentially as his cabinet and as the upper house of the legislature. The council contained six members each from East and West Jersey; since positions often remained vacant, its actual size fluctuated.[9] From 1703 to 1738 the governor sat with and presided over the council when it met in its legislative capacity. When the province acquired a separate governor this practice ceased, thereby adding to the council's stature; thereafter the senior councillor presided and signed bills for the council. The president of the council assumed the office of governor in the event of the incumbent's death.[10]

As an agency of the executive branch the council's administrative functions included the power to establish courts and to fix the time of their sessions and their fees. It was also responsible for general administration of the execution of the laws and for advising the governor. As the upper house of the legislature the council technically had the power of approval over all acts of the assembly, but in fact its direct role in legislation was largely confined to amending. The

bills originating in the council mainly concerned military affairs. Most other legislation, including all money bills, originated in the lower house.[11] Until the early 1750s the council frequently sought to defend its right to amend money bills; by then the issue in general had been lost by the upper houses in the colonies.[12] Nonetheless, given the strength of will, the constitutional power of the council to block legislation was real enough, and on occasion it even vetoed a bill favored by the governor.[13]

New Jersey was one of the few colonies where the royal prerogative in the establishment of courts was maintained intact, with no substantive role given the assembly.[14] The courts were created by a series of ordinances promulgated by governor and council.

> An ordinance of 1704 erected the framework of the colony's judicial system which endured until the Revolution. A supreme court (exercising both original and appellate jurisdiction), a network of county courts (common pleas, quarter sessions, and oyer and terminer), and a host of justices of the peace formed the backbone of the judicial system. The highest tribunal was the court of errors and appeals, consisting of governor-in-council. The court of chancery, in which the governor (chancellor) presided over equity cases, and the prerogative court, in which the governor (ordinary) heard matters relating to the probate of wills and administrates of estates, round out the judicial hierarchy . . . .[15]

For most of the colonial period the governor appointed the chief justice of the supreme court; he also appointed other judges to the court. Generally three judges served at a time.[16]

Throughout the period the assembly enacted legislation affecting the judicial system and in other ways influenced it.[17] For example, there were laws regulating legal practice and preventing abuses, providing that grand juries be required for indictments, according Quakers the right to jury service, reducing court costs, and requiring the recording of deeds. Other laws restricted supreme court jurisdiction in small claims cases and established small claims courts, limited the terms of sheriffs and required them to give security for the discharge of their offices, and prevented multiplicity of lawsuits. The lower house also acquired important influence over the governor's selection of supreme court justices and obtained a requirement that they reside in the colony. A constitutional issue was fought over in colonial America respecting a judiciary appointed during good behavior and independent of the crown (established in Britain since the Glorious Revolution of 1688), but the issue of judicial tenure in New Jersey was more political than constitutional.[18]

Although the assembly had enjoyed certain powers as a court in proprietary West Jersey, during the period of royal rule it did not. When petitioned to settle civil suits it declined, as in a property dispute in 1748 when it declared, "we have no power to decide." Attempts to grant divorce through legislation were disallowed by the crown. Acts of relief or indemnity of individuals, such as debtors, were sometimes approved; while the British government discouraged the passage of individual acts of this kind, it approved general acts of which individuals could then take advantage. The assembly frequently issued warrants

summoning persons to appear before it to give testimony, and at times oaths were probably administered to witnesses in the house.[19]

In addition to the council and the judiciary, the other high appointed officials of the provincial government were the attorney general, the treasurer (receiver-general), the secretary, and the colonial agent. Of seven secretaries from 1703 to 1775, three were appointed by governors and four directly by the crown. Of seven attorneys-general, five were appointed by governors and two by the crown. From 1703 to 1719 there was a single treasurer for East and West Jersey, although in 1709 and 1711 special treasurers were appointed for each division to administer the issuance of paper currency; beginning in 1719 one treasurer served each division. They were appointed by the governor but were generally designated first by the assembly. The colonial agent was the official representative of the colony's interests in Britain. Before 1715 New Jersey relied on New York's agent, and from 1715 to 1722 New Jersey's secretary, who resided in London, performed the duties of agent as well; thereafter the colony had five agents, all appointed by the assembly.[20]

An extensive system of local government was inherited from the seventeenth century. Each county was managed by a body composed of the county judges and two freeholders chosen by each town. The freeholders were elected annually; the town assessor, the tax collector and the clerk were appointed by the freeholders from a slate of candidates nominated by the people. Other officials were the county surveyors of roads and overseers of the poor, and the town constables and overseers of roads. Much of the public business was carried on by this network of officials,[21] and there were few provincial laws interfering with county or municipal affairs.[22] Local rule was modified, however, by an important degree of provincial control over the extraordinary expenditures of county and municipal governments. Through special enabling acts the assembly authorized the imposition of local taxes for specific purposes such as poor relief and the construction of roads, bridges, jails and courthouses.[23]

The Assembly

The assembly met alternately at Burlington and Perth Amboy, the two provincial capitals, although occasionally a governor's illness, an epidemic or some other emergency caused it to meet elsewhere.[24] The term of an assembly continued at the governor's pleasure, and sessions were held at his call, their frequency depending on the political situation and the demands of government at the time. Commonly, governors would retain assemblies friendly to their policies and would prorogue, adjourn or dissolve hostile ones. Beginning with William Burnet (1720-1728), the governor exercised the option of keeping the assembly elected under his predecessor.[25] Six general elections were held between 1743 and 1751, but only four from 1754 to 1775; and of these, one (1760) was caused by the accession of a new king and one (1771) by representation granted to new counties. The longest assembly was the twentieth, which began in March 1761; it was retained by William Franklin on his appointment in 1762 and ended in 1768.[26] By the 1740s a tradition of semiannual sessions was observed, but it was reversed during Franklin's regime. The assembly gen-

erally met twice a year between 1744 and 1762, but only five times from 1763 to 1775; during a period of eighteen months (May 1768-October 1769) no session was held.

The assembly never won the power to determine the time and length of its own meetings; that remained strictly a royal prerogative, along with the right to call elections. While, as in other colonies, the assembly periodically attempted to enact legislation fixing regular legislative terms and elections, these efforts were invariably thwarted by governors or disallowed in Britain. In 1770-1771 a controversy occurred over the legality of an assemblyman's resignation and its acceptance by the assembly. If the action were legal, then by extension the entire house could dissolve itself by resignation, thereby gaining the power to fix its term of office. The conflict was abated by Governor Franklin through political maneuvers which left the basic issue unresolved.[27]

The assembly had a carefully constructed balance between East and West Jersey until 1768, when three new counties were granted representation, thereby giving the western division seven counties as against six in the east. The tradition was established quite early that the assembly elected its own speaker with pro forma approval by the governor, who technically held the power to appoint a man of his own choice.[28] The governor, however, appointed a clerk and a sergeant-at-arms for the assembly, who were not members of that body.[29] An act of 1730 prohibited assembly members from holding "any Office of Profit" from the crown or the governor.

In contrast to the upper house, members of the assembly tended to come from new wealth rather than old established families, and they represented a diversity of occupations. Still, they tended to be wealthier and of a higher economic status than most of their constituents. For example, in the period 1760-1775, while the great majority of East Jerseymen were small farmers, only a quarter of their elected representatives were of that group.[30] Few men entered the assembly with experience in provincial affairs, but most had strong backgrounds as county or local officials. In each assembly there emerged leaders of some stature, most of the distinguished men of the province serving at one time or another in the lower house. There was a high degree of continuity in office;[31] for example, of the thirteen elections between 1730 and 1775, only in one (1769) was a majority of incumbents not returned, and in that year eleven of twenty-four were reelected.[32] The continuity of leadership and the tendency of some members to specialize in certain fields of legislation also made for stability.[33]

After the formalities of opening a new assembly or session, hearing the governor's address, electing a speaker and petitioning for privileges,[34] the assembly would meet as a committee of the whole to decide upon a course of legislative action. It adopted resolutions on important measures, which generally included the amount and duration of an appropriation for the support of the government. The speaker then delivered its reply, which as a rule was brief and perfunctory, to the governor's address. Bills were then introduced, sometimes by individual members but more often by committees. Committees were appointed to prepare or study certain bills, but there were virtually no stand-

ing committees; government support bills and other important measures were worked out in committee of the whole. A bill required three readings in the lower house; following final passage it would be sent to the council for approval or amendment, the assembly often consenting to amendments. In case of conflict over a council amendment a conference committee would meet, sometimes for many days. Generally the assembly's position prevailed and that body retained the initiative in the legislative process. The most important item of business—taxes and support of government—was virtually under its exclusive control; by common practice the council might reject money bills but it could not initiate or amend them.

Petitions for redress of grievance submitted by groups or individuals formed the basis of much legislation outside of fiscal affairs. New Jersey was slower than most of the colonies to establish legislative machinery to handle such petitions, but in 1730 the assembly appointed a grievance committee of the whole house, its only standing committee. The power of popular petition was also a frequent factor in thwarting certain bills.[35]

During the session the assembly and the governor communicated by formal addresses and messages, conferences, and the dispatch of committees to seek his action or to ascertain his views. At the conclusion of its business the assembly went in a body to present the government support bill to the governor. He would address both houses, indicate the bills he would sign, and close the session.

Beyond those strictly legislative functions the assembly also dealt with such matters as the oversight of expenditures of appropriated monies, loan offices and other financial affairs, and the determination of the qualifications of its members. Assembly leaders held conferences with the governor about appointments to public office.[36]

The Electoral Process

The men who made the laws were chosen by an electoral process that underwent considerable modification during the period of royal rule.[37] Queen Anne's instructions in 1702 apportioned the twenty-four assembly seats equally between East and West Jersey, subject to change only by legislation approved by council, governor and crown. In 1704 by an act of assembly the members from each of the two divisions would no longer be chosen at large at a single polling place; instead, the representatives were distributed among the counties and towns according to size of population. Although approved by the governor, the act failed to receive confirmation by the crown. But in 1705 the Board of Trade sent Governor Cornbury additional instructions allocating two representatives to each of the nine counties and to three designated towns. The counties were Burlington, Cape May, Gloucester and Salem, in West Jersey; and Bergen, Essex, Monmouth, Middlesex and Somerset, in East Jersey; the towns were Burlington, Salem and Perth Amboy. The new apportionment, which maintained equality between East and West Jersey, was embodied in an act of the assembly in 1709. In 1728, in accordance with instructions from the Board of Trade to Governor William Burnet, the assembly transferred the two seats of the town of Salem to Hunterdon County, established in 1714; the

change was first reflected in the assembly representation in 1733. And in 1768 the three new counties of Sussex, Cumberland and Morris were accorded two representatives each, increasing the size of the assembly to thirty; the new delegates took their seats in 1772. The only serious controversy over apportionment concerned the question whether the crown alone had the prerogative of extending representation or whether the assembly shared in that power. That was an issue the assembly never won.

Substantial reductions were made in the property qualifications for voting and for serving in the assembly. The act of 1704 would have nullified the qualifications and extended the franchise to all "freeholders"; despite the rejection of the act, the Board of Trade's instructions the following year did allow voters to substitute personalty of £50 sterling in place of the required one hundred acres of land. In 1709 the assembly changed the personalty qualification for voters from sterling to current money in New Jersey, and the qualification for election to the assembly was set at one thousand acres or £500. Such alterations initiated by the assembly generally failed to win confirmation by the crown, but they were not always disallowed. On doubtful constitutional ground, they nevertheless became established practice in the colony.

The electoral machinery was administered by sheriffs appointed by the governor. These men were the object of widespread charges of abuse of their office. They were accused of falsifying election returns, employing devices to mislead or inconvenience voters, refusing to permit Quakers to vote, denying opposition candidiates the right to have challengers at the polls, and disqualifying candidates on false grounds. As a consequence, there were numerous disputed elections and a general atmosphere of instability. In 1725 the assembly enacted a law reforming the electoral system and providing penalties for violations. The law established procedures concerning public notice of elections, polling places, the functions of election officials, the method of casting ballots, the method of proving qualifications, and the affirmation for Quakers. There were provisions against unduly influencing voters and spreading false reports about the candidates. The owners of large estates could no longer lend portions of their land to persons who were thereby enabled to qualify as voters.

The new law reduced but did not entirely eliminate questionable electoral practices. The major portion of cases subsequent to its passage involved conflict of interest on the part of assembly members who held an "office of profit" from the crown. There continued to be disputed elections, but far fewer than before; they tended to concern technical matters of law rather than outright and deliberate corruption.

After the law of 1725 it remained a common practice for officials to conduct the voting at only one place in each county. Although the polls would be kept open for several days, the necessity of traveling a great distance must have discouraged many voters, particularly small farmers. Similarly, the custom of voice voting rather than secret ballot would have inhibited persons who did not wish to be openly associated with contending parties. The exercise of the franchise was further discouraged by the generally poor communications (aggravated by the absence of a newspaper published in New Jersey), infrequent

elections, the absence of province-wide political groups, and an air of apathy toward events and issues beyond the strictly local. While about half the adult white males in the province enjoyed the vote by the 1770s, there was an increasingly large group of the disfranchised poor, consisting principally of landless agricultural laborers. In addition, by common practice in the colonies certain groups—women, Negroes, non-Protestants, and aliens—were deprived of the vote, along with minors and the inmates of prisons.

Political Issues and the Assembly

From the first days of royal rule there were several more or less clearly defined interest groups in the province. In East Jersey there were the principal landholders, the so-called "Scotch" proprietors; and opposed to them were the "English" proprietors and the Nicolls Patentees, those who claimed lands in the Elizabethtown and Monmouth patents based on purchase from the Indians under the regime of Colonel Richard Nicolls (1664-1665). In the western division the Quakers and the Anglican faction opposed each other, while the West Jersey Society and the West Jersey proprietors, each made up of representatives of both religious groups, held different views on the administration of government. Two political factions emerged "out of this complicated tangle of land grabbing factions and denominational groups," as the Quakers and the West Jersey Society combined with the Scotch proprietors of East Jersey against their opponents who formed the "anti-proprietary" party. During the seven decades of royal rule the various interest groups formed a series of shifting political alliances. In their struggle for control of the government their overriding goal was the control of lands and the profits to be derived from their lease, sale or cultivation; the religious controversies over Anglican power and Quaker rights were an important secondary factor.[38]

This factional conflict pervaded the atmosphere of the colonial government.[39] With the appointment of each new governor all sides endeavored to win him to their interest or, failing that, to align a majority against him. The governor would exploit factional animosities and seek alignments to strengthen his own position. Much legislative action was politically motivated, springing from efforts by one faction to weaken its opponents, sometimes not only politically but also respecting their personal fortunes.[40] All factions formed temporary alliances to gain specific legislative or other goals, and they traded bills, making support contingent on their opponents' assent to other bills. Assembly majorities were at times obtained by questionable electoral devices. The salaries of public officials were reduced or withheld altogether. The land claims of opponents were undermined by laws making juries less amenable to them. Assemblies were prorogued, dissolved or prolonged, depending on their political complexion and malleabilty. Men were dismissed from office, or their positions in the colony or in London damaged by accusations, rumors and litigation. Attempts were made to induce a governor's support by the appropriation of higher salaries or through other financial considerations.

This political scene was closely related to events in New York and London. New York was the principal arena for the public activities and ambitions of

many of the leaders of New Jersey; strengthened by family connections, the politics of the two colonies were intertwined, as were their economic affairs. Colonial leaders also depended heavily on support from well-placed connections in the British government, especially in the Board of Trade and other agencies of colonial administration.

During most of the period of royal rule New Jersey was by all accounts among the least turbulent of the North American colonies; yet here as elsewhere those seven decades witnessed a running battle between popular assemblies and royal agents over the powers of government. At times there was uncompromising hostility between assembly and governor, as in the regimes of Cornbury (1703-1708) and Lewis Morris (1738-1746), and the law-making process was virtually suspended.[41] More tactful governors deflected popular antagonism from themselves to the council or to the authorities in Britain; others made substantial compromises and managed to maintain a rapport with the assembly.

To the crown the royal governors in America, operating from their instructions, were the central agency of colonial government. To the assemblies it was they that played that role, and they did not regard royal instructions as binding on the colonies, only on the governors and other officials to whom they were issued. In any conflict between royal commissions and instructions and legislation enacted by elected representatives to solve local problems, they regarded the latter as supreme "Whether or not royal and proprietary instructions were absolutely binding upon the colonies was the leading constitutional issue in the period before 1763 . . . ." In defending their position the lower houses relied on the premise that the original colonial charters, with their guarantees of liberties, were inviolate, whatever had happened to them since their promulgation. They also assumed that as inhabitants of the empire the colonists were entitled to the traditional rights of Englishmen, whether they happened to reside in England or overseas—including the right of legislative representation.[42]

Between 1689 and 1763 a combination of imperial indifference and compromise and the absence of strong institutions to deal with colonial affairs worked to the advantage of the colonial assemblies' quest for power.

> ... They gained much of their power in the course of routine business, quietly and simply passing laws and establishing practices, the implications of which escaped both colonial executives and imperial authorities and were not always fully recognized by the lower houses themselves. Precedents thus established soon hardened into fixed principles, "undoubted rights," or "inherent powers," changing the very fabric of their respective constitutions ... [The Seven Years' War] saw drastic acceleration in the lower houses' bid for authority, and its conclusion found them in possession of many of the powers held less than a century before by the executive ....[43]

There were four essential areas of government in which the lower houses achieved dominance,[44] and the foremost of those was the power of the purse.

Having gained the exclusive power to originate money bills, they asserted their control over the auditing of accounts of public officials, and over public expenditures through appropriations allocated for specific purposes and through the appointment of special officials to carry them out. They established the right to issue paper currency, although that practice was subject to changes in British policy and to the frequent disallowance of colonial legislation. The assemblies also won an important measure of control over the civil list by refusing to provide officials with regular salaries, and regulating the salaries instead by periodic acts of legislation. They gained considerable independence from the governors in the management of their own internal affairs. They won a share in such executive powers as the appointment of revenue collectors, colonial agents and other public officials; policy making in Indian, military and trade affairs; and the erection of courts and the regulation of judicial tenure. And they imposed some limitations on the influence of governors in church and judicial matters.

In New Jersey, as in other colonies, by the pursuit of limited ends in specific instances of legislation precedents were set, at times fortuitously and at other times by the assembly's deliberate circumvention of imperial policies and instructions. For example, property qualifications for voters were modified in contradiction to Governor Cornbury's explicit instructions from the crown. And by passing an act providing for legislative apportionment identical with Cornbury's instructions, the assembly took a step toward establishing the principle that a royal instruction to the governor required the sanction of a legislative act. When Governor Burnet attempted to treat as void the law of 1709 lowering property qualifications for voting on the grounds that it violated his instructions, the assembly successfully resisted on the principle that acts once approved by the governor and council remained in effect until disallowed by the crown or repealed.[45]

A series of actions concerned with fixing the place of assembly meetings illustrates how narrow legislative battles sometimes resulted in constitutional precedents. In contradiction to Queen Anne's instruction to alternate legislative meetings between the two provincial capitals, the assembly in 1709 designated Burlington the sole meeting place in an act that was approved by Lieutenant Governor Richard Ingoldsby and confirmed in Britain. Since the crown had thereby effectively waived its prerogative in the matter, the succeeding governor, Robert Hunter, was forced to comply with the act. After new instructions from George I in 1715 reiterated the requirement of alternate locations, Hunter called the legislature to a meeting in Perth Amboy, on the premise that the new instructions suspended the act. The Board of Trade ruled that only repeal could set aside an act confirmed by the crown. The act was repealed by the assembly. The principle was thereby established that a provincial act, once confirmed, was superior to royal instructions. This represented the application to the colonies of the clauses in the English Bill of Rights prohibiting the king from suspending or dispensing with the laws. "The recognition by the royal authorities that colonial legislation confirmed by the King was entitled to the same immunity as an act of Parliament was perhaps the greatest single protection which the assemblies enjoyed against the King's prerogative."[46]

Royal Review of the Laws

The process by which colonial laws were reviewed in Britain was affected by the relationship of British laws to the colonies.[47] A British statute was not in force overseas unless it was expressly extended to particular colonies by act of Parliament, or "received" by them through local legislation or (more vaguely) by common usage in the courts. Throughout the eighteenth century the crown retained its prerogative to legislate separately for its American provinces, despite the arguments of the colonials that they were entitled to come under the jurisdiction of British laws. There was a traditional distinction in British constitutional doctrine between realm and dominion; the North American colonies were encompassed by the latter but not the former. Also basic to British legal theory and practice was the principle that while statutes antecedent to the settlement of an uninhabited territory followed the settlers, they did not follow into an inhabited one. The American colonies were held by the crown and the courts to be previously inhabited; therefore statutes, whether enacted before or after the time of original British settlement, did not automatically apply there. In practice the common law, as distinct from specific statutes, was generally recognized as applying to the colonies, ensuring to the inhabitants their fundamental "English liberties." As a rule, the crown allowed the colonies to adopt specific British statutes by reference. For example, a New Jersey act of 1727/28 for "the Limitation of Actions, and for avoiding Suits in Law" declared all pertinent British statutes in force to be thenceforth in force in New Jersey "as fully and effectually as if every one of them were herein at length repeated and enacted . . . ."

The transmission of colonial laws for review and the royal right of disallowance were established from the beginning of the seventeenth century with the first legislative acts in America. Although the practice developed unevenly in the several colonies, by the eighteenth century all of them were regularly transmitting their laws. Like the Carolinas, New Jersey began to send its laws only after it became a royal colony. The review of the laws was one of the most fundamental practices signifying the relationship between crown and colony. It was "an exercise of the royal prerogative, an expression of the king's supreme authority in the enacting of laws by inferior law-making bodies, whose right to make laws at all rested on the king's will...."[48]

In British law colonial statutes had the status of "inferior legislation, in the nature of corporate by-laws." Like the charters of corporations and towns in Britain, they had to conform to British law and custom and were subject to alteration, nullification or supersedence by superior laws.[49] While the royal veto was last applied to an act of Parliament by Queen Anne in 1707, it was exercised over colonial legislation until the Revolution.[50] The review process was also applied to colonial judicial acts, but that was overshadowed in volume and importance by the review of the laws.[51]

The practice of royal review was systematized in 1696 under William III in the "Act for Preventing Frauds, and Regulating Abuses in the Plantation Trade."[52] This act nullified all colonial "laws, by-laws, usages or customs . . . in any wise repugnant" to British laws, in force or in the future enacted, "so

far as they do relate to the said Plantations." Thereafter the commissions and instructions to colonial governors included provisions for proscribing statutes repugnant to the laws of Britain. During the next century acts of Parliament declared null and void certain categories of colonial legislation—for example, the prohibition in 1751 and 1763 of certain issuances of paper currency, and the Declaratory Act of 1766 nullifying all colonial acts questioning Parliament's authority over the colonies. Soon after the act of 1696 was passed, the standard of legislative review was broadened in interpretation and practice to include not merely certain acts of Parliament pertaining directly to the plantations, but all British laws. Throughout the colonial period, however, the mere variance of a colonial statute from British law was not generally held to render it contrary or repugnant. The interpretation of these questions—whether variance represented repugancy or contrariety, and whether colonial laws must conform to *all* British laws—was the subject of frequent disputes and court proceedings involving all of the American colonies.[53]

The king, acting through his Privy Council, was the ultimate source of all decisions on the laws transmitted by the colonies. The work of review and recommendation to the Privy Council was performed by a succession of offices established to oversee the American provinces. The act of 1696 created the Lords Commissioners of Trade and Plantations, generally known as the Board of Trade. From 1702 to 1717 the responsibility for colonial affairs lay with the secretary of state for the Northern Department; from 1717 to 1768 it was handled by the secretary for the Southern Department, and from 1768 to 1776 an American Department functioned. The Board of Trade enjoyed its greatest authority from 1748 to 1768, when it was effectively in charge of the colonies and colonial governors corresponded chiefly with its president;[54] but throughout the century it was the board that actually carried out the review process. In the course of its work it depended for advice and information on a variety of sources, official and unofficial. In legal questions it relied on the king's counsel (first appointed in 1718) and the attorney and solicitor general; and in matters of revenue, the lords of the treasury and the commissioners of the customs. Leading British merchants gave their opinions on colonial acts affecting trade and commodities. The advice of the colonial agents in London and of their governors was sought on internal provincial affairs pertaining to the laws under review. It was the responsibility of an agent, in representing the interests of his colony, to secure the confirmation of its laws; as a rule the governors transmitted their comments with the laws they sent for review.[55]

Because of the volume of colonial legislation, the slowness of communications, the participation of so many agencies, and the extreme caution of the Board of Trade toward recommending approval, the review of the laws was often a long and involved process. The Privy Council's final decision was as a rule embodied in an order in council, which was conveyed to the governor of the colony. It might be unqualified confirmation, approval on condition that the law be amended, approval with a provision for future action on the part of the governor, "lying by" (postponement), or outright disallowance.[56] An act became inoperative upon notice of disallowance to the colony, until then remain-

ing in force; in some cases a law was declared null and void *ab initio,* and all actions taken under it were rendered invalid retroactively. Often the Privy Council in striking down a law would draft a substitute bill and send it to the governor with an indication that its enactment would likely be confirmed.[57]

Once confirmation was granted it could not thereafter be withdrawn; so it was to the crown's advantage to withhold action one way or the other for a long time or even indefinitely. The board divided the laws into three categories: those which "for the service of the colonies or the security of private property demand an immediate confirmation"; those "so pernicious as to demand an immediate repeal"; and those of doubtful effect which were allowed to "lie by probational, till we shall have been fully informed what effect they may have in their execution . . . ." The board stated that "the fewer acts there are confirmed, the greater will be the dependence of the colonies upon the crown."[58]

About 25 percent of the eighteenth century American laws reviewed by the Board of Trade were recommended for confirmation or disallowance; for New Jersey the figure was only 7 percent. An average of 5.5 percent of all colonial laws were disallowed; the figure for New Jersey was 4.5 percent. A few laws were repealed by the assemblies or expired by their own limitation before action was taken in London. Most of the laws were either ignored or allowed to "lye by probationary," that is, they were permitted to stand provisionally until certain features objectionable to the board were removed or the entire law repealed or superseded by the assembly.[59]

The many instances in which the board failed even to convey laws to the Privy Council, or allowed years to elapse without recommending action, produced considerable confusion over the status of the laws in America. For example, a New Jersey act concerning lawsuits passed in 1714 was read by the Privy Council in 1720 and disallowed in 1722; a similar act was passed in 1728 and was disallowed in 1731. Conversely, the assembly often took advantage of delays in Britain by reenacting disallowed laws and enjoying their effect during the long periods of delay. At least one New Jersey law, altering the qualifications for voting and holding office, was not transmitted by the governor to London for review, an apparently inadvertent omission. It remained in force from its passage in 1709 until 1723, when it was declared void by the attorney general of Great Britain on the grounds that it was contrary to the royal instructions to the governor and had never been confirmed.[60]

By the turn of the eighteenth century a set of regulations and practices had evolved that were applied in the review of colonial laws. As we have seen in the case of New Jersey, they were generally embodied in the crown's commissions and instructions to the governor. There were rules pertaining to the scope, duration and terminology of laws, and to specific categories of legislation. Certain acts, including all money bills, were required to include a suspending clause, a provision that the act would not go into effect until it was confirmed. Other categories requiring such a clause were acts of repeal; private acts; and laws affecting the royal prerogative, the property of subjects, or British trade and shipping. The absence of a suspending clause was a frequent reason for disallowance.[61]

General British restraints on colonial legislation developed through a series of documents which, in addition to the governors' commissions and instructions, included law reports to the Board of Trade, recommendations by the board to the Privy Council, and acts of the Council. As a rule, laws were most likely to be rejected when they were construed to be repugnant to the laws of Britain, in contravention to specific acts of Parliament, opposed to imperial policy, or infringing the royal prerogative over the colonies. Each act was studied for its effects on the prosperity and stability of the empire and for its conformity to the role assigned the colonies in the British economic order. The Board of Trade generally, but not exclusively, maintained British over American interests in passing on colonial legislation. In its role as mediator between British and colonial merchants, the board did not always respond favorably to British appeals from colonial laws and sometimes made important concessions to colonial interests.[62]

While contravention to the crown's instructions to a governor was sometimes used as grounds for disallowance, such acts were frequently confirmed. In 1744 a bill was introduced in Parliament to nullify all colonial legislation and other measures that were contrary to royal instructions and orders; it failed to pass, as did later attempts to revive it. The confusion surrounding the question of the legal force of governors' instructions and the status of laws that contravened them was exemplified in Governor Burnet's unsuccessful attempt in 1721 to alter the apportionment of the New Jersey assembly.[63]

The types of law that were liable to disallowance covered an exceedingly wide spectrum.[64] The largest group were those deemed to be in violation of the British constitution, its laws and customs. Other offending laws were those that opposed the interest and welfare of British subjects. A third category was disallowed to protect the colonies themselves from ill-advised legislation. Finally, there were those acts considered by the royal authorities to be extraordinary, oppressive, improper or technically defective.

Among the acts deemed repugnant to British law and custom, many were likely to be rejected on grounds of infringement on the broad and vaguely defined principle of the royal prerogative. One category of such acts were those concerned with the duration or size of legislative assemblies, the definition of legislative powers, the decision of contested elections, the debarment of persons from sitting in the assembly, and grants of representation to new towns; and with the appointment of executive officers, the restriction of their functions, the requirements for their residence, and the regulation of their fees and perquisites. A second group of acts concerned the appointment of judges and other court officers, the alteration of judicial tenure and qualifications for judicial office, the erection of courts, decisions as to where actions should be tried, interference with established legal jurisdiction by grants of powers to new officials such as sheriffs and justices of the peace, and the denial of the right of appeal to the crown from the decisions of provincial courts. Finally, there were infringements on the royal authority to dispose of public revenues, such as acts directing the use of appropriated funds and the appointment of public treasurers.

Also considered repugnant to British law and custom were colonial acts in violation of governors' instructions or exceeding royal charters. These acts included those establishing vice-admiralty courts, regulating fishing, punishing heretics or counterfeiters, and granting divorces. Acts deemed to be in interference with the course of judicial proceedings—for example, those concerned with the establishment of fines, the rights of plaintiffs to prosecute an action, or the partitioning of common lands—also were rejected on those grounds. In recommending disallowance of a New Jersey act of 1771 concerning debtors, the Board of Trade declared that "the frequent and occasional interposition of the legislature in cases of individuals for the purpose of stopping or diverting usual courses of legal action is unjust."

Colonial laws in violation of acts of Parliament—for example, toleration, barracks, coinage, paper money, patents, naturalization and insolvency acts—were also rejected. Acts held contrary to British usage included those concerned with oaths of affirmation, the serving of writs, the security of creditors, suffrage, outlawry, the jurisdiction of local judges and officials, divorce and the property rights of married or divorced women. Other laws were rejected as departures from Anglican religious practice in England or as violations of the principles of tolerance and freedom of conscience—the taxing of Quakers and other sects, acts against heretics, and undue restrictions on Catholics.

To protect the royal prerogative, the crown rejected New Jersey acts appointing judicial officers, regulating their fees and removing judges in violation of the crown's right to appoint them at its pleasure. Other acts were struck down on grounds that they constituted legislative interference with the courts. In 1762 the law confirming court proceedings conducted under King George II, and providing for future continuance of assemblies and of courts and their officers for six months after the death of a monarch, was disallowed as a clear infringement of the prerogative. The law of 1747/48 extending amnesty to participants in the land riots without excepting those found guilty of high treason evoked a strong response. Supported by the negative opinion of the colony's chief justice, Robert Hunter Morris, the Board of Trade recommended disallowance, but the Privy Council took no action on the law; it was, however, a factor in the crown's disallowance of similar legislation in Massachusetts in 1767. And, as we have noted, laws seeking to regulate the frequency of assembly elections were consistently struck down in London.[65]

New Jersey acts deemed contrary to British law included the slave legislation enacted by the first assembly in 1709, disallowed because of the inhumane punishment accorded for slave crimes. The divorce act of 1772 was disallowed with those of other colonies in 1773, and a general instruction was issued to the governors not to agree to any divorce act. The crown held that the divorce cases should first have been brought before ecclesiastical courts or courts of law, and that a decision beyond the courts was the prerogative of the crown and not of a colonial legislature.[66] Two acts were disallowed in 1721/22 as invasions of the jurisdiction of the provincial supreme court. Other laws were disallowed to protect the right of judicial appeal—for instance, an act of 1771 which explicitly prohibited appeals in certain lawsuits. An act of 1770 for set-

tling land claims was rejected on the grounds that it deprived the petitioner of his right of appeal in the provincial courts. Another cause of disallowance was overextension of the jurisdiction of inferior courts, which received what was probably its most comprehensive criticism from Richard Jackson, counsel to the Board of Trade, in his unfavorable report on a New Jersey law of 1769. The act permitted actions for debt and other suits in the amount of £10 proclamation money before a justice of the peace. Jackson urged disallowance on the grounds that such jurisdiction had traditionally been limited to actions of forty shillings Sterling, and that the law encouraged a "litigious Spirit, and frequently the practice of perjury," that it favored the establishment of "much petty Tyranny in men altogether unfit to be intrusted with such power."[67]

There were two principal categories of acts that were held to be contrary to the mercantile interests of Britain or to the privileges and prerogatives of British subjects. The first of these were port acts—prevention of customs fraud, establishment of ports, alteration of the size of casks, regulation of peddlers, regulation of the Indian trade, restrictions on the slave trade, duties on goods imported in British ships, certain export duties, and violations of orders in council prohibiting certain exports. The second category were acts adversely affecting creditors—for example, the establishment of coinage rates in the colonies, the creation of land banks, excise laws that diminished the value of imported goods, debtor and bankruptcy laws, reduction of interest rates, acts regulating lawsuits for recovery of debts, the issuance of bills of credit, and acts encouraging manufacturing in the colonies competitive with that of Britain or regulating the quality of goods sold for use in manufacturing.

Typical of colonial laws rejected as prejudicial to the rights of British subjects were the acts of several colonies allowing the attachment of property for recovery of debts. In 1771 the crown disallowed a New Jersey act of the previous year making real and personal property of persons who had never resided in the province liable to attachment, and it sent a circular instruction to the American governors directing them to disapprove any act that provided for attachment otherwise than was allowed in Britain.[68] Other laws were struck down as superfluous—for example, one of 1766 extending to New Jersey two acts of Parliament concerning ship salvage, which by their own provisions already had partial application in the colony.[69]

Laws rejected as being injurious to the colonies themselves included measures deemed likely to cause disturbance and legal controversy (for example, a New Jersey county court act and certain land title acts of other colonies), undue burdens on small planters (slave import duties), religious restrictions, or hardships on landowners residing in Britain (such as additional taxes imposed on absentee owners). They also included laws deemed likely to decrease the labor supply in America (restrictions on the importation of slaves and the entry of criminals and the poor, and excessive grants of lands which hindered settlement), and laws tending to increase the opportunity for fraud (for example, certain coinage acts). Disallowance was applied not only to those laws considered likely to injure the offending province, but also to those adversely affecting its neighbors. Measures clearly contrary to established practices in other colonies

were generally held in suspicion; however, an act affecting only the internal affairs of a colony and considered to be advantageous to it was likely to be approved even though it might have represented a departure from British laws.

Finally, there were those colonial laws that were held by the royal authorities to be extraordinary, oppressive, improper or defective. These included acts passed in an improper manner; those appropriating money for purposes not approved by the crown; those considered incongruous, unreasonable, irregular, vexatious, dangerous, or granting powers that were too broad, oppressive, inquisitorial, or liable to arbitrary abuse. Also in this category were laws that were technically flawed—for example, those tending to an effect opposite to that intended, containing loose and uncertain phrases, omitting necessary clauses, or having titles that were inaccurate or covered only part of the act.

Subjects of Legislation

An examination of the more than six hundred laws enacted by the assembly between 1703 and 1775 reveals the prevalence of a few critically important concerns—financial and military affairs, and to a lesser extent the conflicting proprietary land claims and their consequences. Above all, financial problems and policies—appropriations, revenues, currency—were the staple of legislative action.[70] The representatives had to deal continually with such questions as how government should be supported, how revenues should be raised, how interest rates should be set, how debtors and creditors should be relieved, how fees should be imposed, how the salaries of public officials should be paid, how disputed lands should be disposed of, and how trade and industry should be regulated. Under Governor John Lovelace (1708-1709) the assembly first appropriated fixed amounts from the treasury to meet certain specified expenditures, rather than putting them into the hands of the governor to be disposed of at his discretion. In 1714, during the administration of Robert Hunter, the assembly enacted a law to reappropriate a surplus in the provincial treasury, despite royal instructions to the contrary; the act was protested in the colony and in Britain but it was not disallowed.[71]

High in the legislative program of every administration was a bill in support of government, a general appropriations measure needed chiefly to pay the salaries of provincial officials. British mercantilist policy required each colony to pay its way, including the maintenance of its civil officials, whose incomes derived essentially from salaries and from fees for public services. The crown sought to deny the colonial assemblies control over those incomes by requiring perpetual taxes to provide permanent salaries and by giving governors the power to settle fees. Virtually all the assemblies circumvented that attempt and assumed control over the fixing of salaries and fees through annual appropriations in amounts of their choosing—a power that was in effect conceded by the imperial authorities.[72] Before 1720 appropriations for the governor's salary were irregular and uncertain; generally they ranged from £500 to £800 per annum with £100 for expenses. From 1720 to 1738 they were part of the annual support bills. During the Morris administration the governor received £1,000 per year. Then there occurred the governmental impasse of

1744-1746, when the assembly refused to grant him a salary until he consented to its measures, including the issuance of paper money, and to the end he refused to yield. This was one of four instances in which American colonial governors were refused their salaries outright unless they approved legislative acts. All of Morris's successors were dependent on annual appropriations bills rather than a permanently fixed salary.[73] The assembly also won, during the Hunter administration (1709-1719), the power to enforce the governor's ordinances setting fees, despite royal instructions empowering governor and council alone to regulate fees.[74]

The government revenue of colonial New Jersey never exceeded £ 3,000 annually. The money was generally raised by taxes imposed on real and personal property and on economic activities, at rates enumerated in the legislation. Among the taxable categories were land, householders, merchants, peddlers, retail shops, mills, iron forges and furnaces, glass-houses, ferries. distilleries, servants, slaves, cattle, vehicles, and single men working for hire.[75] Periodically legislation was enacted to fix tax quotas on the several counties; an act of 1716 was aimed at enforcing the payment of taxes. Duties on certain imports and exports were an additional source of revenue, but they were imposed not primarily for that purpose but for broader reasons of economic and social policy.

One of the most frequent subjects of legislation was paper money, which in New Jersey as elsewhere was regarded as necessary to provide a stable medium of exchange, to relieve debtors, and to finance trade and wars without the imposition of heavy taxes.[76] Beginning in 1709 numerous acts were passed providing for the emission of bills of credit, for the establishment of loan offices and the appointment of commissioners to administer them, for the retirement of the bills of credit, and for the allocation of a portion of the interest on them to defray the costs of government (especially military expenses). The first loan office act was passed in 1723; the third, and the last that was not disallowed by the crown, was enacted in 1733. From 1735 to 1751 no taxes were levied and the government was supported entirely by interest on bills of credit. The question of paper money as a device to solve the economic problems of the province was one of the sorest points of contention between assemblies and governors, especially during the administration of Lewis Morris in the 1740s. The crown's position vacillated, but it generally resisted the efforts of the assembly to permit bills of credit to be used as legal tender, and for that reason it frequently disallowed paper money acts. The crown objected to the use of interest as a substitute for taxes rather than applying the interest to retire the bills. It also sought to weaken the assembly's control over expenditures by insisting that interest applied to government support be made a general allocation for the use of governor and council and not earmarked for specific purposes. With the passage of the Currency Act of 1764 the British government attempted to put a stop to the issuance of paper money in the colonies, and there followed a decade of even greater frustration. In New Jersey a compromise was finally reached in 1775 and an act emitting £ 100,000 in bills of credit was confirmed by the crown, too late to be implemented.

The counterfeiting of coin and paper currency was common in New Jersey, as in other colonies, constituting a problem for the government from the mid-1720s to the end of the colonial period, despite frequent discovery and arrest and increasingly harsh punitive legislation. Paper money acts and special laws regularly provided the death penalty for counterfeiters and for persons passing false currency. The problem was aggravated, especially during the 1740s, by a general atmosphere of lawlessness in the form of riots and mob action, jail-breaking and the rescue of prisoners, arising from the grievances of debtors and land claimants.[77]

The persistent problem of conflicting proprietary land claims became an object of legislative action as a result of the land riots during the decade that began in 1745.[78] Centered mainly in Essex County, and to a lesser extent Monmouth, Morris and Middlesex counties, the mob actions provoked a storm of controversy. The governor and the council, with the support of the British government, accused the assembly of abetting the rioters by refusing to provide for appropriate punitive measures. After the arrival in 1747 of Governor Jonathan Belcher, who played a mediating role, the assembly acted. Laws were passed strengthening the militia and suppressing riots, but at the same time a bill was passed pardoning the offenders. The assembly also succeeded in imposing a tax on some of the proprietors' unimproved lands, but the council defeated an attempt at heavy taxation of their improved lands. The New Jersey disorders were so seriously regarded in Britain that George II sent Belcher a special instruction in 1751 expressing strong displeasure with the assembly for its failure to suppress unlawful gatherings and acts of violence. The governor was directed to call the assembly and signify to it the crown's reaction and its wish that that body act to reestablish order. In return the king promised to appoint a commission to investigate the rioters' grievances and to grant pardons to the deserving.[79]

While this complex century-old issue remained largely unresolved during the colonial period, it receded into the background with the coming of the French and Indian War and the subsequent crisis of empire and colonies. There were, however, in 1769 and 1770 renewed incidents of violent demonstrations at the Essex and Monmouth county courthouses against proprietary landowners and the legal profession; the latter was widely regarded by debt-ridden farmers as being in league with the landed and creditor classes. In response the assembly in 1770 revived the militia law and adopted resolutions denouncing the disorders. It also resolved to enact legislation to regulate the legal profession, but it took no further action in the matter. The trials of the riot leaders led to no serious punishment, owing to the great popularity of the defendants.[80]

A large volume of legislation was concerned with the military affairs of the province—to some extent its own defense, but chiefly its participation in the colonial wars.[81] Militia units were raised and quotas set; troops were recruited and provisioned for expeditions against the Spanish and the French; arms, provisions and fortifications were provided for defense of the frontiers; barracks were erected and commissions were appointed to supply them. The assembly's attitude generally reflected a combination of Quaker pacifism, provincialism

toward distant conflicts, and a determination to pay for military appropriations not with taxes but with the interest on bills of credit. At times of emergency governors yielded on the method of financing, although the acts they approved were apt to be disallowed in Britain. Throughout the colonial period the assembly—whatever its specific membership and leadership—only reluctantly gave support for troops, supplies and transport for military expeditions beyond the borders of New Jersey; it virtually never gave the measure of support demanded by crown and governor. Frequent delays occurred in carrying out the provisions of military bills, enlistments were slow, and there was a general absence of public enthusiasm for war and soldiering. The people were traditionally hostile toward giving men to the regular army, preferring that their sons serve in the local militia if they had to serve at all. Several militia acts were passed, but they provided forces smaller than those requested; from time to time the assembly raised the amounts of the fines imposed on men who failed to appear for muster. Unsuccessful expeditions to the Spanish West Indies and French Canada in the 1740s, in which New Jersey men were lost, did nothing to bolster the martial spirit in the province.

Only during the active years of the French and Indian War did the assembly provide a substantial degree of military support, especially when New Jersey's own frontiers were under direct attack. Even then it did not accede to all demands and it still voted to emit £70,000 in bills of credit, allocating £10,000 for military purposes against the French in the Ohio Valley; the act was disallowed. In 1755 and 1756 it gave support for supplies to British troops in transit through the colony for operations in the Hudson Valley, and for frontier defenses along the Delaware; and it prohibited the export of military supplies to the French. But it refused to raise troops beyond its quota or to strengthen the punitive provision of the militia law. In 1757, as the war intensified, additional troops were raised, but the assembly rejected Governor Belcher's request that troops be drafted and that the quota of men be doubled to one thousand. For the remaining years of active military operations larger numbers of men were levied; in every case the legislation made military support dependent on the approval of paper currency emission. With the waning of the war against the French, the size of the troop levies diminished; after the end of the Indian war (Pontiac's Rebellion, 1763-1764) the issue of recruitment did not again arise in New Jersey. As a part of overall military operations, New Jersey played a role in the final settlement of relations with the Indians. In 1757 and 1758 laws were enacted providing for the purchase of all remaining Indian land claims. By the Treaty of Easton in 1758 all Indian titles to New Jersey lands were eradicated; in return the Indians still inhabiting the province were settled on a tract of three thousand acres. A number of acts restricted the sale of arms and liquor to the Indians.

The French and Indian War and its aftermath made the quartering of British troops an issue in New Jersey. Until then Britain as a rule had maintained no garrisons in America, leaving local defenses dependent on the provincial militia. In 1756 and 1757 many communities petitioned the assembly for redress on behalf of families whose homes were used by garrisons. In re-

sponse a law was passed in 1758 appropriating £1,700 for the erection of five barracks in Trenton, Burlington, Perth Amboy, New Brunswick and Elizabethtown. Thereafter, while minor complaints continued outside those five towns, the quartering of troops in private dwellings ceased to be an issue during the war. The Treaty of Paris which ended the war brought the expansion of British North America to the Mississippi River, and consequently the beginning of a peacetime British army in the colonies. Following Parliament's passage of the Quartering Act in 1765, a running controversy occurred over the degree of colonial compliance with that act and with the various mutiny acts.

The assembly's position on provisioning troops quartered in New Jersey was affected by the belief that the colony was being made to bear a disproportionate burden, by the lower house's insistence that it was the sole author of money bills, and by its habitual urge to couple military appropriations with the issuance of paper money. Two troop supply bills were disallowed on grounds of noncompliance with certain provisions of the Quartering and mutiny acts, but a compromise was reached in 1769. Again in 1770 and 1771 there was a stalemate between Governor Franklin and the assembly, which refused further funds for troops and barracks without a paper money bill. Instead of forcing the issue, the secretary of state in London resolved it by advising General Thomas Gage, the commander of the army in America, to transfer all British troops out of New Jersey. A compromise was reached on the payment of the quartering deficit of some £265, and from 1772 to 1774 the assembly regularly appropriated money for the supply of troops in transit through the colony. Like quartering and recruiting, the financing of military supplies had ceased to be an issue in New Jersey.

Trade, industry, agriculture, transportation, the regulation of animals, the protection of natural resources, and other economic activities were the subject of numerous acts of legislation. Duties were imposed on certain imports and exports for the purpose of preserving resources, encouraging certain industries, discouraging certain forms of trade, or simply to put the colony in a better competitive position with its neighbors.[82] A wide range of legislation provided for duties on the export of wheat and timber products; measures to prevent the waste of timber; the inspection of timber products and grains to be exported; the prevention of the export of unmerchantable flour; the setting of food-packing standards and provision for inspection; and restrictions on the burning of woods, marshes and meadows. Other laws were aimed at the regulation of fishing in rivers, the preservation of the supply of fish and oysters, encouraging the importation of rum and wines, and providing bounties for the raising of flax and hemp and the planting of mulberry trees. The erection of dams and mills was the subject of a number of acts, and legislative efforts were made to stimulate the nascent metal industries of the province.

The British government exercised strict control over colonial laws concerned with trade and industry, through royal instructions to the governor and by the legislative review process. For example, in 1736 the king instructed the governor of New Jersey to "move the general assembly" to reenact the general support bill of 1733 omitting a provision laying an export duty on cop-

per ore.[83] Despite British restrictions (particularly the Iron Act of 1750) on American manufacture of iron and steel products, their manufacture increased in New Jersey and other colonies; in 1769 the New Jersey assembly enacted a law to encourage ironworks.[84]

A great quantity of legislation was enacted to facilitate the movement of people and goods.[85] There were laws providing for the laying out, building and repair of roads and highways—both general acts and others enabling towns and counties to undertake local projects. The Delaware River was made a common highway; there were laws to protect and develop navigation on the Delaware, Raritan and Passaic rivers and other waterways, and laws licensing ferries and regulating ferrymen and ferriage. Taxes and rates were imposed on roads, bridges, ferries, carriages, ships and other forms of transportation, subject to periodic change by legislation. In 1760 the poor quality of roads led to an act which prescribed duties and penalties for highway officials and improved the system of inspection and repair; an act of 1774 strengthened and revised the previous highway laws.

Fences and the control of domestic and wild animals were another important subject of economic legislation. "Throughout the American colonies the courts and legislatures imposed upon the landowner a universal duty to fence his close against trespassing cattle"—a modification of the English common law which held a man responsible for trespasses by his cattle. However, the burden of proof was still on the defendant to show that the plaintiff's fence was not in good order; therein lay the origin of the legal doctrine of "contributory negligence."[86] The New Jersey assembly enacted laws for the regulation of fences in 1710, 1713 and 1730. Various laws provided for penalties against the owners of stray sheep, cattle, swine and horses; two laws provided for the raising of funds to defray damages done by dogs. Bounties were set on wolves, panthers, foxes, squirrels, blackbirds, crows and woodpeckers. The regulation of deer hunting and of trapping was also the subject of legislation. Another measure to protect resources and inhabitants alike was an act of 1765 to prevent the disposal of waste on the common lands of Secaucus.

A considerable body of legislation dealt with the socioeconomic problems of the colony, first of all with poverty.[87] Beginning at the turn of the century, the numbers of the poor in New Jersey grew steadily and became a financial and social burden. The assembly responded by enacting "poor relief" laws, a series of increasingly harsh measures to restrict the size of the poor population, to control their movements, and to use their labor. There were acts to limit the amounts of tax money expended for relief; to indenture orphans and children of parents who could not support them; to regulate the importation of paupers, convicts and others who might become a public burden; to deport persons not "settled" according to residency requirements; and to require persons coming into the province to register with local overseers of the poor. An act of 1713 authorized the erection of a public workhouse; in 1748 it was built in Perth Amboy. Poor children under the indenture age of fourteen were set to work there. In 1774 a comprehensive poor law was aimed at reforming the system, correcting abuses by local officials, and shifting to greater use of public

workhouses in place of private contractors to house and control the poor. It included strict residency requirements for receiving public assistance, the wearing of the letter "P" by recipients of relief, and a system of travel passes and work certificates. The practice of putting children to work and binding them out as indentured servants was continued.

Among the impoverished were numerous debtors who petitioned the assembly for relief from imprisonment, some of them more than once but generally without success. Between 1733 and 1770 thirteen laws were enacted for the relief of imprisoned debtors; they applied to specific individuals and were generally of short duration. Their chief aim and effect was to enable creditors to recover their debts; prisoners were permitted to obtain their release upon the surrender of their remaining possessions. Essentially the law continued to give creditors wide latitude to have their debtors imprisoned. During the 1720s and 1730s the crown repeatedly disallowed assembly bills lowering the legal and court fees incurred by debtors in recovery suits.

The treatment of slaves and restrictions on their importation were frequent objects of legislative acts.[88] In 1745 there were about 4,600 slaves in New Jersey, and by 1772 about 11,000. They comprised 8 percent of the population, 12 percent in East Jersey and 4 to 5 percent in West Jersey. Among the acts of the first assembly was one regulating slaves. The punishments imposed for crimes committed by slaves included burning and castration; the law was disallowed as excessively inhumane. In 1713 the assembly enacted the basic law establishing a slave code. In addition to punishment for slave crimes, it prohibited free Negroes from owning land and houses and inheriting property; manumission required a bond of £200 from the owner and assurance that the freeman would earn an annual income of £20. The code remained essentially in effect throughout the colonial period.

A New York City slave plot of 1712 led a number of colonies to attempt measures restricting the importation of slaves. In New Jersey in 1713/14 a duty of £10 was levied on slaves not imported for sale in the province. In approving the law Governor Robert Hunter wrote to the Board of Trade in London that it was intended to "Encourage the Importation of white Servants for the better Peopeling" of New Jersey, like similar legislation in Pennsylvania; the duty remained in effect until 1721. Efforts by the assembly to revive it in 1739 and 1744 were vetoed by the council, which held that the lower house was seeking to impose a total prohibition on the slave trade in New Jersey, an object the council regarded as inimical to the interests of the province. In 1762 Governor Josiah Hardy, in approving a tariff enacted by the assembly, explained to the home government that New York and Pennsylvania tariffs had made New Jersey a dumping ground for duty-free slaves; confirmation was withheld on the grounds that the act taxed importers rather than purchasers. Not until 1767 did the crown confirm a New Jersey tax on slaves; two years later it confirmed a £15 duty severely restricting importation, which remained in effect until the Revolution.

An act of 1768 abolished the special slave courts established by the slave code. Despite the enactment of high slave tariffs and liberal manumission laws

in New York and Pennsylvania, antislavery activity led by the Quakers in the early 1770s failed to persuade the assembly to ease the manumission regulations and to raise the import duty. Bills to that effect were introduced in the 1773-1774 session but were not acted on because of East Jersey opposition.

Other pieces of legislation restricted the liberties of Catholics (1722), regulated white servants and provided for the apprehending of deserted sailors and seamen (1713), punished horse thieves (1769), and gave periodic allowances to sheriffs for the subsistence of prisoners. There were laws that prohibited clandestine marriages (1719) and the killing of illegitimate children (1741), and defined how the estate or right of a *feme covert* (married woman) may be conveyed or extinguished (1743). One act of 1757 provided for the trial of a specifically named person accused of murder. Various forms of social behavior were regulated by laws pertaining to the importation and sale of strong liquors, to the operation of taverns and the giving of credit to customers, and to gambling, lotteries and fairs. An omnibus bill of 1760 prohibited gambling by lotteries, cards, dice and cockfights; however, four acts passed between 1761 and 1772 permitted lotteries to raise funds for repairing two churches and for the building of a bridge and a road. The popular tradition of local fairs was prohibited by legislation enacted in 1763, 1765 and 1772, because of the general atmosphere of immorality with which they had become associated. The support of education was left to the churches and local communities, although the poor laws of 1758 and 1774 provided elementary education for poor bound children.[89]

While local affairs were left largely to local management and support, there was the important control exercised by the legislature in the form of enabling laws which authorized counties and towns to undertake projects and to raise money for them. In addition to the transportation acts, numerous measures authorized the building of courthouses, jails, poorhouses and workhouses. There were laws providing for the election of town and county assessors and collectors, and regulating their conduct in office. Other acts empowered county freeholders to determine the method of assessing the inhabitants, compelled officials to convey the local laws to their successors, provided for collecting and securing the mortgage books held by county loan offices, and prevented frauds by mortgages. Laws were enacted for the appointment of local highway overseers, for the regulation of constables and vendues, and explaining the right of voting at town meetings and the election of town officials. A commission was appointed to settle conflicting land claims in the Township of Bergen, and acts were passed to regulate the pasturing of certain lands.

The creation of new counties, the alteration of local boundaries, the relocation of county courthouses, the east-west partition line and the New York-New Jersey boundary were also objects of legislative attention. From the end of the proprietary period to the Revolution four new counties were created—Hunterdon in 1714, Morris in 1739, Cumberland in 1748, and Sussex in 1753. In 1768, after a decade of local petitions, the last three were granted two representatives each, and elections were provided for. After a century of efforts by East and West Jersey proprietors to settle the line between the two divisions,

a West Jersey petition in 1775 asked the assembly to decide the matter; although a line had been drawn pursuant to an act of 1719, it had never been officially proclaimed. The assembly began action, but the revolutionary crisis prevented practical results.[90] The dispute with New York originated in the indefinite description of the northern borders of New Jersey in the grant of the colony by the Duke of York to the lords proprietors, Berkeley and Carteret, in 1664. Periodic attempts were made to settle the line, chiefly at the insistence of the proprietors of the eastern division. In 1719 the two legislatures appointed a joint commission, but they failed to agree on a line. The effort was revived by the New Jersey assembly in 1747/48 with an act to run the line according to the survey of 1719. There ensued a complicated and conflicting series of legislative and legal actions on the part of the two colonies and the Board of Trade, involving both the boundary itself and the proper administrative procedures for arriving at a settlement. In 1773 an agreement was finally reached between the two colonies and confirmed by the crown.[91] Four acts of 1763 and 1764 concerned the lands of New Jersey inhabitants affected by the dispute; and an act of 1769 indemnified the provincial treasurers for expenditures connected with it.

In 1772 a law was enacted regulating the medical profession, which covered licensing, training, practice and fees. This was one of the few instances of council initiative in response to public petitions; in the face of assembly inaction the council drafted a bill and presented it to the lower house, which passed it.[92] Two acts of 1774 authorized the East Jersey treasurer to bring an action against his predecessor for recovery of over £6,500, and required the treasurers of the province to give security for the discharge of their offices—an aftermath of the notorious robbery of the East Jersey treasury in 1768. Other acts concerned the preservation of public records (1760); the establishment of a post office (1709); and the right of naturalized British subjects to own, inherit and invest land (1730, 1770 and 1772).

Finally, the growth of the province brought an increasing number of private bills, expressly intended for the relief of individuals or permitting them to perform certain activities. These included naturalization laws and acts enabling the owners of meadows and marshes to erect dams, banks and other waterworks to protect their property from the tides. There were also laws confirming patents, vacating sales, enabling a church to sell a portion of its lands, setting aside the partition of land made by heirs and confirming a new division, confirming land conveyances made by wills and power of attorney, and enforcing the administration of an estate. Other acts enabled a widow to complete her late husband's sale of land and to receive money therefrom, and enabled creditors, trustees or executors to sell property of the deceased for payment of debts and legacies. And various acts were passed for the relief of certain persons from debt or for such reasons as the loss of title deeds by fire. The act of 1772 granting divorce was disallowed. The volume of private legislation grew to such proportions that the assembly in 1772 resolved that petitions for private bills would be received only during the first ten days of each session.[93]

To this wide-ranging body of legislation must be added those other matters

of substance already described—judicial questions such as the erection of courts, jury service, evidence, malicious prosecutions, lawsuits, small claims cases, court costs, and the recording of deeds; the qualifications of assembly members and the places of its meetings; attempts to set regular elections (invariably disallowed); and the Quakers' rights of affirmation, suffrage, the holding of office and jury service.

After Independence

Following the adoption of the Declaration of Independence and the establishment of state governments, American leaders recognized the need to continue the orderly processes of government, and they found it expedient to use colonial statutes. The New Jersey constitution of 1776 provided: "the common law of England, as well as so much of the statute law, as have been heretofore practised in this Colony, shall still remain in force, until they shall be altered by a future law of the Legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this charter. . . ." English common law continued to be recognized as a fundamental part of American law after the Revolution, and under the new state governments British and colonial statutes then in force in America continued in force. Even after they were no longer recognized as applying to the new states, many of their specific provisions were reenacted in state laws.

In 1799 the New Jersey legislature adopted a general revision of the statutes which included a provision that "no statute or act of the parliament of England or of Great Britain shall have force or authority within this state, or be considered as a law thereof." However, provisions of numerous British and colonial statutes were incorporated in specific laws enacted by the legislature in the 1790s, which were prepared by Governor William Paterson in accordance with his instructions from the legislature to make a general digest and revision of all existing statutes.[94] Thus, the work of the colonial assembly, as well as British statute and common law, survived long after the royal province was succeeded by the state of New Jersey.

Notes

1. An Act for preventing Frauds, and regulating Abuses in the Plantation Trade, 8 Wm. 3, c 22. *The Statutes at Large. . . Beginning with the Reign of King James the Second, to the Fourth Year of the Reign of Queen Anne. . .* , (London: 1734), vol. 3, 1685-1704, pp. 229-33.

2. Joseph H. Smith, *Appeals to the Privy Council from the American Plantations* (New York: Columbia University Press, 1950), pp. 146-51.

3. John E. Pomfret, *Colonial New Jersey: A History* (New York: Scribner, 1973), pp. 76-91.

4. Ibid., pp. 92, 192.

5. Smith, *Appeals to the Privy Council,* p. xvii.

6. Edwin P. Tanner, *The Province of New Jersey, 1664-1738* (New York: Columbia University Press, 1908), pp. 221-22, 231; Donald L. Kemmerer, *Path to Freedom:*

The Struggle for Self-Government in Colonial New Jersey, 1703-1776 (Princeton: Princeton University Press, 1940), pp. 31-33.

7. For the text of the queen's instructions to Cornbury see Julian P. Boyd, ed., *The Fundamental Laws and Constitutions of New Jersey, 1664-1964* (Princeton: Van Nostrand, 1964), pp. 126-154; see also Leonard W. Labaree, *Royal Instructions to British Colonial Governors, 1670-1776,* 2 vols., (New York: Appleton-Century, 1935); the texts of the provisions of the governors' instructions are arranged topically in Labaree.

8. This was done by Aaron Leaming and Jacob Spicer in *The Grants, Concessions, and Original Constitutions of the Province of New-Jersey* (Philadelphia: William Bradford, 1758).

9. Kemmerer, *Path to Freedom,* pp. 33-35.

10. Ibid., p. 357; Pomfret, *Colonial New Jersey,* pp. 148-49.

11. Tanner, *The Province of New Jersey,* pp. 286-306.

12. Kemmerer, *Path to Freedom,* p. 35.

13. In 1711 the council refused to approve a bill for the relief of creditors of persons who became bankrupt in England, although it accorded with the royal instructions and had the support of Governor Robert Hunter. He ascribed this refusal to motives of self-interest on the part of council members. Leonard W. Labaree, *Royal Government in America: A Study of the British Colonial System before 1783* (New Haven: Yale University Press, 1930), pp. 32-33.

14. Ibid., p. 374.

15. Larry R. Gerlach, "Revolution or Independence: New Jersey, 1760-1776" (Ph.D. diss., Rutgers University, 1968), p. 23; Larry R. Gerlach, *Prologue to Independence: New Jersey in the Coming of the American Revolution* (New Brunswick: Rutgers University Press, 1976) appeared after research was completed. It is based on his dissertation, which has been used extensively.

16. Kemmerer, *Path to Freedom,* pp. 360-61.

17. Tanner, *The Province of New Jersey,* pp. 466-68; Edgar J. Fisher, *New Jersey as a Royal Province, 1738 to 1776* (New York: Columbia University Press, 1911), pp. 248-62.

18. It focused on the position of chief justice, and principally in the 1740s and 1750s on the figure of Robert Hunter Morris, the son of Governor Lewis Morris. According to their relative political interests, the governor, the council and the supreme court favored Morris's continuance in office, while the assembly sought to have him removed. With his death in 1764 and the appointment of the conciliatory William Franklin as governor, the problem became dormant in New Jersey. Jerome J. Nadelhaft, "Politics and the Judicial Tenure Fight in Colonial New Jersey," *William and Mary Quarterly* 28, no. 1 (January 1971): pp. 46-63.

19. Mary P. Clarke, *Parliamentary Privilege in the American Colonies* (New Haven: Yale University Press, 1943), pp. 30-34, 45-57.

20. Kemmerer, *Path to Freedom,* pp. 361-63.

21. Gerlach, "Revolution or Independence," p. 23.

22. Pomfret, *Colonial New Jersey,* p. 131.

23. Fisher, *New Jersey as a Royal Province,* pp. 286-87; Kemmerer, *Path to Freedom,* p. 45.

24. Fisher, *New Jersey as a Royal Province,* pp. 73-76. The legislature convened at

Crosswicks in 1716; Trenton in 1744, 1745, 1746 and 1757; Woodbridge in 1746; and Elizabethtown in 1752, 1754, 1755, 1756 and 1757.

25. Tanner, *The Province of New Jersey,* pp. 333-36.

26. Fisher, *New Jersey as a Royal Province,* p. 167.

27. Larry R. Gerlach, "Power to the People: Popular Sovereignty, Republicanism, and the Legislature in Revolutionary New Jersey," in *The Development of the New Jersey Legislature from Colonial Times to the Present: Papers Presented at a Commemorative Symposium. . .May 24, 1975,* ed. William C. Wright (Trenton: New Jersey Historical Commission, 1976), p. 13; Gerlach, "Revolution or Independence," pp. 92-93, 438-55; Jack P. Greene, *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (Chapel Hill: University of North Carolina Press, 1963), pp. 169-70.

28. Kemmerer, *Path to Freedom,* p. 363.

29. Tanner, *The Province of New Jersey,* p. 338. In 1732 the governor of South Carolina succeeded in forcing the assembly to accept his appointment to the clerkship on grounds that this was the practice in New York and New Jersey (Greene, *The Quest for Power,* pp. 209-10).

30. Gerlach, "Revolution or Independence," pp. 28-29. For the composition of the council see Jackson T. Main, *The Upper House in Revolutionary America, 1763-1788* (Madison: University of Wisconsin Press, 1967), pp. 49-54.

31. For a summary description of the assembly membership in 1703-1738, see Tanner, *The Province of New Jersey,* pp. 307-16.

32. Richard E. McCall, "Colonial Democracy: A Study of Government and Politics in Colonial New Jersey," (senior thesis, Department of History, Princeton University, 1965), pp. 72-73, 107-09; David A. Bernstein, "New Jersey in the American Revolution: The Establishment of a Government Amid Civil and Military Disorder, 1770-1781," (Ph.D. diss., Rutgers University, 1970), p. 10.

33. Gerlach, "Revolution or Independence," p. 22.

34. An important parliamentary privilege long established in English practice was the Speaker's Petition. The speaker of the assembly in each colony presented to the governor a petition requesting the recognition of certain fundamental liberties of the house—chiefly freedom of speech and freedom from arrest and molestation—which were traditionally granted. At times in New Jersey, as in other colonies, the exercise of these privileges was important to the effectiveness of the assembly as an independent body (Clarke, *Parliamentary Privilege in the American Colonies,* pp. 61-131, passim).

35. Gerlach, "Revolution or Independence," pp. 22, 64-65; Clarke, *Parliamentary Privilege in the American Colonies,* pp. 212-13.

36. Tanner, *The Province of New Jersey,* pp. 339-43. For a summary of the legislative process, structure, protocol, and other operations of the assembly in 1703-1738 see pp. 333-76.

37. The section on the electoral system is based on the following sources: Richard P. McCormick, *The History of Voting in New Jersey: A Study of the Development of Election Machinery, 1664-1911* (New Brunswick: Rutgers University Press, 1953), pp. 35-63; Robert H. Rich, "Election Machinery in New Jersey, 1702-1775," *Proceedings of the New Jersey Historical Society* 67, no. 3 (July 1949): pp) 198-217 (hereafter cited as *Proceedings*); Donald L. Kemmerer, "The Suffrage Franchise in Colonial New Jersey," *Proceedings* 52, no. 3 (July 1934): pp. 166-73; Stanley H. Friedelbaum, "Apportionment Legislation in New Jersey," *Proceedings* 70, no. 4 (October 1952):

pp. 263-64; Gerlach, "Power to the People," p. 13.

38. Kemmerer, *Path to Freedom,* pp. 48-53.

39. John R. McCreary, "Ambition, Interest and Faction: Politics in New Jersey, 1702-1738," (Ph.D. diss., University of Nebraska, 1971); Tanner, *The Province of New Jersey.*

40. Although most of the bills enacted under Cornbury failed to receive royal approval, they afford the earliest examples of how factionalism operated in the legislative process. Two thousand pounds for support of the government were to be raised largely by a tax on lands of inhabitants who had settled tenants, servants or slaves on them; this was aimed at the East Jersey proprietors, many of whom held such lands. The reduction of property qualifications for voting was intended to enfranchise opponents of the proprietors. A strong militia bill was aimed at the Quakers. A highway bill was so devised as to build roads through the proprietors' property. In 1704, after Cornbury refused to swear in three Quaker assemblymen, the contrived anti-proprietary majority enacted a law requiring every man sixteen to sixty to enlist in the militia and attend muster four times a year or pay an exemption fine of one pound. This was directed at the Quakers, who refused to serve; their goods were then seized and enough were sold at auction to pay their fines (Kemmerer, *Path to Freedom,* p. 57; Tanner, *The Province of New Jersey,* p. 385).

41. John F. Burns, *Controversies Between Royal Governors and Their Assemblies in the Northern American Colonies* (New York: Russell & Russell, 1923), pp. 26-28, 374-414. For a study of the critically important administration of Lewis Morris see Eugene R. Sheridan, "Politics in Colonial America: The Career of Lewis Morris, 1671-1746,"(Ph. D. diss., University of Wisconsin, 1972), pp. 401-45.

42. Greene, *The Quest for Power,* pp. 12-17.

43. Ibid., pp. 8-11, 18.

44. Ibid., pp.7-8, 52, 72, 87.

45. Kemmerer, *Path to Freedom,* pp. 79-81, 117.

46. Labaree, *Royal Government in America,* pp. 190-93.

47. Elizabeth G. Brown, *British Statutes in American Law, 1776-1836* (Ann Arbor: University of Michigan Law School, 1964), pp. 1-22, 76. Also useful is her "British Statutes in the Emergent Nations of North America, 1606-1949," *American Journal of Legal History 7,* no. 2 (April 1963): pp. 95-135.

48. Charles M. Andrews, "The Royal Disallowance," *Proceedings of the American Anitquarian Society* 24, (October 1914): pp. 343-45.

49. Smith, *Appeals to the Privy Council,* p. 523.

50. Kemmerer, *Path to Freedom,* p. 21.

51. Smith, *Appeals to the Privy Council,* p. 523.

52. *The Statutes,* pp. 229-33.

53. Smith, *Appeals to the Privy Council,* pp. 523-653.

54. Kemmerer, *Path to Freedom,* p. 355.

55. Elmer B. Russell, *The Review of American Colonial Legislation by the King in Council* (New York: Columbia University Press, 1915), pp. 59-81.

56. Andrews, "The Royal Disallowance," pp. 346-49.

57. Smith, *Appeals to the Privy Council,* pp. 523-24; Russell, *The Review of American Colonial Legislation,* p. 91.

58. Cited in Labaree, *Royal Government in America,* p. 224.

59. Russell, *The Review of American Colonial Legislation,* pp. 54-57, 221.

60. Andrews, "The Royal Disallowance," pp. 348-49; Kemmerer, *Path to Freedom,* p. 147; McCormick, *The History of Voting in New Jersey,* pp. 43-44; Samuel Allinson, *Acts of the General Assembly of the Province of New Jersey* (Burlington: Isaac Collins, 1776), pp. 33, 80n.

61. Russell, *The Review of American Colonial Legislation,* pp. 87-89; Smith, *Appeals to the Privy Council,* pp. 605-07; Kemmerer, *Path to Freedom,* p. 42.

62. Russell, *The Review of American Colonial Legislation,* pp. 109-38, 161-62. See pp. 109-202 for an analysis of the major policy questions that brought colonial legislation into conflict with imperial interests.

63. Smith, *Appeals to the Privy Council,* pp. 597-607.

64. The following description of categories of disallowed laws is based on Andrews, "The Royal Disallowance," pp. 349-60.

65. Joseph H. Smith, "Administrative Control of the Courts of the American Plantations," in *Essays in the History of Early American Law,* ed. David H. Flaherty, (Chapel Hill: University of North Carolina Press, 1969), p. 309; Smith, *Appeals to the Privy Council,* pp. 633, 640-41; Fisher, *New Jersey as a Royal Province,* pp. 254-55; Russell, *The Review of American Colonial Legislation,* pp. 179, 183-84.

66. Smith, "Administrative Control of the Courts," p. 333; Smith, *Appeals to the Privy Council,* p. 585, 585n-86n; Russell, *The Review of American Colonial Legislation,* pp. 171-73. The evolution of the problem of divorce in Anglo-American legal and legislative practice was complex and uneven. To put it simply, colonial acts were disallowed because they were too liberal as to the grounds for divorce, particularly on the wife's part, or too vague and ambiguous as to the consequent effects of the law on the parties involved—for example, the right to remarry.

67. Smith, "Administrative Control of the Courts," pp. 286n, 301n-02n, 303.

68. Ibid., p. 313.

69. Russell, *The Review of American Colonial Legislation,* p. 149. The two acts of Parliament are printed in Allinson, *Acts of the General Assembly,* "Appendix," pp. 1-6.

70. This point is made in, among others, Pomfret, *Colonial New Jersey,* p. 131; Gerlach, "Revolution or Independence," pp. 70-75. For a description of major financial legislation in 1703-1738 see Tanner, *The Province of New Jersey,* pp. 502-58.

71. Kemmerer, *Path to Freedom,* pp. 79-80, 87, 97. He considers the itemization of appropriations for officials' salaries an important gain for the powers of the assembly. McCreary disagrees, claiming that it set no precedent and simply represented an attempt by a faction to punish its opponents in office (McCreary, "Ambition, Interest and Faction," p. 135n).

72. Greene, *The Quest for Power,* p. 127.

73. Labaree, *Royal Government in America,* pp. 341-45.

74. Kemmerer, *Path to Freedom,* p. 112.

75. Fisher, *New Jersey as a Royal Province,* pp. 285-87.

76. A particularly useful treatment of paper money in New Jersey is to be found in Donald L. Kemmerer, "A History of Paper Money in Colonial New Jersey, 1668-1775," *Proceedings* 74, no. 2 (April 1956): pp. 107-44; see also Kemmerer, *Path to Freedom,* pp. 107-255 passim; Fisher, *New Jersey as a Royal Province,* pp. 289-304; Gerlach,

"Revolution or Independence," pp. 401-16; Labaree, *Royal Instructions to British Colonial Governors,* 1: pp. 224-27; Leonard Lundin, *Cockpit of the Revolution: The War for Independence in New Jersey* (Princeton: Princeton University Press, 1940), pp. 56-59; Greene, *The Quest for Power,* pp. 108-09; for a brief and extremely clear summary of this complex subject see Richard P. McCormick, *New Jersey from Colony to State, 1609-1789* (Princeton: Van Nostrand, 1964), pp. 73-74.

77. Kenneth Scott, "Earliest Counterfeiting in New Jersey," *Proceedings* 75, no. 1 (January 1957): pp. 18-34; "The Great Epidemic of Coining in the Jersies," Ibid., 75, no. 2 (April 1957): pp. 112-27; "Counterfeiting in Colonial New Jersey," Ibid., 75, no. 3 (July 1957): pp. 170-79.

78. For a discussion of the land riots and the issues involved see Gary S. Horowitz, "New Jersey Land Riots, 1745-1755," in *Economic and Social History of Colonial New Jersey: Papers Presented at the Fifth Annual New Jersey History Symposium . . . ,* ed. William C. Wright (Trenton, New Jersey Historical Commission, 1974), pp. 24-33; for a general treatment of the proprietary claims see John E. Pomfret, *The New Jersey Proprietors and Their Lands* (Princeton: Van Nostrand, 1964); Kemmerer, *Path to Freedom,* pp. 187-236; Tanner, *The Province of New Jersey,* pp. 602-702; Fisher, *New Jersey as a Royal Province,* pp. 171-209.

79. Labaree, *Royal Instructions to British Colonial Governors,* 1: pp. 355-57.

80. Lundin, *Cockpit of the Revolution,* pp. 61-65; Gerlach, "Revolution or Independence," pp. 416-26; Bernstein, "New Jersey in the American Revolution," pp. 32-34.

81. Tanner, *The Province of New Jersey,* pp. 559-79; Fisher, *New Jersey as a Royal Province,* pp. 319-59; John Shy, "Quartering His Majesty's Forces in New Jersey," *Proceedings* 78, no. 2 (April 1960): pp. 82-94; Gerlach, "Revolution or Independence," pp. 125-72.

82. Fisher, *New Jersey as a Royal Province,* pp. 285-87.

83. Labaree, *Royal Instructions to British Colonial Governors,* 1: pp. 156-57.

84. Arthur C. Bining, *British Regulation of the Colonial Iron Industry* (Philadelphia: University of Pennsylvania Press, 1933), pp. 88-91; Charles S. Boyer, *Early Forges and Furnaces in New Jersey* (Philadelphia: University of Pennsylvania Press, 1931), pp. 7-9.

85. Wheaton J. Lane, *From Indian Trail to Iron Horse: Travel and Transportation in New Jersey, 1620-1860* (Princeton: Princeton University Press, 1939), pp. 37-52, 70-71.

86. Richard B. Morris, *Studies in the History of American Law,* 2d ed. (New York: Octagon Books, 1964), pp. 208-10.

87. Ramon S. Powers, "Wealth and Poverty: Economic Base, Social Structure and Attitudes in Prerevolutionary Pennsylvania, New Jersey and Delaware," (Ph.D. diss., University of Kansas, 1971), pp. 204-11, 216-18; Michael A. Lutzker, "Abolition of Imprisonment for Debt in New Jersey," *Proceedings* 84, no. 4 (October 1966): p. 7; Kemmerer, *Path to Freedom,* pp. 142-43; see also Martin W. Stanton, *History of Public Poor Relief in New Jersey* (New York, 1934), pp. 1-27.

88. Henry S. Cooley, *A Study of Slavery in New Jersey* (Baltimore: Johns Hopkins University, 1896), pp. 14-53 passim; Frances D. Pingeon, "Slavery in New Jersey on the Eve of Revolution," in *New Jersey in the American Revolution: Political and Social Conflict. Papers Presented at the First Annual New Jersey History Symposium,* 2d ed., ed. William C. Wright (Trenton: New Jersey Historical Commission, 1974), pp. 52-53; Oscar R. Williams, "Blacks and Colonial Legislation in the Middle Colonies," (Ph.D.

diss., Ohio State University, 1969), pp. 101-200 passim; Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967), pp. 5, 50-51, 91-92 (For slave population figures Zilversmit cites, among others, Simeon F. Moss, "The Persistence of Slavery and Involuntary Servitude in a Free State [1685-1866]," *Journal of Negro History* 35, no. 3 [July, 1950]; pp. 310-11; Thomas F. Gordon, *A Gazetteer of the State of New Jersey* [Trenton: Daniel Fenton, 1834], p. 29).

89. Nelson R. Burr, *Education in New Jersey, 1630-1871* (Princeton: Princeton University Press, 1942), pp. 240-41.

90. Gerlach, "Revolution or Independence," pp. 93-106.

91. Smith, *Appeals to the Privy Council,* pp. 453-63.

92. Gerlach, "Revolution or Independence," pp. 83-86.

93. Fisher, *New Jersey as a Royal Province,* p. 81.

94. Brown, *British Statutes in American Law,* pp. 23-24, 76-87.

Bibliography of Session Laws Cited*

Bradford (1704) . . . [The Acts passed by the second assembly of New Jersey, in December, 1704]....(New York: William Bradford, 1704) 20 pp.

Bradford (1709) The Laws and Acts of the General Assembly of . . . New-Jersey . . . Enacted in divers Sessions the first of which began at Amboy the 8th Day of November . . . 1703 . . . .(New York: William Bradford, 1709) 38 pp.

Bradford (1710) Acts passed by the General Assembly of . . . New-Jersey, in January, 1709. [New York: William Bradford, 1710] pp. 28-38.

Bradford (1711) Acts passed by the General Assembly of . . . New-Jersey, in January and February, 1710 . . . . (New York: William Bradford, 1711) pp. 39-48.

Bradford (1714) The Laws and Acts of the General Assembly Of . . . New Jersey...at a General Assembly begun at Burlington the 7th of December, and continued . . . to the 17th of March . . . 1713. (New York: William Bradford, 1714) pp. 29-101.

Bradford (1717) The laws and acts of the General Assembly of . . . New-Jersey . . . enacted . . . in divers sessions, the first of which began in November, 1703. (New York: William Bradford, 1717) [78] pp.

Bradford (1719) [Acts of the General Assembly passed March 27 and 28, 1719. New York: William Bradford, 1719] pp. [79]-123. Issued without title page.

Bradford (1722) [Acts of the General Assembly, May 5, 1722. New York: William Bradford, 1722] pp. 123-145. Issued without title page.

Bradford (1723) . . . at a session of the General Assembly of . . . New-Jersey, begun the twenty-fourth day of September, 1723, and continued . . . to the 30th day of November following . . . (New York, William Bradford, 1723) 32 pp.

Bradford (1725) . . . At a session of the General Assembly . . . of New-Jersey begun the five and twentieth day of May, 1725, and continued to the 23th of August following . . . . (New York: William Bradford; Philadelphia: Andrew Bradford, 1725) 24 pp.

Keimer (1728) Acts and Laws Of New-Jersey. . . Enacted. . . at a Session held at Perth Amboy, beginning the 9th of December, 1727 . . . (Burlington: Samuel Keimer, 1728) 51 pp.

*In cases where more than one volume of a session law was published in a single year, the citation includes the number of the assembly and session, and, where necessary, the sitting. The laws passed in the Nineteenth Assembly, Ninth Session, First Sitting were printed by William Bradford in two separate publications, designated here as A and B. A bibliographical essay on the printed laws will appear in the final volume.

Bradford (1730) Acts and laws of New Jersey. . . enacted. . . at a session held at Perth Amboy, beginning the 7th of May, 1730. . . and ending July the 8th. . . (Philadelphia: Andrew Bradford, 1730) 39 pp.

Bradford (1732) Supplement The acts of the General Assembly of...New-Jersey, from the time of the surrender of the government of the said Province, to the fourth year of the reign of King George the second.... (Philadelphia: William and Andrew Bradford, 1732) 7, 279 pp. Undated supplement containing one law, pp. 283-299, [4].

Franklin (1733) ...At a General Assembly of...New-Jersey, begun...at Burlington, the twenty-sixth day of April...1733.... (Philadelphia: Benjamin Franklin, 1733) pp. 301-[345].

Franklin (1735) ...At a General Assembly of...New-Jersey [1735] (Philadelphia: Benjamin Franklin, 1735) pp. [347]-366.

Franklin (1739) ...At a General Assembly of...New-Jersey, begun...at Perth Amboy, the twenty-sixth day of October...1738.... And ... continued...to the thirteenth of November, 1738. (Philadelphia: Benjamin Franklin, 1739) pp. [367]-[397].

Bradford (1740) ...At a General Assembly of...New-Jersey, begun...at Burlington, the Tenth Day of April...1740.... And...continued ...to the Thirty first of July 1740. (Philadelphia: Andrew Bradford, 1740) pp. 397-433.

Franklin (1742) . . .At a General Assembly of. . .New-Jersey, begun. . .at Perth-Amboy, the second day of October. . .1741. . . And. . . continued. . .to the fourth of November, 1741. (Philadelphia: Benjamin Franklin, 1742) 1, 61 pp.

Franklin (1743) . . .At a General Assembly of. . .New-Jersey, begun. . .at Perth-Amboy the tenth day of October. . .1743. . .and continued... to the tenth of December, 1743. (Philadelphia: Benjamin Franklin, 1743) pp. [19]-61.

Franklin (1746) 16:1 ...At a General Assembly of...New-Jersey, holden the eighth day of May...1746. (Philadelphia: Benjamin Franklin, 1746) 14 pp.

Franklin (1746) 16:2 ...At a General Assembly of...New-Jersey, holden the twenty-eighth day of June...1746.... (Philadelphia: Benjamin Franklin, 1746) 22 pp.

Bradford (1747) ...At a General Assembly of...New-Jersey begun...at Burlington, November the 17th, 1747 and continued to February 18, 1747. . . . (Philadelphia: William Bradford, 1747) 18 pp. Possibily published in 1750.

Franklin (1748) ...At a General Assembly of...New Jersey, continued...to the 17th day of November...1747, and then begun...at Burlington.... (Philadelphia: Benjamin Franklin, 1748) 53, [1] pp.

Bradford (1749) Acts and laws of...New-Jersey: at a General Assembly... begun February 20th, 1748-9 at Burlington, and continued

to the 28th of March 1749. . . . (Philadelphia: William Bradford, 1749) 11, [1] pp.

Bradford (1751) 18:1:1 ...At a General Assembly of...New-Jersey...held at Perth-Amboy on the sixth day of April, 1751, and...continued... to the twentieth day of May, 1751, and then begun. . . . (Philadelphia: William Bradford, [1751]) 15 pp.

Bradford (1751) 18:1:2 ...At a General Assembly of...New-Jersey...held at Burlington, in September and October 1751. (Philadelphia: William Bradford, [1751]) 21 pp.

Bradford (1753) 18:2 ...At a session of General Assembly of...New-Jersey; begun ...at Perth-Amboy on the twenty-fifth day of January 1752, and ended on the twelfth of February following....(Philadelphia, William Bradford, [1753] 21 pp.

Bradford (1753) 18:4 ...At a session of General Assembly of...New-Jersey; begun ...at Burlington, on the sixteenth day of May 1753; and ended on the 8th of June following.... (Philadelphia: William Bradford, [1753]) 59, [1] pp.

Bradford (1754) ...At a session of General Assembly of...New-Jersey; begun ...at Perth-Amboy, on the seventeenth day of April, one thousand seven hundred and fifty-four, and ended the twenty-first day of June following.... (Philadelphia: William Bradford [1754]) 36 pp.

Bradford (1755) 19:2 ...At a session of General Assembly of...New-Jersey; begun ...at Elizabeth-Town, on the twentieth day of February, one thousand seven hundred and fifty-five, and ended the third day of March following.... (Philadelphia: William Bradford [1755]) 8 pp.

Bradford (1755) 19:3 & 4 ...At two sessions of General Assembly of...New-Jersey; held at Elizabeth-Town, the one begun the seventh day of April 1755, and ended the twenty-third day of the same month; the other begun the twenty-fourth of April 1756, and ended on the twenty-sixth of the same month.... (Philadelphia: William Bradford [1755]) 24 pp.

Bradford (1755) 19:5 ...At a session of General Assembly of...New-Jersey; begun at Elizabeth-Town, on the first day of August 1755; and held ...at Perth-Amboy, and ended the twentieth day of the same month.... (Philadelphia: William Bradford [1755]) 62, [2] pp.

Bradford (1755) 19:6 ...At a session of General Assembly of...New-Jersey; begun ...at Elizabeth-Town the sixteenth day of December 1755 ....(Philadelphia: William Bradford [1755]) 17 pp.

Bradford (1756) 19:6:2 ...At a session of General Assembly of...New-Jersey; held at Elizabeth-Town, in March 1756.... (Philadelphia: William Bradford [1756]) 12 pp.

Bradford (1756) 19:6:3 ...At a session of General Assembly of...New-Jersey, held at Elizabeth-Town...May 20, 1756, and continued till the second day of June following.... (Philadelphia: William Bradford [1756]) 78 pp.

Bradford (1756) 19:7:2 ...At a session of General Assembly of...New-Jersey held at Elizabeth-Town, December 17, 1756, and continued till the twenty-fourth day of the same month.... (Philadelphia: William Bradford [1756]) 5 pp.

Bradford (1757) 19:7:3 ...At a session of General Assembly of...New-Jersey, held at Elizabeth-Town...March 15, 1757, and continued till the thirty-first of the same month.... (Philadelphia: William Bradford [1757]) 56 pp.

Bradford (1757) 19:8:1 ...At a session of General Assembly of...New-Jersey, held at Elizabeth-Town May 24th, 1757, and continued till the third day of June following.... (Philadelphia: William Bradford [1757]) 27 pp.

Bradford (1757) 19:8:3 ...At a session begun at Elizabeth-Town, and...continued by adjournment to Burlington, and thence to Trenton, where it concluded October 22, 1757.... (Philadelphia: William Bradford [1757]) 30 pp.

Bradford (1758) A ...At a session begun at Burlington, the following law was passed April 15, 1758. (Philadelphia: William Bradford [1758]) 28 pp.

Bradford (1758) B ...At a session begun at Burlington, the following laws was passed April 4, 1758. (Philadelphia: William Bradford [1758]) 8 pp.

Parker (1758) ...At a session of the General Assembly of...New-Jersey, began at Burlington, March 23, 1758, and continued...to the 12th of August following.... (Woodbridge: James Parker, 1758) 60 pp.

Parker (1759) ...At a session of General Assembly, at Perth-Amboy, began March 8th, 1759, and continued till the 17th day of the same month.... (Woodbridge: James Parker, 1759) 41 pp.

Parker (1760) ...At a session of General Assembly, at Perth-Amboy, began March 11th, 1760, and continued till the 26th day of the same month.... (Woodbridge: James Parker, 1760) 24 pp.

Parker (1761) 19:12 ...At a session of General Assembly of...New-Jersey, began at Burlington, October 27th 1760, and continued...to the 5th of December following.... (Woodbridge: James Parker, 1761) 80 pp.

Parker (1761) 20:1 ...At a session of General Assembly, at Perth-Amboy, began March 27th, 1761, and continued till the 7th day of April following.... (Woodbridge: James Parker, 1761) 28 pp.

Parker (1761) 20:2 ...At a session of General Assembly, at Burlington, began July 4th, 1761, and continued till the 8th day of the same month.... (Woodbridge: James Parker, 1761) 11 pp.

Parker (1761) 20:3 ...At a session of General Assembly, of...New-Jersey, began at Perth-Amboy, November 30, 1761, and continued...to the 12th of December following.... (Woodbridge: James Parker, 1761) 20 pp.

Parker (1762) 20:4 ...At a session of General Assembly, at Burlington, began

March 3, 1762, and continued till the 10th day of the same month.... (Woodbridge: James Parker, 1762) 33, [1] pp.

Parker (1762) 20:5 ...At a session of General Assembly, at Perth-Amboy, began April 26, 1762, and continued till the 28th day of the same month .... (Woodbridge: James Parker, 1762) 4 pp.

Parker (1762) 20:6 ...At a session of General Assembly, at Burlington, began September 14, 1762, and continued till the 25th of the same month.... (Woodbridge: James Parker, 1762) 36 pp.

Parker (1763) ...At a session of General Assembly, began at Perth-Amboy, May 25, 1763, and continued till the third day of June following....(Woodbridge: James Parker, 1763) 19, [1] pp.

Parker (1764) 20:8 ...At a session of General Assembly, began at Burlington, November 15, 1763, and continued till the 7th day of December following.... (Woodbridge: James Parker, 1764) 74, [2] pp.

Parker (1764) 20:9 & 10 ...At two sessions of General Assembly began at Perth-Amboy, February 14, 1764, and continued till the 23d of the same month.... (Woodbridge: James Parker, 1764) 40 pp.

Parker (1765) ...At a session of General Assembly, began at Burlington, May 21, 1765, and continued till the 20th day of June following.... (Woodbridge: James Parker, 1765) 87, [1] pp.

Parker (1766) ...At a session of General Assembly began at Perth-Amboy, June 11th, 1766, and continued till the 28th of the same month.... (Woodbridge: James Parker, 1766) 50, [1] pp.

Parker (1767) ...At a session of General Assembly, began at Burlington, June 9th, 1767, and continued till the 24th of the same month .... (Woodbridge: James Parker, 1767) 30 pp.

Parker (1768) ...At a session of General Assembly, began at Perth-Amboy, April 12, 1768, and continued till the 10th of May following .... (Woodbridge: James Parker, 1768) 60 pp.

Parker (1769) ...At a session of General Assembly, began at Burlington, October 10, 1769, and continued till the 6th of December following.... (Woodbridge: James Parker, 1769) 123 pp.

Parker (1770) ...At a session of General Assembly, began at Burlington, March 14, 1770, and continued till the 27th of the same month.... (Woodbridge: James Parker, 1770) 23, [1] pp.

Collins (1770) ...At a session began at Perth-Amboy, September 26, 1770, and continued till the 27th of October following.... (Burlington: Isaac Collins, 1770) 28, [1] pp.

Collins (1771) ...At a session, began at Burlington, April 17, 1771, and continued...until the 21st day of December following.... (Burlington: Isaac Collins, 1771) 74, [1] pp.

Collins (1772) ...At a session began at Perth-Amboy...August 19th, 1772, and continued until the 26th day of September following.... (Burlington: Isaac Collins, 1772) 67, [1] pp.

Collins (1774) ...At a session began at Burlington...November 19, 1773, and continued until the 11th day of March following....

(Burlington: Isaac Collins, 1774) 160, [2] pp.

Collins (1775) 22:3 ...At a session began at Perth Amboy...January 11, 1775, and continued until the 13th day of February following.... (Burlington: Isaac Collins, 1775) 28 pp.

Collins (1775) 22:4 ...At a session began at Burlington...November 15, 1775, and continued until the 6th day of December following.... (Burlington: Isaac Collins, 1775) 20, [1] pp.

Manuscript Sources

Nj	New Jersey State Library, Trenton, New Jersey
NjGbS	Savitz Library, Glassboro State College, Glassboro, New Jersey
PRO	Public Record Office, London, England

Laws Enacted

During the Reign of Queen Anne

1703-1714

BY THE FIRST TO THE SIXTH

GENERAL ASSEMBLIES OF NEW JERSEY

First Assembly, First Session

10 Nov. - 13 Dec. 1703

Perth Amboy

An Act for Regulating the Purchasing of Land from the *Indians.*

Whereas several ill disposed Persons within this Province have formerly presumed to enter into Treaties with the *Indians,* or Natives thereof, and have purchased Lands from them, such person or persons deriving no Title to any part of the Soil thereof under the Crown of *England,* or any person or persons claiming by, from or under the same, endeavouring thereby to subvert her Majesties Dominion in this Country. *Be it therefore Enacted by the Governour, Council and General Assembly now met and assembled, and by the Authority of the same,* That no person or persons whatsoever forever hereafter shall presume to buy, take a Gift of Purchase in Fee, take a Mortguage or Lease for Life or number of Years, from any of the *Indians* or Natives for any Tract or Tracts of Lands within this Province, after the first Day of *December,* 1703 without first obtaining a Certificate, under the hand of the Proprietors Recorder, for the time being, certifying such person hath a Right, and stands entituled to a Propriety, or share in a Propriety, such person or persons shall produce such Certificate to the Governour for the time being, in order to obtain a Lisence to purchase such Quantities of Land or Number of Acres from the *Indians* or Natives aforesaid, as such Certificate mentions.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall presume to buy, purchase, take Gift or Mortgage or Lease of any Land contrary to this present Act, he or they so offending shall forfeit *Forty Shillings* Money of this Province, for each Acre of Land so obtained, to be recovered by any person or persons who shall prosecute the same to effect, by Action of Debt, in any Court of Record within this Province, one half to the use of her Majesty, her Heirs and Successors, toward the support of the Government, and the other to the Prosecutor. *Provided always,* That such Purchasors, their Heirs and Assigns shall forever hereafter be incapable to hold Plea for the said Land in any Court of Common Law or Equity.

And be it further Enacted, &c. That all and every person and persons whatsoever, that have bought, taken Gift of, or have purchased Land in Fee, or taken Mortgages or Leases, for Life or Number of Years, of the *Indians* or Natives, who is, and are not entituled to such Tract or Tracts of Land, by virtue of a Right or Title to the same, derived from the Crown of *England,* or from any person or persons claiming by, from or under the same, such Gifts, Purchase, Mortgage, Lease or Leases, is and are hereby declared, and forever hereafter shall be taken, deemed and esteemed Illegal, Null and Void; and such Person or Persons, their Heirs and Assigns shall not be capable to hold Plea for the same in any Court of Common Law or Equity, at any time hereafter, unless such person or persons claiming under such *Indian* Gift, Purchase, Mortgage or Lease, shall within the space of six Moneths after the publication of this Act,

take out a Grant or Grants from the present Proprietors for the several Tracts of Land so claimed by them respectively, on such Conditions as shall be agreed upon with the said Proprietors.

Passed 13 Dec. 1703.
Bradford (1709) 1-[2].

1. Perth Amboy, located at the mouth of the Raritan River, was known as Ambo-Point until its name was changed to honor the Earl of Perth in 1684. It became the capital of East Jersey, and alternated with Burlington as the site of the legislature's meetings.

First Assembly, Second Session
1-23 Sept. 1704
Burlington

No acts passed.

Second Assembly, First Session
13 Nov. - 12 Dec. 1704
Burlington

All acts passed 12 Dec. 1704

An Act for Raising a Revenue for the Support of Her Majesties Government within this Province of *New-Jersey*, for two Years.

We Her Majesties most Dutiful and Loyal Subjects, the Representatives of this her Majesties Province of *Nova-Cesaria* or *New-Jersey* in *America*, convened in General Assembly, being deeply sensible of her Majesties tender Care of all her Majesties Subjects within this Province, by appointing his Excellency *Edward* Viscount *Cornbury*[2] our Governour; and seriously considering the great Charges and Expences that has been occasioned by Proclaiming her Majesty in this Province, and also in the first settling of the Government of the same, and being heartily willing to support and maintain the Honour of her Majesties Government over us, to the utmost of our poor Abilities, do humbly pray that it may be enacted, *AND, Be it Enacted by the Governour, Council and Assembly now met and assembled, and by the Authority of the same,* That there be a Revenue raised for supporting the Credit and defraying the Charges of her Majesties Government within this Province, for the time and space of Two Years after publication hereof, *viz.* Two Thousand Pounds current Money of the Eastern Division of this Province, as it now goes, *per Annum,* to be raised, taxed and assessed in manner and form following, *viz.*

That every Free-man, whether marryed or unmarryed, the Tax of whose real and personal Estate doth not amount to six Shillings, shall not withstanding pay six Shillings. All those who keep Ferries within this Province (excepting the Widdow *Jones,* who keeps a Ferry in *Piscattaway* on the North side of *Rariton-River*) shall pay Twenty Shillings for each Ferry. All Wherries that carry Passengers, and all Sloops, Boats and Flats that export Wood, or any other Commodities for sale, belonging to this Province, shall pay for each such Wherry, Sloop, Boat or Flat Fifteen Shillings. All and every Person that shall sell Beer, Ale or Syder under the Quantity of ten Gallons, Wine, Brandy, Rum, or other distilled Spirits, under a Quart, after the publication of this Act, shall be taxed at the descretion of the Assessors of each respective County within this Province, after named, or hereafter to be named, within the meaning of this Act, not under Twenty Shillings, and not above Three Pounds. Every Owner of a Grist-Mill or Saw-Mill, & all Indian-Traders, Shop-keepers and Merchants trading within this Province, shall be taxed at the discretion of such Assessors as aforesaid, *viz.* All owners of Mills aforesaid, not under Twenty Shillings, and not above three Pounds for each Mill. All Traders and Shop-keepers abovesaid, not under twenty Shillings each Trader or Shop-keeper, and not above four Pounds over and above the Rates and Assessment hereafter mentioned.

And be it further enacted by the Authority aforesaid, That the remaining part of the said Two Thousand Pounds, for the first year, and the two Thousand Pounds for the year following, shall be assessed, raised and levyed upon the

Lands and Chattels hereafter mentioned, according as they are valued by this present Act, *viz.* All Lands held by Returns of Surveys, Deeds of Conveyances, or Patents, belonging to the Inhabitants of this Province, and to all such (who have settled any Plantations in the same either by Tenants, Servants, or Negroes) that do not inhabit in said Province, at *Ten Pounds per Hundred Acres.* All Cattle, Horses and Mares of one year old, & upwards, at *Forty Shillings* each. All Negroes and Indian Slaves, both Males and Females, above twelve years old and upwards, at *Twenty Pounds per Head,* excepting all such as are past their labour, or otherwise disabled. All Sheep at *Four Shillings per head.*

And be it further Enacted by the Authority aforesaid, That for the better assessing, raising, levying and collecting the said Sum of Two Thousand Pounds, for the first year, and the sum of two Thousand Pounds for the year following, there is hereby constituted and appointed Assessors and Collectors for each County within this Province, *viz.* For the County of *Bergen, Edward Earl,* jun. and *Peter Lawrence,* Assessors, and *Andries Lawrence* Collector. For the County of *Essex, Joseph Meaker* and *John Cooper* Assessors, and *Theophilus Peirson* Collector. For *Middlesex* County *John Pike* and *Isaac Smalley* Assessors, and *Thomas Pike* Collector. For *Sommerset* County, *Benjamin Clark* and *Direk Volkerson* Assessors, and *John Harrison,* sen. Collector. For *Monmouth* County, *Benj. Lawrence* and *William Leeds* Assessors, and *Benja. Burden* Collector. For *Cape-May* County, *Shargar Hand* and *Timothy Brandrish* Assessors, and *John Hand* Collector. For *Salem* County, *Jonathan Wallen* and *Hugh Middleton* Assessors, and *Thomas Thompson* Collector. For *Gloucester* County, *Thomas Sharp* and *Mordica Howell* Assessors, & *William Warner* Collector. For *Burlington* County, *Thomas Lambert* and *John Wills* Assessors, and *Nathaniel Westland* Collector.

And be it further Enacted by the Authority aforesaid, That all the said Assessors and Constables within the respective Counties of this Province, shall apply themselves to two of the Justices of the Peace in their respective Counties, one whereof being of the *Quorum,* as soon as possibly they can after the Publication hereof, who are hereby required and impowered to administer Oathes or Attestations to the said Assessors and Constables respectively, for their true and faithful Administration in their respective Offices.

And be it further Enacted by the Authority aforesaid, That all and every the Assessors, Collectors and Constables, who shall refuse, neglect or delay to do, execute and perform all and every the Trusts, Offices & Things commanded and required to be done and performed by them, or any of them respectively, by this Act, shall forfeit the Sum of Thirty Pounds current Money of this Province.

And be it Enacted by the Authority aforesaid, That two of the said Justices of the Peace are hereby respectively authorized, impowered and required upon refusal, neglect, death or absence of any of the said Assessors, Collectors, Constables, to nominate and appoint others in their place & stead, to perform all things required of them by this Act respectively, and shall administer the Oathes or Attestations to them, or any of them; and upon neglect, delay or refusal of such person or persons so nominated or appointed by the Justices, to take

Oathes or Attestations, and to perform the things hereby required of them, every one so refusing or delaying to perform his Office, shall forfeit, as aforesaid, the sum of Thirty Pounds, as aforesaid. And in case of any further Vacancies of the Assessors, Collectors or Constables, the Justices aforesaid shall immediately proceed to a new Nomination, as above, which person or persons so nominated shall be qualified, and officiate, as above, under the Forfeitures and Penalties aforesaid.

And be it further Enacted by the Authority aforesaid, That the Constables of each respective Precinct, Town or District within each County of this Province shall give Notice to each and every respective Free-holder, Inhabitants, or their Servants inhabiting within their respective Districts, either personally, or by leaving word at the place of their usual Residence, on or before the first of *February* yearly, for said two years, to give in a true and perfect List of all things whatsoever they have a right or claim to within this Province, rated and ratable by this Act, to any one of the Assessors within the respective Counties, in writing, with their Names signed thereto, on or before the first of *March* yearly, for said two years.

And be it Enacted by the Authority aforesaid, That if any Person or persons whatsoever refuse, delay or neglect to give in a list of their Estates, or other things whatsoever, rated or ratable by this Act, he or they shall forfeit for such delay, neglect or contempt Five Pounds current Money of this Province; and also, every such person or persons shall be rated and assessed at the discretion of the said respective Assessors. And if any person or persons shall presume to conceal any part, or give short and imperfect Lists of their Heads, or other things whatsoever rated or Ratable by this Act, upon discovery thereof, by the Oath or Attestation of any one Evidence to any one of the respective Assessors, which they are hereby impowered to administer to such person or persons, shall pay ten times the value of the Tax of the thing by him, her or them so concealed.

And be it Enacted by the Authority aforesaid, That all and every the Assessors of the said Province, shall meet together at *Perth-Amboy* the first day of *April* next ensuing, and at *Burlington* the first day of *April* there-after; and then and there at those times and places respectively, shall sum up all such Heads, and other things, as are hereby assessed at certain Rates, and such other things as are to be [assessed] at the discretion of the Assessors, and substract the Sum thereof from the said Sum of two Thousand Pounds, for the first year, and from the said Sum of two Thousand Pounds for the year there-after, and sum up the value of all the Lands and Chattels, as they are by this Act rated and valued; and then to assess the remaining part of the said two Thousand Pounds for the first year, and of the said Sum of two Thousand Pounds for the year thereafter, with all Costs, Charges and Fees by this Act allowed, equally, justly and proportionably upon the pound Value of the Lands and Chattels above-mentioned. And the said Assessors of each County shall then and there make a true and perfect List for their respective Counties of all and every Person, with the Sum of their respective Assessments, and shall deliver a true Copy thereof to the Constable or Constables of each respective Town, Precinct or District, signed by the respective Assessors of each County aforesaid, on or

before the first Day of *May* yearly, for the said two years; and the said Constables shall give Notice to every Person within their respective Districts, of the Sums of their respective Assessments mentioned in the said Lists, either Personally or by leaving word at the place of their usual Residence.

And be it Enacted by the Authority aforesaid, That all and every Person or Persons rated and taxed, and having Notice on or before the first of *May* yearly, for said two years, as aforesaid, are hereby required & commanded to pay in their respective Proportions of the said Tax in current Silver Money of the said Eastern Division (as it now goes current) unto the respective Collectors herein named, or hereafter to be nam'd or appointed, on or before the 15*th* day of *May* yearly, for the said two years, to wit, in the Years of our Lord 1705, and 1706, they the said Collectors giving their Receipts for what they so receive, by virtue of this Act.

And be it Enacted by the Authority aforesaid, That immediately after the said fifteenth of *May* yearly, for said Two years, the respective Collectors shall prepare and make a true List of all Persons, and the Sums of their assessments that have neglected or refused to pay in their said proportions of said Tax, and the same deliver to any Justice of the Peace within the said County of which he is Collector, which Justice shall immediately issue out his Warrants to the respective Constables of their respective Precincts, who are hereby commanded forthwith to make distress upon the Goods and Chattels of such Person or Persons who have refused or neglected to pay in their said Tax, as aforesaid; which Goods and Chattels, if not redeemed within five dayes, by payment of the respective Tax, with all the Charges of such distress, the said Constable shall expose and sell the same at a Publick Out-cry any where within the said Province, and when sold shall pay the said assessments to the respective Collectors, on or before the first of *June,* yearly, for said Two years, the superplus (if any be) shall be returned to the Owner. All which Rates and Taxes, received by the said several Collectors, shall be by them paid to the Receiver General of said Province, for the time being, on or before the fifteenth of *June* yearly, for said Two years, whose Receipt shall be their sufficient discharge.

And be it Enacted by the Authority aforesaid, That every one of the Assessors and Collectors above mentioned, shall be, and is hereby allowed (for assessing and Taxing the said respective sums of Two Thousand Pounds for said Two years at *Perth-Amboy* and *Burlington,* and for receiving and paying the same) Twenty shillings each *per Annum;* and every Constable shall have Twelve shillings *per Annum* for his trouble in performing his duty required by this Act, besides his Fees arising by Distresses, where any shall happen; all which Assessors and Constables Fees to be paid by the said several and respective Collectors of each County, as aforesaid.

And be it Enacted by the Authority aforesaid, That any one of the Justices of the Peace in the respective Counties within this Province, where any Penalty or Forfeiture shall happen to arise and become due, by vertue of this Act, shall forth with issue out his warrants to the Constables of such Precinct or districts, who shall with all convenient speed, by vertue thereof, make distress upon the Goods and Chattels of such Offender or Offenders; and if such Offender or Of-

fenders shall not within five dayes after such distress, pay all such Penalties or Forfeitures, with the Charges, then the said Constable shall expose and sell the same at a Publick Out-cry any where within this Province, and pay in the Forfeiture to the Receiver General aforesaid, to be imployed towards the support of the Government; and the super-plus (if any be) after paying such Forfeitures and Charges, shall be returned to the owner.

Disallowed?
Bradford (1704) 1-5.

The time of passage is given as May 1704 in Bradford (1709) 18 [*i.e.* 2]. No session is recorded in the assembly journal between 13 Dec. 1703 and 7 Sept. 1704.

1. Burlington, located fifteen miles south of Trenton on the Delaware River, was established by Quakers in 1677 and served as the capital town of West Jersey during the proprietary period. After New Jersey became a royal colony in 1703, it alternated with Perth Amboy as the meeting place of the colony's legislature.

2. Edward Hyde, Lord Cornbury (1661-1723) was appointed the first royal governor of both New York and New Jersey by Queen Anne in 1703. Without the knowledge of the assembly, the crown replaced Cornbury in December 1708, with John Lovelace.

An Act for the Settling the Militia of this Province.

Whereas the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods & under such Rules, that may make the same most useful for the Support and Defence thereof, and that the Inhabitants should be well armed and trained up in Art Military, as well for the Honour and Service of her most sacred Majesty, as the Preservation of their own Lives and Fortunes.

Be it Enacted by the Governour, Council and Assembly, and it is hereby Enacted and Ordained by the Authority of the same, That no person whatsoever from sixteen to sixty years of Age remain unlisted by themselves; their Parents, Masters, Mistresses or Imployers, under the Captains of their respective places of abode, in Foot or Horse, the space of one Calander Moneth after their attaining the said Age of sixteen years, or after their arrival or coming to reside or sojourn in any place within this Province on Penalty of ten Shillings, and so for

every Moneth such Person, after notice thereof given, shall remain unlisted. And that every Foot Souldier be provided with a well fixed Musquet or Fuzee, or if the Officer so appoint, with a good Pike & Sword, or Lance and Pistol; each Musqueteer or Fuzileer half a pound of Pow[d]er and twelve sizeable Bullets, and one Cartouch-Box, Flask or Powder-horn, and shall so appear when required, upon Penalty of five Shillings for his default in not appearing, and three Shillings for want of each charge of Powder, Gun, Pike, Sword, Pistol or Cartouch-Box, so as the whole Penalty for any Person at any time, exceed not five Shillings. And that every Souldier belonging to the Horse shall when and where commanded, appear, and be provided with a good serviceable Horse of his own, covered with a good Saddle, with Holsters, Brest-plate, Crupper, and a case of good Pistols, Hanger, Sword or Rapier, and half a pound of Powder, with twelve sizeable Bullets, on penalty of ten Shillings for each times absence, and ten Shillings for default of the particulars above-mentioned, so as the whole penalty for one time exceed not fifteen Shilling. And that every Foot Souldier shall have at his Habitation or abode half a pound of good Powder & twelve sizeable Bullets; and every Trooper shall have at his usual place of abode a well fixed Carbine, with Belt and Swivel, and two pounds of fine Powder, with six pounds of sizeable Bullets, on penalty of ten Shillings for every default, and that each of them shall bring the same into the Field when commanded, upon penalty of answering the same at a Court-Martial. And for the supply of such Troops of Horse as his Excellency shall think fit to appoint, whensoever any of the said Troops shall not compleat the number of Fifty, it shall be in the power of the Collonel or other chief Officer to present tribble the Number, instead of such as are dead, removed or wanting, out of the principal Inhabitants of the two Divisions of this Province, unto the Governour for the time being, who from time to time may list and order so many of them to be of the respective Troops, as may compleat the Number of Fifty, for her Majesties Service and the Security of this Province; and such person and persons so presented to the Governour for the time being, and by him listed and ordered to be of the said respective Troops, shall be and are hereby obliged to serve in the said respective Troops, upon the penalty of five pounds.

And be it further Enacted by the Authority aforesaid, That no person, so listed as aforesaid, shall depart thence without a discharge from the Commander of the Company or Troop where listed, on penalty of Forty Shillings; and that no Commander of any Company or Troop shall refuse, when desired, to give a Discharge in writing to any that hath removed his aboad out of the Precinct or Province, under the penalty of five pounds.

And be it further Enacted and Ordained by the Authority aforesaid, That all Captains of Companies of Foot or Troops of Horse, shall within twelve Moneths after the publication of this Act, provide for their Companies & Troops, Drums and Colours, Trumpets and Trumpeters and Banners at the proper Charge of the respective Officers, Troops and Companies, under the penalty of Ten Pounds, and so for every Four Moneths after such Commanders shall remain unprovided. And that all the Collonels of the respective Regiments, or next chief Officer in their absence, shall once every year, at least, issue out

their Warrants to their inferiour Officers, commanding them to make diligent search and enquiry in their several Precincts, that all be duly listed, armed and equip't, and to return to them such Defects as shall be found, to the end the same may be Reformed, on penalty of Twelve Pounds, & that once every three Moneths, or oftener, as occasion shall require and command be given by the Captain General and Commander in Chief, for the time being. The several Companys and Troops in each Regiment, shall meet at the next and most convenient places to be appointed by the respective Officers, to be then and there by them Mustered and Exercised.

And be it further Enacted and Ordained by the Authority aforesaid, That during the time the said Officers and Souldiers are in Arms, they shall observe and keep all and every the Laws and Articles of War, and give all due Obedience to their superiour Officers; which Laws and Articles the Captain General and Commander in Chief, with advice of a general Council of War, is to make and establish; and the Commanders of the several Regiments to give out Copies of the said Articles unto the respective Officers, that the same may be publickly read once every three Moneths unto the Souldiers, whilst they are in Arms, that all persons may the better know and observe their Duties. And if it shall happen, that any of the Officers or Souldiers, shall, when they are out of Arms, endeavour to take Revenge by force, for any thing his or their superiour Officer lawfully did, in pursuance of his or their Duty and this Act, the said Officers & Souldiers shall be brought to a Court Marshal, and there punished, as if the Offence had been done in time of Service or Exercise, provided that the said punishment do not extend to Life or Limb.

And be it further Enacted, That once every year, or oftner, if thereunto commanded, each particular Captain shall give to his Field Officer, and the Field Officers to the Captain General and Commander in Chief for the time being, fair written Rolls of their respective Companies and Regiments. And if any Field Officer, Captain or other Inferiour Officer shall neglect or contemn performing the lawful Commands of their respective Superiour Officers, he or they shall be punished by fine, casheering or other punishment, according to the discretion of a Court Marshal which the Captain General or Commander in Chief is to appoint and establish; and the Orders of the said Court Marshal are hereby declared to be binding in all Military Affairs. And if any person upon any Invasion, or other publick Military Service be wounded or disabled, he shall be cured and maintained out of the publick Revenue. And if any person whatsoever shall be sued, molested or impleaded for any thing lawfully commanded in the execution and performance of this present Act, he shall plead the general Issue, and give this Act in Evidence; and shall thereupon, if found for him, Recover Treble Costs of suit.

Provided always, and it is hereby Enacted and Declared by the Authority aforesaid, That the several Fines and Forfeitures mentioned in this Act shall be disposed of as followeth, *viz.* That all such as do relate to any Person under the degree of a Captain, shall be adjudged by and be to the respective Captains, to defray the Charges of their Companies or Troops, and to be levyed before the next Exercising Day, by distress and sale of the Offenders Goods, by the Cap-

tains Warrant to the Serjant or Corporal, and if no Distress be found, the punishment to be by riding the Wooden Horse, or tyed Neck and Heels, not exceeding one hour at the discretion of the Officers. But if the Offender be a Servant, the Owners Goods shall be liable to the Distresses and Sales, as aforesaid, so that Satisfaction may be made. And if any such Serjant or Corporal, so as aforesaid appointed by the Captain, shall refuse to execute such Warrant to him granted, such Serjant or Corporal shall forfeit for every such Offence, for the Uses afore-mentioned, the Sum of Forty Shillings, to be levyed by Distress, as is aforesaid, by such other Serjant or Corporal, by the like Warrant, under the Hand and Seal of the Captain, as is before in the Act expressed. And for all other Penalties mentioned in this Act, the same to be levyed by distress and sale of the Offenders Goods and Chattels, by the Provost-Marshal, by Warrant from the Capt. General and Commander in Chief, or the chief Field Officer where such Offenders are, the one half thereof shall be to the Capt. General, and the other half to the said Field Officers of the Regiment where the Offence is committed. And if the Fines that do relate to any Person under the degree of a Captain do not amount to a Sum sufficient to defray the charge of the Captain's Companies or Troops, that then, the Overplus wanting, to be levyed upon the several Souldiers, equally, by Warrant or Order of the Collonel or chief Officer of the Regiment, Troops or Companies.

And be it further Enacted by the Authority aforesaid, That no person whatsoever presume to fire any small Arms after Eight of the Clock at Night, unless in case of an Alarm, Insurrection or any other lawful occasion, such as shooting Deer, Turkeys, Wolves, &c., and in either of the said cases four Musquets or small Arms distinctly fired, or where great Guns are the firing of one great Gun and two Musquets or small Arms distinctly, and beating of a Drum shall be taken for an Alarm, and every Person that shall neglect his duty in taking and giving forward the Alarm, by firing, as aforesaid, or shall be guilty of firing any small Arms after Eight of the Clock at night, unless as aforesaid, shall be fined or otherwise punished at the discretion of a Court Marshal, not extending to Life or Limb; and in case of such an Alarm, every Souldier is immediately to repair armed to his Colours or Court of Guard, upon penalty of five Pounds. And for the better prevention of false Alarms, no Captain, Master or Commander of any Ship or Vessel riding at Anchor in any of the Harbours, Ports or Bays within this Province, or any other Person, fire any Gun or beat any Drum after Eight of the Clock at Night, under the penalty of four Pounds for every Gun so fired or Drum beaten, to be Levyed by Warrant from the chief Officer, not under the degree of a Captain, who is hereby impowered to Administer an Oath and give Judgment there upon by distress and sale of the Offenders Goods, and for want of such distress, the said chief Officer is impowered to commit such Offender to Goal, there to remain until payment be made of the same. And that in case the said chief Officer shall not perform his Duty therein, he shall forfeit ten Pounds to be levyed by Warrant from the Captain General and Commander in Chief for the time being. *Provided always,* That this Clause shall in no ways concern or extend to any Captain or other Officer of any of her Majestys Ships of War for their firing at seting the Watch.

Provided always, and it is hereby further Enacted and declared, by the Authority aforesaid, That all Trumpeters and Drummers that shall by the several Captains be put into that service during the Captains pleasure shall serve upon the sallary of Forty shillings *per annum* for a Trumpeter and Twenty shillings *per annum* for a Drummer, finding their Trumpet and Drum, and Twenty Shillings for a Trumpeter and Ten Shillings for a Drummer, if the Captain find them, upon penalty of forty shillings; and that no person shall refuse to be a Serjant, Corporal or Drummer in the Company wherein he is Listed, under the penalty of Fourty Shillings.

And be it Enacted by the Authority aforesaid, That all Captains of the Companies in the several Towns within this Province, do take due care to list all Youth as they come to Age of Sixteen years; and if any doubt shall arise concerning the Age of any such Youth, the same shall be determined by the Oath of their Parents or any other credible person, taken before some Justice of the peace, who are hereby required and impowered to administer the same in the words following *viz. I A.B. do Swear upon the holy Evangelist of Almighty God, that C.D. the Son of E.F. listed in ------- Company, is ------- Years Old, and no more, So help me God.*

And if that party be a Quaker, he or she shall take the solemn Affirmation, as appointed by Act of Parliament, to the purpose aforesaid, which Oath being certified by the said Justice to the Captain of the said Militia Troop or Company where the said party is listed, and it appearing upon Oath or solemn Affirmation, that such person is not of the age of sixteen years, he shall be dismissed until such time as he attains that age.

Provided always, and it is hereby further Enacted and Declared, That all the Members of her Majestys Council, Justices of the Peace, High-Sheriffs, Coroners and all Officers of Courts, Ministers, School-Masters, Physitians and Chyrurgions shall be free from being listed in any Troop or Company within this Province; any thing contained herein to the contrary in any wise notwithstanding.

Provided always, and be it further Enacted by the Authority aforesaid, That nothing in this Act contained shall be expounded, construed or understood to diminish, alter or abridge the Power of the Captain General and Commander in Chief, for the time being, but that in all things and upon all occasions he may act as fully and freely, as Capt. General and Commander in Chief, to all intents and purposes, as if this Act had never been made, anything in this Act to the contrary notwithstanding.

Provided also, and be it further Enacted by the Authority aforesaid, That this Act, nor any Article or Clause herein contained, shall be construed or taken to allow or give liberty to any Negro, Indian or Malatto Slave or Servant to be listed, or to do any Duty in the Militia of this Province.

Provided always, That no Person or Persons whatsoever shall be sued, prosecuted, or his Goods and Chattels liable to any levy or seizure by virtue of any clause in this Act before mentioned, but within the space of three Calander Moneths after the committing the respective Facts, hereby made Offences, and not at any time after the said three Moneths.

And be it further Enacted by the Authority aforesaid, That when-ever it shall so happen that Money shall be raised by Act of General Assembly of this Province, for the raising and paying Men for the Defence thereof, the several and respective Captains or other Officers commanding the Companies respectively, for the time being, shall and may, by virtue of this Act, appoint or detach such and so many of the respective Companies as shall be required for that Service by the Capt. General or other superior Officers, by leaving a Note in writing at their respective Houses, or last place of abode, signifying *When* and *Where* they shall appear, ten days inclusive, before the day of such appearance. And if such Person or Persons for whom such Note shall be left, as aforesaid, shall not appear at the time and place appointed, and perform the Service required of him, he or they shall procure another sufficient Man in his place, or forfeit the Sum of *Six Pounds:* And for the Recovery of which last mentioned Penalty or Forfeiture, it shall and may be lawful for every Captain or other Officer of any Militia Troop or Company within this Province, to apprehend and take into his or their Custody, where-ever they shall be found, such Person or Persons of their respective Troops or Companies, who being detached or to be detached, shall incur the Penalties and Forfeitures aforesaid; and the said Person or Persons so apprehended and taken into Custody, to have and carry before any three Justices of the Peace (one of which to be of the *Quorum*), of the County, Town or Place where such Person or Persons were inhabiting or residing at the time of incurring the Penalty and Forfeiture aforesaid; the which Justices of the Peace shall be & are hereby authorized and impowered, upon Conviction of the Offender by confession, or otherwise, by Warrant under their hands and seals, to order and appoint the levying and raising of the said Penalty or Forfeiture of *six Pounds,* as aforesaid, upon and out of the proper Goods and Chattels of the Offender, if he have any; and for want thereof, by like Warrant to commit the said Offender to Goal, there to remain one whole year, without Bail or Mainprize, unless the said Forfeiture be sooner paid. *Provided always,* That the said Sum of *six Pounds* Forfeiture, as aforesaid, when and as often as the same shall be levyed & raised upon any of the Offenders aforesaid, their Goods or Chattels, the same shall be paid & delivered to each respective Captain, or other Officers aforesaid, for the use and benefit of such Person or Persons who shall do Duty for, and supply the place and stead of the Offender or Offenders, according to the direction and appointment aforesaid.

Provided always, and be it Enacted by the Authority aforesaid, For the Ease and Benefit of the People called *Quakers,* that if any Person shall produce unto the Capt. of the Companys, within whose District the said Person shall inhabit, a Certificate under the hands of six or more Members of the Monethly or Quarterly Meetings of the People called *Quakers,* within the County where such Persons do inhabit, testifying that such Person so producing the same, is and was at the time of passing this Act, one of the People called *Quakers,* that from thence forth until such Certificate shall be retracted, such Persons shall not be lyable to the Penalty for not listing, as is herein before expressed, or any other Penalties herein contained, except for not appearing and doing Service upon such Detachments as is herein before mentioned, which they are hereby

declared to be liable unto. But so, *nevertheless,* that such Person shall be liable to pay the yearly Sum of *Twenty Shillings,* to be paid at the Feast of St. *John the Baptist,* or within 3 days after, during the continuance of this Act, and in default of payment thereof, the same to be levyed by distress and sale of the Goods & Chattels of such Person or Persons, or his or their Parent or Master, by Warrant under the hand & seal of the Captain, directed to any Constable within the said County. The Sums so paid or levyed, to be paid into the hands of the Receiver General or Secretary of this Province, or such other Officer as the Governour shall appoint; the same to be applyed for and towards such publick Uses as the Governour Commander in Chief of the said Province shall under his hand and seal direct and appoint.

Provided always, That this Act do continue and be in force from the first day of January in the year of our Lord 1704, for and during the space of two Years, and from thence unto the end of the next Sessions of the General Assembly of this Province, and no longer.

Disallowed?
Bradford (1704) 5-10.

An Act for Suppressing of Immorality within this Province of New-Jersey.

Whereas Prophaneness and Immorality have too much abounded within this Province, to the shame of Christianity, and the great grief of all good and sober Men, for the suppressing whereof for the future. *Be it Enacted by the Governour Council, and Assembly now met and Assembled, and by the Authority of the same,* That all and every Person and Persons whatsoever within this Province, who shall be Convicted of Drunkenness, Cursing, Swearing, or Breaking the Lords Day, by doing any ordinary Work or Labour, thereon (Excepting works of Necessity or Mercy) by the Information of every Constable within their respective Precincts, or of any other Person whatsoever before any one of her Majesties Justices of the Peace of the County where such fact is Committed, by the Confession of the Offender, or the Oath or Attestation of one Witness (which every Justice of the Peace is hereby Authorized to Administer) every Person so convicted shall be fined by the said Justice of the Peace for Drunkenness, or breaking the Lords Day, in the Sum of six Shillings Money of the said Province for each offence besides costs, And for Cursing or Swearing,

in the Sum of three Shillings Money aforesaid, besides costs for each Offence, all which fines to be Immediately levyed upon the Offenders Goods and Chattels by the Constables aforesaid, by Warrant from the said Justice of the Peace, and for want of Effects to make such distress the said Constable by Warrant from the said Justice of the Peace, shall commit the Offender to the Stocks for the space of four hours, for Drunkenness, or for breaking of the Lords day, and two hours for Cursing or Swearing; And each Distress so made as abovesaid to be by the said Constables sold at a Publick Outcry (unless redeemed by paying the said Fine and Costs within three days) and after full payment of said Fine and Costs, the overplus (if any be) shall be returned to the owner; And all such fines to be by the Constables aforesaid immediately paid to the Overseers for the Poor of the Town, where such Fact is Commited for the use of the Poor of that Town, for all which fines the overseers of the Poore shall be accountable yearly to the Justices in their General Quarter Sessions of the peace.

And be it further Enacted by the Authority aforesaid, That no publick House Keeper within this Province, shall suffer any Person or Persons to Tipple and Drink in his House on the Lords day, Especially in the time of Divine Worship (Excepting for necessary refreshment) under the Penalty of six Shillings Money aforesaid for every such Offence to be Prosecuted, Sued, Recovered, Levyed, and Disposed of, as aforesaid, *Provided,* That all or any the abovesaid Offences be sued and prosecuted, within one Month after the same were Committed.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons within this Province who shall be Lawfully Convicted of Fornication or Adultery, upon presentment indictment or information in the Supream Court, or the Court of General Quarter Sessions of the peace of the County where such Fact shall be Commited, every such Offense shall be by the said Court punished in manner following *viz.* Every Woman Convict of Fornication as aforesaid, shall be fined by the said Court for every such Fact in the Sum of five Pounds Money aforesaid besides Costs, and if unable or unwilling to pay the same shall receive Thirty Lashes or Stripes on the bare back, and Every Man that shall by the said Court be adjudged the Reputed Father of every such Bastard, shall be also fined in the Sum of five Pounds Money aforesaid, and give security to save the Town or Precinct harmless from the Charge of such Bastard Child, and every Man convicted of adultery as aforesaid shall be Whip't at three several Courts and each time receive Thirty Lashes on the bare back or pay the Sum of Thirty Pounds Money aforesaid (and every Woman so Convicted of Adultery as aforesaid shall be Whip't at three several Courts and each time shall receive Thirty Lashes or Stripes on the bare back, or pay the Sum of Thirty Pounds Money aforesaid), the said Sums and Penaltys to be Disposed of in the like manner as is directed, for the other Penaltys herein before mentioned.

Bradford (1704) 11-12.

An Act for laying out, Regulating, Clearing and Preserving Publick Common High-ways throughout this Province of *New-Jersey.*

For the better laying out, ascertaining, repairing and preserving of publick common and general High-ways within this Province of *Nova Cesaria* or *New-Jersey, Be it Enacted by the Governour, Council and Assembly now met and assembled, and by the Authority of the same,* That there be laid out, preserved and kept in good and sufficient repair one publick common and general High-way, to extend from *Elizabeth-Town* Point to *Perth-Amboy,* the same that was laid out in the late Governour *Lawry's*[1] time; and from *Amboy* Ferry to *Burlington,* as it now lies by *South-River* Bridge to *Cranberry-Brook,* and from thence to *Chesterfield,* or *Croswicks*-Bridge, so to *James Crofts,* from thence to Widdow *Handcocks,* and thence as the Road is now laid out to *Burlington;* and from thence to the Ferry-Point for *Philadelphia,* as the Road is now laid out. And from *Burlington* to *Hollingsheads* Ferry over *Northampton*-River, and from thence to *Cropwell* Creek, from thence over *Coles* Branch, from thence to *Howells* Mill on *Coopers* Creek (all as the Road is now laid out;) from thence (as near as conveniency will allow) in a direct line to the Bridge over *Gloucester* River-Branch, then as it is already laid out, to the Bridge over *Gloucester* River; from thence along the Road to great *Manto* Creek, and so to *Stephen Jones's;* from thence to *Wallo Dalboes,* so over *Raccoon*-Creek, and in a direct line to *Old-mans* Creek-bridge; from thence to the new Bridge at *Joy-point,* and so into *Salem* Town.

And also, one other publick common and general High-way to extend from *Woodbridge* to *Piscattaway,* and also from *Amboy* to *Piscattaway,* and from thence along the Road (to and through *Somerset* County, to the North Branch of *Rariton* River) as it was formerly laid out in the late Governour *Lawry's* time; and from the said *Piscattaway* to the Ferry, known by the Name of *Innians's Ferry,* thence to *Cranberry-Brook,* as the Road now goes, and was formerly laid out by Governour *Hamilton.* And that all the Roads above-mentioned be six Rod in breadth. And also, one other publick common and general High-way from the Town of *Bergen* to the Point over-against Mr. *Coursens* on *Richmond-Island,* of four Rod in breadth.

And be it further Enacted by the Authority aforesaid, That the Persons herein after named shall be, and are hereby appointed Commissioners for each respective County, for surveying, laying out, ordering and appointing the above-said, and all other High-ways, and everything relating thereto, within their and every of their respective Counties within this Province. *Viz.*

For the County of *Bergen,* Mr. *Thomas Lawrence,* Mr. *Edward Moor,* & Mr. *Francis Moor.*

For the County of *Essex,* Mr. *Jasper Crane, Theophilus Pearson,* Mr. *Elias Machielson,* Mr. *Andrew Hampton,* and Mr. *Richard Baker.*

For the County of *Middlesex,* Capt. *John Bishop,* Mr. *John Royce,* Capt.

George Drake, Mr. *Thomas Grub* and Mr. *John Matthew.*

For *Monmouth* County, Mr. *John Reid, Obadiah Bown,* Mr. *Elisha Lawrance,* Mr. *John Leonard,* Mr. *John Woolley,* Mr. *Benja. Burden* and *John Hepbourn.*

For *Somerset* County, Capt. *John Harrison,* Mr. *John Royce,* Mr. *Michael van Veighty, Peter van Este* and *Andrew Bird.*

For *Burlington* County, *Theophilus Phillips, John Clark, Thomas Lambert, Thomas Rapier, John Wills* of *Northampton,* and *Joshua Newboult.*

For *Gloucester* County, *Simon Ellis, Thomas Sharp, Matthew Medcalf, Mordicai Howell, Richard Bromley, John Roe* and *William Warner.*

For the County of *Salem, Benjamin Acton, Bartholomew Wyat, Walter Huestead, John Mason, William Hall* of *Alloways Creek, Jonathan Wallen* and *John Bacon.*

For the County of *Cape May, John Townsend,* Mr. *Shangar Hand* and Mr. *William Goulder.*

And be it Enacted by the Authority aforesaid, That all the above-named Commissioners, of each respective County, or any three or more of them, shall be, and are hereby authorized and appointed, with all convenient speed to survey and lay out all and every such other common High-ways of the breadth of four Rods, as well from the several Counties, Townships, Precincts and Districts within this Province, to their next contiguous Counties, Townships, Precincts or Districts, and from one Town or Village to another, as to the several and respective publick & general Roads and High-ways beforementioned, and to such convenient Landing places in each respective County, Precinct or District where the respective Scituations will afford and require, for the better & easier Transportation of Goods and the Commodious passing of Travellers, as direct and convenient as the circumstances of the place will admit of, not exceeding four Rod on the River to each Landing-place. And any two or more of the said Commissions to lay out all Drift-ways or by-ways, of such breadth as they shall think fit, not exceeding two Rods; and to order and appoint the making and maintaining Swinging-Gates, Bridges, Causeways, Felling of living Trees, Removing of Fences and other Nusances, and all other things whatsoever needful and necessary for laying out, making, clearing and repairing all and every the said High-ways, and every thing relating thereto. All which High-ways, Drift-ways, and others, which the said respective Commissioners shall from time to time lay out, they shall immediately under their hands make return thereof unto the Clerk of the Peace of each respective County, who is hereby required to Record the same.

And for the better making, clearing, maintaining and repairing all and every the common High-ways, Bridges, Causeways and Landings surveyed, laid out and appointed, as aforesaid, *Be it further Enacted by the Authority aforesaid,* That the Justices of the Peace at the general Quarter-Sessions of the Peace, held for each respective County in the Moneths of *February* and *March,* shall nominate and appoint two Over-seers of the High-ways for each Town or Precinct within each respective County. And in case of Death, Absence or Refusal, any two of the Justices of the Peace of said County, under their hands, to

appoint others in their place; which Overseers, every of them, for and within their and every of their several and respective Towns or Districts, are hereby authorized and appointed to summons or give notice to such and so many of the Inhabitants of such said Town or District as the said Over-seer shall think fit (excepting the Commissioners for the time being) at such times, places & seasons as any one or more of the said respective Commissioners shall appoint, and for so long time as the said Overseer shall appoint to meet and convene for making, clearing and repairing said High-ways, Bridges, Causeways and Landings, within his Town or District, for which he is appointed Overseer, as aforesaid. And all and every such Persons summoned, or having notice, as aforesaid, either themselves or a sufficient working hand for them, shall meet at the said time and place so appointed, and obey and perform such orders & directions as the said Overseer (by order of any one of the said Commissioners, as aforesaid) shall direct and appoint. And in case any person summoned do not by themselves, or another in their place, appear, as aforesaid, every such Defaulter shall forfeit six Shillings, Money of this Province, for each days absence; To be levyed (by Warrant from any Justice of the Peace of said County [who is hereby impowered to grant such Warrant, where such default is made], directed to the Constable of such District) by distress and sale of the Offenders Goods and Chattels at a publick Out-cry; and after Payment of said Distress and Charges, the over-plus, if any, to be returned to the Owner: And every Team, with Cart or Waggon, and a man to mannage the same, which the said Over-seers, or any of them, shall have occasion to use, shall be esteemed in place of three days labour of one work-man. *Provided always,* That all and every the said Overseers shall imploy all and every the Inhabitants within their several respective Towns and Districts, justly and equally every year, excepting the Commissioners as aforesaid.

And be it further Enacted by the Authority aforesaid, That every Over-seer who shall refuse or neglecteth to do, act and perform the Duty and Services required of them, or any of them, in & by this Act, shall forfeit *five Pounds,* Money of this Province, to be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within this Province, with costs, one third to the Informer who shall prosecute the same to effect, and the other two Thirds to be imployed by direction of any one or more of the Commissioners, to the repairing said High-ways. And each Commissioner who shall refuse to do, act and perform the Duties and Services required of them, or any of them, in and by this act, shall Forfeit the sum of *Ten Pounds,* Money of this Province, to be sued, recovered and employed as aforesaid. And in case of Death or Absence (above one year) or refusal of any of the said Commissioners, that the surviving Commissioners of such County, or any three of them, shall chuse others in their place, who shall serve, under the same Penalties and Forfeitures, as aforesaid.

And be it Enacted by the Authority aforesaid, That all the above-recited and ascertained Publick, Common and General High-ways shall be cleared, made, maintained and repaired after the same way and manner as the other High-ways above-said, by the said several Towns and Districts through which they pass. And all such Common, Publick, General and other High-ways, and

Bridges which part and separate any of the said Counties, shall be made, maintained and repaired joyntly by both the said Counties, and by the said Commissioners joyntly, and the said Over-seers joyntly, in manner above-said, and under the Penalties above-said.

Disallowed?
Bradford (1704) 13-16.

1. Gawen Lawrie (?-1687) became a trustee of Edward Byllynge's interest in West Jersey, with William Penn and Nicholas Lucas. Byllynge was chief proprietor and governor of West Jersey, September 1680-January 1687. Lawrie was deputy governor, 1683-October 1686.

An Act for altering the present Constitution, and Regulating the Election of Representatives to serve in the General Assembly in this Province of *Nova-Cesaria* or *New-Jersey.*

Whereas the present constitution granted and allowed by our most Gracious Sovereign Lady the Queen, to the Free-holders, Inhabitants of this her Majestys Province of *Nova-Cesaria* or *New-Jersey,* concerning the Election of Representatives to serve in General Assembly, both as to their Qualifications, and manner of Election, is found to be very inconvenient. For Remidying whereof, *Be it Enacted by the Governour, Council and Assembly now met and Assembled, and by the Authority of the same,* That after the Dissolution of this present Assembly, the Representatives to serve in the said General Assembly thereafter, shall be chosen by the Majority of Voices or Votes of the Free-holders of each County, in manner and Form following, *viz.* In the Eastern Division of this Province, for the County of *Bergen,* One. For the County of *Essex,* Three. For the County of *Middlesex,* Two. For the City or Town of *Perth-Amboy,* Two. For the County of *Somerset,* One. For the County of *Monmouth,* Three.

In the Western Division of said Province, For the City or Town of *Burlington,* Two. For the County of *Burlington,* Two. For the County of *Glouces-ter,* Three. For the County of *Salem,* Four. For the County of *Cape-May,* One.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons Elected and Chosen Representatives for the several Counties as aforesaid, shall be Inhabitants, Free-holders in that Division for which he

or they shall be Chosen, and a Free-holder of the County in which he or they shall be Elected to serve in General Assembly, as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Person who is not a Free-holder, as aforesaid, shall be capable of Electing or being Elected, nor of sitting in General Assembly. And that the House of Representatives Elected and chosen as aforesaid, when met in General Assembly, are and shall be Judges of the Qualifications of their own Members.

And be it Enacted by the Authority aforesaid, That if any Sheriff or other Officer within this Province, do or shall presume to make any Return contrary to this present Act, he shall incur the same Penalty and Forfeiture as is in such cases of undue Returns, provided and Enacted by the Laws of *England,* and to be sued recovered and disposed as in the said Laws is directed.

Disallowed?
Bradford (1704) 16-17.

An Act for Uniting and Quieting the Minds of all her Majesties Subjects within this Province of *New-Jersey.*

Whereas some unhappy Differences and Annimosities have arisen amongst many of her Majesties good Subjects within this Province, occasioned by several Disorders, Irregularities and Misdemeanours, acted and committed by several Persons within both the *Eastern* and *Western* Division thereof, preceeding the Thirteenth Day of *August,* in the second year of her Majestys Reign, which have been fomented, promoted and continued by some ill affected and evil disposed Persons. And this Assembly seriously considering that nothing can tend more to the Honour of our most Gracious Sovereign Lady the Queen, the good and quiet of the Country, than Unity, Love and Concord amongst all her Majesties Subjects. For the attaining of which great and good ends, and for the preventing all future Fears and Jealousies, and quieting the minds of all her Majesties loving Subjects within this Province, *Be it therefore Enacted by the Governor, Council and Assembly now met and Assembled, and by the Authority of the same,* That all and every of her said Majesties Subjects inhabiting within this Province, shall be and are hereby acquitted, pardoned, released and discharged against her Majesty, her Heirs and Successors, and every of them, of and from all manner of Fellonies (*High Treason, Petty Treason* and *Murther,* and *Accessaries* thereunto, *Pyracy* and *Robbery* on the High Seas,

and *Accessaries* to the same, Willful and Corrupt *Forgery* and *Perjury,* and *Subornation* thereof, and *Rapes,* only excepted) Riots, Routs, Offences, Wrongs, Misdemeanours, Imprisonments, Escapes, Contempts, Seditious and unlawful Meetings, Treasonable or Seditious Words or Libels, Batteries, Assaults, Trespasses and Quarrels before the said thirteenth Day of *August,* which was in the year of our Lord 1703, wherein no Judgment hath been already given and Execution thereupon Executed.

And whereas several Assaults, Batteries and Imprisonments have been committed, Rescues and Escapes suffered, and Defamatory words spoken and written in Disputes, which happened formerly in this Province, in relation to the Government of the same, or some part thereof; All which it is highly reasonable should be now forgiven and forgotten. *Be it therefore Enacted by the Authority aforesaid,* That no Person or Persons shall bring, commence or prosecute any Suit or Action for any such Assault, Battery, Rescues, Escapes or Imprisonment, done or committed within this Province, or for any Defamatory Words so spoken before the thirteenth Day of *August,* in the year of our Lord 1703. But that all such Suits, Actions and Prosecutions, for such Offences, so as aforesaid committed, shall be and are here by Pardoned and Discharged.

And be it further Enacted by the Authority aforesaid, That all and every her Majestys Subjects, by him or themselves, his or their Attorney or Attorneys may plead this present Act, (or give in Evidence the General Issue) or true Copy thereof signed by the Secretary of the Province, in Bar and Discharge of any Action, Suit, Bill, Plaint or Information of or for any matter, cause or thing above recited, or of or for any other matter, cause or thing whatsoever relating to the Government at any time or preceeding the said 13th Day of *August* in the year of our Lord 1703.

Bradford (1704) 17-18.

An Act for Regulating Negro, Indian and Mallatto Slaves within this Province of *New-Jersey.*

Whereas it is found by daily Experience, that Negro, Indian and Mallatto-Slaves, under pretence of Trade, or liberty of Traffick, do frequently steal from their Masters, Mistresses or others, what they expose to sale at a distance from their Habitations; and it being a known truth, That without a Receiver, the Thief would soon desert his Practice, *Be it therefore Enacted by the Governour,*

Council and Assembly now met and assembled, and by the Authority of the same, That all and every Person or Persons inhabiting within this Province, who shall at any time after publication hereof buy, sell, barter, trade or traffick with any Negro, Indian or Mallatto Slaves, for any Rume, Wine, Beer, Syder, or other strong Drink, or any other Chattels, Goods, Wares or Commodities whatsoever within this Province of *Nova-Cesaria* or *New-Jersey,* shall pay for the first Offence *Five Pounds,* and for the second, and every other Offence, *Ten Pounds* current Money of this Province, the one half to the Informer, the other half to the use of the Poor of that place where the fact is committed. To be recovered by Action of Debt in any of her Majesties Courts of Record within this Province where the fact shall arise.

And be it further Enacted by the Authority aforesaid, That all and every person or persons within this Province who shall find or take up any Negro, Indian or Mallatto Slaves ten Miles from his or her Master or Mistresses Habitation, who hath not leave in writing from his or her said Master or Mistress, he, she or they so taken up shall or may be whipt, by the party that takes them up, on the bare back, not exceeding twenty Lashes; and the taker up shall have for his Reward the Sum of *Five Shillings* for every one so taken up, with reasonable Charges of carrying home, paid him by the Master or Mistress of the said Slave; and if further, then *six Pence per Mile* for every Mile over and above the said ten Miles; to be recovered by Action of Debt of *Forty Shillings* or under, before any Justice of the Peace; if above 40*s.* then before the Court of Common Pleas of the County where the fact shall arise.

And be it further Enacted by the Authority aforesaid, That if any Negro, Indian or Mallatto Slaves of or belonging to any other Province, without License under the hand of his or her Master or Mistress, shall be taken up by any person within this Province, he, she or they so taken up shall be whipt at the publick Whipping-post belonging to the place where the said Negro, Indian or Mallatto Slaves shall be taken up, not exceeding twenty Lashes on the bare back, and to be committed by a Warrant from a Justice of the Peace where the Fact shall arise, to the Goal of that County; and the person so taking them up, and carrying them to be whipt, shall have for his Reward the Sum of *Ten Shillings* for each Slave, paid by the Mr. or Mrs. of the said Slaves, and to remain in Prison till it be paid, with all other Charges that shall accrew thereby.

And be it further Enacted by the Authority aforesaid, That when any Negro, Indian or Mallatto Slaves shall be taken into Custody for Fellony or Murder, or suspicion of Fellony or Murder, that three of the Justices of the Peace of that County where the Fact is committed (one being of the *Quorum*) shall with all conveniency meet and try the said Negro, Indian or Mallatto Slaves, and upon Conviction by a Jury of twelve lawful Men of the Neighbourhood, Pronounce Sentence for such Crimes, and sign the Execution.

And be it further Enacted by the Authority aforesaid, That if any Negro, Indian or Mallatto Slave shall steal to the value of *six Pence,* or above, and under the Sum of *five Shillings,* and be thereof convicted before two Justices of the Peace, one whereof to be of *Quorum,* upon the Oath or solemn Affirmation of one or more Witnesses, such Negro, Indian or Mallato Slave shall be

whipt on the bare Back, at the publick Whipping-place, with Forty Lashes by the Constable of such Township or place where the Offence was committed, or such Person as he shall appoint. And that if any Negro, Indian or Mallatto Slave shall steal to the value of *five Shillings,* or above, and under the Sum of *Forty Shillings,* and be thereof convicted in manner as aforesaid, such Negro, Indian or Mallatto Slave shall be whipt on the bare back with Forty Stripes, as aforesaid, and be likewise burnt with a hot Iron on the most visible part of the left Cheek near the Nose, with the Letter (T) by the Constable, as aforesaid; the which Constable shall receive for whipping of each Negro, Indian or Mallatto Slave *five Shillings,* and for burning each Negro, Indian or Mallatto Slave *Ten Shillings,* to be paid by the Master or Mistress of the said Slave; and in default of payment to be levyed by Warrant from any Justice of the Peace out of the goods of the said Master or Mistress; and that every Constable that shall neglect or refuse to do his Duty herein shall forfeit the Sum of *Forty Shillings,* to be levyed by Warrant of any Justice of the Peace, directed to whom he shall appoint, out of the Goods and Chattels of the said Constable.

And if any Negro, Indian or Mallatto Slave shall attempt by force or perswasion to Ravish or have carnal Knowledge of any White Woman, Maid or Child, and be thereof convicted by the Verdict of twelve Men of the Neighbourhood before two Justices of the Peace, one whereof to be of the *Quorum,* such Indian, Negro or Mallatto shall be Castrated at the care and Charge of his Master or Mistress, and the Negro to continue in Goal at the charge of his Mr. or Mrs. till Execution be performed.

And whereas the *Baptizing of Slaves* is thought by some to be a sufficient Reason to set them at Liberty; which being a groundless Opinion, and prejudicial to the Inhabitants of this Province, *Be it further Enacted by the Authority aforesaid,* That the Baptizing of any Negro, Indian or Mallatto Slave, shall not be any reason or cause for setting them, or any of them at Liberty; nor shall they nor any of them have or procure their or any of their Liberty by virtue thereof.

And be it Enacted by the Authority aforesaid, That all the Children that have been or shall be born in the Country of such Negro, Indian or Mallatto Slave as have been formerly, or may hereafter be set at Liberty, and all their Posterity shall be and are hereby forever after rendered incapable of purchasing or inheriting any Lands & Tenements within this Province.

And be it further Enacted by the Authority aforesaid, That any Person or Persons within this Province, who shall knowingly keep or entertain any Negro, Indian or Mallatto Slave in his or their House, or otherwise, for above the space of two hours, without their Mr. or Mrs. leave, or some other reasonable cause or occasion, shall forfeit the sum of *One Shilling* for each hour, to the Mr. or Mrs. of such Slave, to be recovered before any one of her Majesties Justices of the Peace, in manner aforesaid; and if above 40*s.* then before the Court of Common Pleas, as aforesaid.

Disallowed 24 Oct. 1709.
Bradford (1704) 18-20.

An Act for Reviving and continuing the Courts of Quarter-Sessions and Common Pleas in the Counties of Bergen, Middlesex *and* Monmouth, *and the Proceedings of the same.*

Whereas the last Courts of General Quarter-Sessions & of Common-Pleas appointed to be held in and for the Counties of *Bergen* and *Middlesex* in the Month of *November,* and for the County of *Monmouth* in the Month of *December,* during this present Sessions of General Assembly within this Province of *New-Jersey,* or some of them were not duly holden, which have been occasioned by the Judges of the said several Courts attending her Majesties Service in the General Assembly of this Province. And whereas some Doubts may arise concerning the discontinuance of Indictments, Actions, Suits & Processes depending in the said Courts, *Therefore be it Enacted by the Governour, Council and Assembly in General Assembly met, and by the Authority of the same,* That no Indictment, Suit, Action or Process be discontinued for not holding the said Courts, or any of them, but that the same shall be revived, continue and remain in the next Courts to be for the said Counties, according to an Ordinance for that purpose formerly made. And that all and every Person and Persons obliged to make their appearance at any of the said last Courts, which were not holden, shall make and enter their appearances at the next Courts or Quarter-Sessions and Common-Pleas respectively, to be held for the said respective Counties, in such manner as they should have done, if the said last Courts had been duly holden, any Law, Custom or Usage in any wise to the contrary notwithstanding.

Disallowed?
Bradford (1704) 20.

Second Assembly, Second Session

15 Oct. - 8 Nov. 1705

Perth Amboy

No acts passed.

Second Assembly, Third Session
25 Oct. - 1 Nov. 1706
Perth Amboy

No acts passed.

Third Assembly, First Session

5 Apr. - 16 May 1707

Burlington

No acts passed.

Third Assembly, Second Session

16 Oct. - 31 Oct. 1707

Perth Amboy

No acts passed.

Third Assembly, Third Session

5 May - 12 May 1708

Burlington

No acts passed.

Fourth Assembly, First Session

3 Mar. 1708/9 - 4 Apr. 1709

Perth Amboy

All acts passed 4 Apr. 1709

An Act for Support of this Her Majesties Government of Nova Caesarea or New-Jersey, for One Year.

We, Her Majesties Loyal and Dutiful Subjects, the Representatives of Her Province of *New-Jersey,* met and assembled in General Assembly, being deeply sensible of her Majesties great Justice and tender Care of all Her Subjects in general, and of Us in particular, which she has graciously demonstrated in hearing our just Complaints, and placing now over us the Right Honourable *John* Lord *Lovelace,* Baron of *Hurley,*[1] our Captain General and Governour; As a Testimony of our Loyalty, Love and Gratitude, we esteem it our Duty (according to our Abilities) honourably to support the Government of our gracious Soveraign over us. We do therefore present unto Her Majesty the Sum of One Thousand Seven Hundred Twenty Two Pounds, Ten Shillings and four Pence half Penny, which we intreat She would be graciously pleased to accept of, and apply the same to the Uses hereafter expressed, and humbly pray that it may be Enacted, *And it is hereby Enacted by the Governour, Council and General Assembly met and assembled, and by the Authority of the same,* That there shall be raised and levyed within this Province, for support thereof, for one year, to commence from the twentyeth Day of *December* last past, being the time of Publication of his Excellency the Lord *Lovelace's* Commission, to be appropriated to the Uses as by this Act is directed, the Sum of 1722 £ . 10 *s.* 4 *d. half Penny,* in Money as it now passeth in the *Eastern Division* of this Province, *viz.* All *Spanish* Coyn, except *Perue,* at eight Shillings *per* Ounce; all Coyn of *Perue* at six Shillings and eight Pence *per* Ounce; all Lyon Dollars at five Shillings and six Pence *per* piece; and all other Money in proportion to the value above-mentioned.

Which said Sum of 1722 £. 10 *s.* 4 *d. half Penny,* the County of *Bergen* and the County of *Essex* shall pay *Three hundred ninety seven Pounds.*

The County of *Middlesex* and *Summerset, Two hundred sixty three Pounds five Shillings.*

The County of *Monmouth, Two hundred eighty five Pounds.*

The County of *Burlington, Three hundred fifty five Pounds seven Shillings and four Pence half Penny.*

The County of *Gloucester, One hundred seventeen Pounds & 13 Shillings.*

The County of *Salem, Two hundred forty eight Pounds & 15 Shillings.*

The County of *Cape May, Fifty five Pounds and ten Shillings.*

And that for the Assessing and Collecting the said respective Sums, there shall and is hereby appointed the Assessors and Collectors after-named, *viz.* In the County of *Bergen, Peter van Buskirk* and *Edmund Kingsland,* Assessors; and *Andries van Buskirk* Collector. In the County of *Essex, John Cooper* and *John Harriman* Assessors, and *John Plum* Collector. In the Countys of *Middlesex* and *Summerset, John Harrison,* jun. *Adam Hud*[e], and *George*

Drake, Assessors; and *John Harrison* Collector. In the County of *Monmouth, Samuell Dennis, James Ashton, Joseph Cox,* Assessors; and *Benjamin Burden* Collector. In the County of *Burlington, Joshua Humphrey, Edward Rockhill* and *John Reading,* Assessors; and *William Bassett* and *Joshua Right* Collectors. In the County of *Gloucester, Thomas Sharp & William Warner,* Assessors; and *Matthew Medcalf* Collector. In the County of *Salem, Jonathan Wallin, Isaac Sharp* and *Richard Darkin,* Assessors; and *Thomas Tomson* and *Joseph Eastland* Collectors. In *Cape-May* County, *Peter Corson* and *John Townsend,* Assessors; and *Joseph Waldin* Collector. Unto one of which above-named Assessors, in each County, the respective Inhabitants of the same, at or before the first day of *June* next ensuing, shall give in a true and perfect List of all their Names, and of all their Estates in Writing, that are to be Rated, or made Rateable by this present Act, *viz.* Every single Labouring Man shall be rated at Five Shillings; Every Housholder, the rate of whose Estate shall not amount to five Shillings, shall be left at the descretion of the Assessors; All Trades-men that follow their Trades, to be rated according to their Abilities, at the discretion of the Assessors, not under five Shillings, nor above twenty Shillings for his Trade. All Ferries to pay as they are hereby appointed, *viz.* The Ferry at *Wehauke,* six Shillings. The Ferry at *Perth-Amboy,* one Pound ten Shillings. The Ferry near *Delaware Falls,* 20 *s.* The Ferry above *Delaware Falls,* Ten Shillings. The Ferry below *Burlington* on said Delaware, one Pound. The Ferry on *Ancocas* [*Rancocas*] *Creek,* ten Shillings. The Ferry from *Daniel Coopers* to *Philadelphia,* ten Shillings. The Ferry from *Gloucester* to *Philadelphia,* ten Shillings. Every Wherry that carries Goods & Passengers for hire, one Pound. For every Flat that carries for hire, ten Shillings. Every Wood-boat that carries six Coard, and upwards, one Pound. Every one under six Coard, to four Coard, ten Shillings. Every one under four Coard, that carrys Wood and Passengers for hire, six Shillings. All Grist-Mills, Saw-Mills, and Fulling-Mills to be rated at the discretion of the respective Assessors in each County to which they belong, not exceeding fifty Shillings, nor under six Shillings. All Merchants, Shop-keepers and Indian Traders to be also rated at discretion, according to their Trade, not exceeding three Pounds, nor under ten Shillings. All those that keep Publick Houses, or Houses of Entertainment, shall be rated at the discretion of the Assessors, not under one Pound, nor above fifteen Pounds.

And be it further Enacted, That the Assessors of each respective County shall meet in their several Counties, in the places after-named. In the Countys of *Bergen* and the County of *Essex,* at *Newark.*[2] For the Countys of *Summerset* and *Middlesex,* at *Amboy.* For the County of *Monmouth,* in *Shrewsbury.* For the County of *Burlington,* at *Burlington.* For the County of *Gloucester,* at *Gloucester.* For the County of *Salem,* at *Salem.* For the County of *Cape-May,* at *Ezekiel Eldridges,* the First Tuesday of *August* next, at the several places before mentioned, and then and there shall cast up the several Rates assessed justly, according to the best of their understandings, on what is left to their Discretion, and shall cast up the Sum Total of what they all amount to, and substract the same from the Sum laid upon their respective Counties; and then shall justly and equally assess the remaining part upon the Pound Value of

all the Lands and Chattels in their said Counties, according to the Valuation of them, mentioned in this Act, *viz.* All manured and cultivated Land within Fence, and all improved Meadows, at Fifteen Pounds *per* Hundred Acres, and so proportionably in greater or smaller Quantities; All Lands that are held by Patents, or Returns of Survey, at seven Pounds *per* hundred Acres; All Labouring Slaves, Male or Female, above fourteen years of age, that are not superannuated or disabled to Labour, at twenty Pounds each; All Cattle, Horses and Mares, of one year old, and upwards, at Forty Shillings each; All Sheep of one year old, and upwards, at four Shillings each; All Hogs of one year old, and upwards, at six Shillings *per* head.

And be it Enacted by the Authority aforesaid, That the Clerk of the Council shall make out a Copy of this Act for each respective County, and transmit the same to the respective Sheriffs, who shall, in the most publick places of their respective Counties, publish the same at or before the first Day of *May* next, that none may pretend ignorance. And if any person or persons shall neglect to give in a true List of their Estates to one of the Assessors, in writing, of the County where they inhabit, at or before the first day of *June,* or shall give it in short, if the same be made appear, such shall be Rated at the discretion of the Assessors.

And be it Enacted by the Authority aforesaid, That the said Assessors and Collectors may be the more careful in the faithful performance of their respective Offices, they are hereby appointed and required to repair to a Justice of the Peace at or before the 15th day of *May,* and the said Justice is hereby authorized to administer an Oath or Attestation to them for the true Discharge of their Duties, according to the best of their Understanding, under the penalty of Fifty Pounds, to be recovered by Action of Debt in any Court of Record within this Province, the one half to the Prosecutor, and the other half to the Queen, her Heirs and Successors, towards the Support of this Government.

And be it further Enacted, That Upon Death, Sickness, Removal or willful Neglect of any the above-mentioned Persons, either Assessors or Collectors, to qualifie themselves, and to discharge their Duty, as in this Act is directed, two Justices of the Peace shall forth-with constitute and appoint others in their places, who are hereby obliged to the Discharge of that Office, as is named in this Act; and upon Refusal or Neglect of any of the Persons hereby appointed, or that may be hereafter named in their stead, shall forfeit to her Majesty the Sum of Fifty Pounds, to be recovered and applyed as aforesaid.

And be it Enacted by the Authority aforesaid, That the said Assessors shall make a true and perfect List of all and every the Persons Names, and Sums that they are rated at, and the same deliver to the Collector of their respective Counties, and shall also deliver Duplicates of the same, as Names and Rates, to the respective Constables, of all such as are within their respective Precincts, who shall forth-with give Notice to the Inhabitants thereof, of the Sums rated, and the Time and Place of Payment.

And be it Enacted, &c. That every Person taxed or assessed, as above, shall at or before the first Day of *November,* pay unto the Collector of the County where they inhabit, the several Sums that they are rated and assessed for, in

Money at the Value aforesaid. And if any Person or Persons shall neglect to pay their respective Taxes to the Collectors, at or before the Time above-mentioned, the several Collectors shall make a true and perfect List of the said Persons, and the Sums for which they are assessed, and the same deliver unto a Justice of the Peace in the County, who is hereby authorized and required to make out a Warrant or Warrants to the Constable or Constables of said County to make Distress upon the Goods and Chattels of the Persons so neglecting to pay as aforesaid; and such Constables, at or before the 15th Day of *November* shall make Distress upon their Goods and Chattels for the full value of their Taxes, and his own Fees, being the Sum of 18*d.* for each Distress, which he is hereby allowed. And of all such Distress or Distresses so made, the several Constables shall at or before the 25th Day of *November,* expose them to sale at a publick Vendue, and forth-with pay the respective Sums to the Collectors aforesaid, and return the over-plus (if any be) after he has deducted his own Fees, to the Persons from whom the Distress was taken.

And be it Enacted by the Authority aforesaid, That each Collector shall at or before the Tenth Day of *December* pay unto the Treasurer of this Province the respective Sums levyed in each County, deducting only *four Pence per Pound* for himself, & the Sum of *two Pence per Pound* for the Assessors of each County.

And be it Enacted, &c. That Mr. *Miles Forster,*[3] who is hereby appointed Treasurer of this Province, shall, for the faithful discharge of his Office, take an Oath or Attestation, and enter into Bond, with sufficient Security, for the fulfilling the Trust reposed in him, and being accountable to the General Assembly for all such Sums as he shall receive, belonging to this Government, raised by virtue of this Act of Assembly.

And be it Enacted, &c. That the said Sum of One Thousand Seven Hundred and Twenty Two Pounds, Ten Shillings and Four Pence half Penny, raised and levyed as aforesaid, shall be applyed and paid to the Uses aftermentioned, and to no other, *viz.* To his Excellency *John* Lord *Lovelace,* our present Governour, the Sum of Eight Hundred Pounds. To the Lieut. Governour, Two Hundred Pounds. For a Chief Justice, the Sum of One Hundred Pounds. To the Treasurer, Fifty Pounds. To a Clerk of the Council, Forty Pounds. To a Clerk for the Assembly, Sixty Pounds. For Printing, not exceeding Thirty Pounds. For a Serjeant at Arms, Fifteen Pounds. For a Doorkeeper to the Council, Fifteen Pounds. And a Door-keeper for the Assembly, Fifteen Pounds. For each of the Representatives, Six Shillings *per Diem.*

And be it Enacted by the Authority aforesaid, That the said Treasurer shall issue and pay the Money aforesaid (except that to the Representatives) by Warrants from his Excellency the Lord *Lovelace,* signed in Council; and that to the Representatives he shall pay for so many days as shall be certified to him by the Speaker, at the Rate afore-said; and shall also pay to the Speaker at the same Rate, for so many Days as shall be certified to him by any two of the House of Representatives.

Bradford (1709) 9-12.

1. John, Lord Lovelace, Baron of Hurley (?-1709) was appointed successor to the unpopular Governor Cornbury by Queen Anne in December 1708.

2. Newark was established in 1665 by a group discontented with the prevailing religious climate in Connecticut. Hoping to form an orthodox haven, the settlers named the town in honor of Reverend Abraham Pierson of Newark-on-Trent and agreed none should be freemen except for church members, and only church members could hold public office.

3. Miles Forster, a New York merchant, served as a member of East Jersey's first assembly in 1703. He was appointed treasurer of the colony by Governor Lovelace in 1709.

An Act for settling the Militia of this Province.

Whereas the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most useful for the defence thereof, and the honour of her Majesty, *Be it therefore Enacted by the Governour, Council and General Assembly met and assembled, and by the Authority of the same,* That every Captain within this Province already appointed, or that shall be hereafter appointed, at or before the first Day of *July* next ensuing, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Precincts of which they are Captains, between the Age of Sixteen and Fifty years, except Ministers, Physitians, School-Masters, Civil Officers of the Government, the Representatives of the General Assembly, and Slaves. Every one of which so listed shall be sufficiently armed with one good sufficient Musquet or Fuzee well fixed, a Sword or Bagonet, a Cartouch-box or Powder-horn, a pound of Powder, and twelve sizeable Bullets; who shall appear in the Field, so armed, twice every year, on the third Friday of *March,* & on the third Friday of *September* yearly, at the places appointed by their Captains or superior Officers, and to continue in Arms but one Day at each time, besides at other times when they shall be called together by an Order in writing, under the hand of the Capt. General or Commander in chief for the time being, at such places as shall be by him appointed, to be taught the use of their Arms, and the Discipline of War, and when under Arms, shall and are hereby subjected to the Command of their proper Officers, and upon Disobedience shall and are hereby made liable to the Penalties and Punishments of the Martial Law, so that the Punishment does not extend to the taking away of Life or Member.

And be it Enacted by the Authority aforesaid, That every Person so listed, and that doth appear at the Times and Places as above, who shall not be armed

and provided with Ammunition, as aforesaid, shall Forfeit as followeth, *viz.* For want of a Musquet or Fuzee, two Shillings; if not well fixed, one Shilling; For want of a Sword or Bagonet, one Shilling; For want of a pound of Powder, one Shilling; and so in proportion: For want of twelve sizeable Bullets, one Shilling, and so in proportion; to be levyed by a Serjeant of the Company, by a Warrant from the Captain, upon their Goods and Chattels, if they refuse to pay their Forfeitures; which Forfeitures shall be applyed towards the providing the Company with Drums and Colours.

And be it further Enacted, &c. That it shall and may be lawful for the Captain General, or in his death or absence, the Commander in Chief, for the time being, in case of an Invasion of an Enemy, to call all or so many of the persons aforesaid together, for repelling the force of an Enemy, and to such Detachments for the common Defence as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments, for destroying and expelling the Enemy, and preservation of her Majesties Subjects & Government.

And be it further Enacted, &c. That every Person so listed, that doth not appear at the places appointed, as above, on the third Friday of *March* and the third Friday of *September,* shall contribute and pay to the Support of her Majesties Government in this Province, the Sum of five Shillings for each of the said days absence; to be paid within ten days after such Default, to the Captain or Commanding Officer, for the time being, of their respective Companies; which Sums so raised by the said Captain or Commanding Officer, shall from time to time be paid in to the Treasurer of the Province. And if any person or persons shall refuse or neglect to pay as aforesaid, the said Captain or Commanding Officer is hereby required and impowered to make out his Warrants to one of the Serjeants of their Companys to make Distress upon every persons Goods and Chattels so neglecting or refusing to pay as aforesaid; provided that such Distresses are made but once a year, and shall expose the said Goods to a publick Sale, and after Sale thereof shall return the Over-plus, if any be, to the Owners thereof, after deducting one Shilling for his the said Serjeants trouble, which he is hereby allowed to take.

And be it further Enacted, &c. That the said Treasurer shall keep true and perfect Lists of all the Money collected as aforesaid, and shall have for his the said Treasurers trouble Ten Pounds for every hundred Pounds received by virtue of this Act, and so in proportion for greater or lesser Sums; which Sum or Sums of Money are to be applyed to the Support of her Majesties Government of this Province.

And be it further Enacted, &c. That if the small Fines mentioned in this Act for defraying the Charge of Drums and Colours, and other incidental Charges, are found insufficient, the Captain or superiour Officer of each Company, who was at the charge of furnishing them, shall be allowed by the Treasurer, out of the other Fines, as much as will make up the small Fines sufficient to re-imburse them, any thing in this Act to the contrary notwithstanding.

And be it further Enacted, &c. That it shall & may be lawful for such Cap-

tains or other Commanding Officers as live on or near the Sea-side and Indians, on any Descent or Invasion by an Enemy, to call all or so many of their several and respective Companies together as shall be thought necessary to expel and destroy the said Enemy.

And be it further Enacted, &c. That this Act shall continue and be in force, after the Publication hereof, for two years, and no longer.

Bradford (1709) 12-14.

An Act for the Encouragement of the Post-Office within this Province.

Whereas we have found by divers years experience that the publick Post-Office within this Province has been very advantagious to Trade, by the maintaining of speedy and mutual Correspondencies, and preventing Inconveniencies which heretofore have happened for want thereof, by a safe and quick Dispatch, Carrying and Re-carrying all Letters and Pacquets of Letters by Post to and from all our Neighbouring Colonies and Plantations and several parts of *Europe;* and that the well ordering thereof is a matter of general Concernment and Advantage, *Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same,* That there continue a Letter Office in the Town of *Perth-Amboy,* and another in the Town of *Burlington,* both of this Province; from which Offices all Letters and Pacquets whatsoever may be, with speed and expedition, sent into any part of the neighbouring Colonies and Plantations on the main Land and Continent of *America,* or to any other of her Majesties Kingdoms and Dominions beyond the Seas; at which Offices Answers may likewise be received; and that the Masters of the said Offices shall from time to time be constituted and appointed by the Post-Master general for the time being; which said Masters, their Servants or Agents, so appointed and authorized, and no other person or persons whatsoever shall from time to time have the receiving, taking up, ordering, dispatching, sending Post or with speed, and delivering of all Letters and Pacquets whatsoever which shall from time to time be sent and from all and every the Parts, Places, Colonies and Plantations on the main Land or Continent of *America,* or any other of her Majesties Kingdoms and Dominions beyond the Seas, where the said Post-Master general shall settle or cause to be settled Posts, or Running Messengers for that purpose, except such Letters of Mer-

chants and Masters, or Owners of any Ship or Vessel, or any part thereof, of any part of the Cargo thereof, of which shall by any such Master and Merchant be sent by any Master of any Ships, Boats, or other Vessels of Merchandize, of which they shall be some Owner or part Owners of Ship or Cargo, or by any other persons imployed by them for carrying of such Letters aforesaid, according to the respective Directions; and also except Letters to be sent by any private Friend or Friends in their ways of Journey or Travel, or by any Messenger or Messengers sent of purpose for or concerning the private affair of any person or persons.

And be it further Enacted, &c. That it shall and may be lawful to and for the said Masters of the said Offices to demand, have, receive and take for the Postage and Conveyance of all such Letters which he shall so convey, carry and send Post as aforesaid, according to the several Rates and Sums of current Money of this Province, hereafter mentioned, not to exceed the same. That is to say, For the Post of every single Letter from *Europe,* the *West-Indies,* and other parts beyond the Seas, Four pence half penny. And all Letters are to be accounted single, tho' they contain Merchants Accounts, Bills of Lading, Invoices or Bills of Exchange, none exceeding one Sheet of paper. And for each Pacquet of Letters from the places aforesaid, Nine pence; and a Pacquet shall be accounted three Sheets at the least. And for the post of every Letter, not exceeding one sheet of paper, from *Boston,* One Shilling and three pence. And for the like post of every Letter not exceeding two sheets, two Shillings & six pence. And for the post of every Pacquet of Letters or other things whatsoever, two Shillings and six pence, for every Ounce *Troy* weight. And for the post of every Letter not exceeding one Sheet of paper, from any place not exceeding one hundred and fifty Miles, Nine pence; and so in proportion to the bulk. And for the Post of every Letter not exceeding seventy Miles, Four pence half penny, and so in proportion to the greatness and quantity of Letters.

And be it further Enacted, &c. That no Persons whatsoever, or Body Politick or Corporate, other than the Post-Master general, his Deputy or Deputies, Servants or Agents by him sufficiently thereunto authorized, shall presume to carry, re-carry or deliver Letters for hire, other than as before excepted, to set up or imploy any Foot-post, Horse or Pacquet-boat whatsoever, for carrying, conveying or re-carrying any Letters or Pacquets by Sea or Land within this Province, or shall provide and maintain Horses and Furniture for the Horsing any through-Post, or persons riding Post with a guide and Horn, as is usual in her Majesties Realm of *England,* upon pain of forfeiting the Sum of 100 current Money aforesaid, for every several Offense against the tenor of this Act, to be sued and recovered in any Court of Record within this Province, by Bill, Plaint or information, wherein no Essoyn, Protection or Wager of Law shall be admitted, one third of the said Forfeiture to the Governour, one third to the use of the Colony, to be paid to the Treasurer for the time being, and the other third to the Informer who shall sue and prosecute the same.

And for the more effectual encouragement of the Post-Office, *Be it further Enacted by the Authority aforesaid,* That all and every such person and persons as shall be imployed in Riding the several Stages within this Province, shall

and may pass and re-pass all and every Ferry and Ferries within this Province at any time during the continuance of this Act in force, without paying any Rate or Sum of Money either for his or their own, or his or their horses passage or passages. And if any Ferry-man or Ferry-men, or other person or persons intrusted in any such Ferry or Ferries within this Province, shall at any time neglect, refuse or delay the conveying over his or their Ferry or Ferries, any such person or persons imployed as aforesaid, in the execution of their respective Imployment or Imployments, he shall for every such Offence forfeit the Sum of Five pounds, to be recovered & disposed as the penalty before by this Act laid upon such as shall set up any Post or Pacquet-boat is hereby directed and appointed to be recovered and paid. *Provided always,* That this Act, or anything herein contained, shall continue in force no longer than seven years from and after the publication hereof, any thing herein contained to the contrary hereof in any wise notwithstanding.

Bradford (1709) 14-16.

An Act Regulating the Qualification of Representatives to serve in General Assembly in this Province of *New-Jersey.*

Whereas the present Constitution granted and allowed by our Soveraign Lady the Queen to the Free-holders, Inhabitants of this Province, concerning the Qualification of Representatives to serve in General Assembly, is found to be inconvenient. For the Remedying whereof, *Be it Enacted by the Governour, Council and Representatives in General Assembly met, and by the Authority of the same,* That after the Dissolution of this present Assembly, the Representatives to serve in the said General Assembly thereafter, shall be chosen by the Majority of Voices or Votes of the Free-holders of each County, every Free-holder having one hundred Acres of Land in his own Right, or be worth Fifty pounds current Money of this Province, in real and personal Estate; And the Persons elected to serve as Representatives in the said General Assembly shall have one Thousand Acres of Land in his own Right, or be worth 500 £ current Money of this Province, in real and personal Estate, in manner following, *viz.*

In the *Eastern-Division,* For the City or Town of *Perth-Amboy,* Two. For the County of *Bergen,* Two. For the County of *Essex,* Two. For the County of

Middlesex, Two. For the County of *Sommerset,* Two. For the County of *Monmouth,* Two.

In the *Western-Division,* For the City or Town of *Burlington,* Two. For the County of *Burlington,* Two. For the County of *Gloucester,* Two. For the County of *Salem,* Two. For the Town of *Salem,* Two. For the County of *Cape-May,* Two.

And be it further Enacted, &c. That all or every person or persons elected and chosen Representatives for the Counties aforesaid, shall be Free-holders in that Division for which he or they shall be chosen to serve in General Assembly, as aforesaid; and that no person, who is not a Free-holder as aforesaid, shall be capable of electing, or being elected, nor of sitting in General Assembly; and that the House of Representatives, elected and chosen as aforesaid, when met in General Assembly, are and shall be Judges of the Qualifications of their own Members.

And be it Enacted by the Authority aforesaid, That if any Sheriff or other Officer within this Province, do, or shall presume to make any Return contrary to this present Act, he shall incur the same Penalty and Forfeiture as in such cases of undue Returns, provided and enacted by the Laws of *England,* and to be sued, recovered and disposed, as in the said Laws are directed.

Declared void 16 Sept. 1723.
Bradford (1709) 16-17.

An Act for the Explaining of Grants and Patents for Land made and executed by *Phillip Carteret*[1] and Council in the *Eastern Division* of this Province, according to the true intent & meaning of Grantor & Grantee.

Whereas several of her Majesties Subjects in the first settlement of this Province, formerly known by the Name of *East-New-Jersey,* repaired hither with designs of settling Land for the support and maintenance of their Families, and applying themselves to the Proprietors and their Governors for the time being, obtained Grants or Patents for the same, which by the intent and good meaning of Grantor and Grantee, were to assure and settle an Estate of Inheritance, in Fee-simple, to the several persons to whom the said Grants were made, reserving certain Quit-Rents therein expressed. And as the Law of this Province was then deemed and taken to be, the said Grants were worded in

pursuance of the said end, & so past for several years; on which assurance many of her Majesties Subjects have spent their whole Lives and Substance, and undergone extream Hardships and Difficulties in subduing a Wilderness, supported only by this encouragement, That their Posterity would reap the benefit of their labours. And finding that thro' the Ignorance of those Infant Times, the Particle [OR] in the *Habendum* of their several Deeds, was used in the stead of [AND.] Wherefore, for the quieting of mens Minds, and for the further Assurance, and the firm and sure making of the said Tenure, according to what was the true and real intent of the said Grants, Charters, Patents, Deeds or Conveyances, *Be it Enacted by the Governour, Council and Assembly now met and assembled, and by the Authority of the same,* That all Grants, Charters or Patents for Land within this Province, made and executed by *Phillip Carteret,* deceased, formerly Governor of this Province, and his Council, in which the Particle [OR] is named or used in the *Habendum* of the said Debts, Grants, Charters or Patents, shall be taken, deemed and esteemed as effectual in the Law, to all intents, constructions and purposes whatsoever, to the benefit of each and every Party and Grantee therein named, as if the same had been granted in these words, *To Have and to Hold to him the said* A.B. *his Heirs And Assigns forever.*

Bradford (1709) 17.

1. Phillip Carteret (1639-1682) was the first governor of the colony appointed by John, Lord Berkeley and Sir George Carteret in 1665.

An Act for the Relief of the Poor.

Whereas it is necessary that the Poor should be relieved by the Publick, where they cannot relieve themselves, nor are not able to work for their Support, *Be it therefore Enacted by the Governour, Council and Representatives met in General Assembly, and it is Enacted by the Authority of the same,* That from and after the Publication hereof, it shall and may be lawful for every Township or Precinct within this Province, by a Warrant from any one Justice of the Peace within the said County, to meet at some convenient time and place within their several and respective Townships or Precincts to chuse Overseers and Assessors, which said Assessors are hereby impowered and required to assess the Inhabitants of each respective Township for such Sum or Sums of

Money as is necessary, and in such manner as to the said Townships, at their Meetings, seems proper; Which said Overseers, so chosen, as aforesaid, are hereby required to collect and gather all such Sum or Sums of Money assest, as aforesaid, in every their respective Townships or Precincts, and to apply the same to the use aforesaid. And which said Overseers are also hereby required to take care to put forth such Poor Children as have no Parents, and such as their Parents are not able to maintain, with the assistance of one or more Justices of the County; and also to take care that all the Poor be supplyed with necessary Maintenance in every of the respective Townships and Precincts where they dwell, and not suffered to go from Town to Town for Relief.

And be it further Enacted, &c. That the Assessors of every respective Township or Precinct are hereby impowered and required to assess their Towns or Precincts, severally and respectively, for such Sum or Sums of Money as will be necessary for supplying the Charge of making and maintaining Pounds for stray Cattle and Horses, and pounding such as are Trespassers. Which said Sums so assessed, shall also be collected and gathered by the Over-seers aforesaid in every Town or Precinct, and be imployed by such Person as said Towns, at their said Meetings, shall elect and appoint by majority of Votes. And if any person shall refuse to pay their respective Rates, as taxed, to the Over-seers appointed to receive the same, as aforesaid, that the said Over-seers shall make Complaint thereof to any one Justice within said County wherein he resides, who is hereby required forth-with to issue out his Warrant to the Constable of every Town or Precinct where such Default is made, to make distress upon the Offenders Goods and Chattels, who shall immediately make Sale thereof, for paying the said Assessment and charges of Distress, and return the Over-plus (if any be) to the Owner. Which said Over-seers severally and respectively, shall keep fair Accounts of their collecting and Disbursements, and make Return thereof to the Over-seers who shall be elected in their several Towns and Precincts to serve in said Office for the next ensuing year.

And be it further Enacted by the Authority aforesaid, That if any person shall refuse to serve in said Offices when elected, or make default in performing their Duty, as herein is before exprest, shall forfeit the Sum of five Pounds for every such Offence, to be levyed upon the Goods and Chattels of the person or persons so offending, by Warrant of Distress from any one or more Justices of the Peace in said County where such default is made, to be applyed to the use of the Poor aforesaid.

Bradford (1709) 17-18.

An Act for preventing of Swine running at large.

Whereas it is found by experience that Swine runing at large hath been very prejudicial to the Inhabitants of this Province. For the prevention of which, *Be it Enacted by the Governour, Council and Representatives now met and assembled in General Assembly, and by the Authority of the same,* That no person or persons whatsoever shall or may keep any Swine from and after the first Day of *January* next coming, but what he or they shall keep within his or their own Land.

And be it further Enacted, &c. That any person or persons that shall find any Swine trespassing upon his or their Land, may forth-with kill such Swine, and keep them to his or their own proper use, without any account to be given thereof. And that if any person or persons shall be sued or impleaded for the killing of any such Hogs or Swine so going at large, he shall plead the general Issue, and give this Act, or an authentick Copy thereof, signed by the Secretary, in evidence, and shall thereupon, if found for him, recover full Costs of Suit.

Bradford (1709) 19.

An Act for destroying of Wolves, Panthers, Crows & Black-birds.

Whereas the neglect of killing of Wolves, Panthers, and other Vermin, hath proved very prejudicial to the Inhabitants of this Province. For the prevention of which, *Be it Enacted by the Governour, Council and Representatives now met in General Assembly, and by the Authority of the same,* That from and after the Publication hereof, every White man that shall kill or destroy any Wolf or Panther of prey within this Province, shall have for his Reward Fifteen Shillings for each Wolf or Panther, and for killing or destroying Wolves or Panthers Whelps, half the Sum of Fifteen Shillings aforesaid. And every *Indian* for killing and destroying any Wolf or Panther of prey, as aforesaid, the Sum of eight Shillings; and for every Wolf or Panthers Whelp, not able to prey, the Sum of Four Shillings, all current Money of this Province. And for every Crow, Hawk and Wood-pecker that any one shall kill, three Pence; and for every dozen of Black-birds, three Pence.

And for the more effectual performing hereof, *Be it further Enacted by the Authority aforesaid,* That the Justices of the Peace in their Sessions, with the concurrence of the Grand Jury, in each respective County within this Province, are hereby impowered and required to pay such Sum or Sums of Money for the defraying of the said Charges, as shall be needful; who are likewise hereby impowered to nominate and appoint Assessors and Collectors in every respective County, to assess, collect and pay the same, for the use above-said. And every person or persons that shall kill any Wolf, Panther, Crows or Black-birds, as aforesaid, are hereby required to bring the Heads of them to any one Justice of the Peace within the County, who shall give him or them a Certificate to the said Collector, who is, upon sight hereof, to pay him according as is herein before exprest. And all such Assessors and Collectors are hereby required to make up their Accounts to the Justices and Grand Jury of each respective County, when thereunto required. And if any of the said Assessors or Collectors shall refuse to officiate, as they are hereby required, shall for every such Refusal forfeit the Sum of *Forty Shillings,* current Money of said Province, which shall be levyed by Distress on the Goods and Chattels of such as shall so refuse, by virtue of a Warrant from said Court, to the Constable; and after the Sum of *Forty Shillings,* aforesaid, with Costs, shall be paid, the Over-plus shall be returned to the Owner, if any be; and the same to be applyed towards the defraying of the charges aforesaid. And the Assessors are hereby allowed to have and receive the Sum of *Four Pence per Pound* for assessing the same; and the Collectors to have and receive, for collecting and paying the same, as aforesaid, the Sum of *One Shilling per Pound.*

Bradford (1709) 19-20.

An Act for Regulating of Ordinaries.

Forasmuch as there are great Exorbitances observeable in many places within this Province, occasioned by persons selling Drink in private Houses, and disorderly keeping of Publick Houses, to the dishonour of God and impoverishing of the Common-wealth, *Be it therefore Enacted by the Governour, Council and Representatives now in General Assembly met, And it is hereby Enacted by the Authority of the same,* That after the Publication hereof, no person or persons within this Province shall draw or sell, by Retail, any Rum, Brandy, Wine, or any other such strong Liquors, under the quantity of one Quart; nor any strong Beer, Syder, Metheglin, or other such Liquors, under

the quantity of five Gallons, directly or indirectly, upon the penalty of Twenty Shillings for every smaller quantity so drawn and sold, to be levyed upon the Offenders Goods and Chattels, by Warrant of Distress from any one Justice of the Peace; provided the said person be lawfully convicted by two Evidences, within one Moneth after the said Offence is committed, the one third part thereof to the Informer, and the other two Thirds to the Over-seers, for the use of the Poor of the Town or Precinct where such Offence is committed, excepting such person or persons that hath a Lisence to sell Drink and keep Ordinary and Entertainment for Man and Horse, from the Justices of the Peace in their Sessions, or under the Hands and Seals of two Justices of the Peace out of Sessions, the one of them being of the *Quorum*.

And be it Enacted by the Authority aforesaid, That all or any Justices granting Lisences, as aforesaid, are hereby impowered and required to take Recognizance of Twenty Pounds, of all such Persons to whom such Lisences are granted, for the keeping good Orders in their Houses; and upon Default thereof, if lawfully convicted by two sufficient Evidences, that then the penalty to be recovered upon the Offenders Goods and Chattels, by Action of Debt in any Court of Record within this Province, to be applyed to the Service of the Queen, her Heirs and Successors, towards the Support of the Government.

Bradford (1709) 20.

Fourth Assembly, Second Session
25 May - 30 June 1709
Perth Amboy

All acts passed 30 June 1709.

An Act for raising Three Thousand Pounds for her Majestys Service in this present Juncture.[1]

Her most gracious Majesty having made her Designs known, That She intends to make use of her Victorious Arms against a Potent and Incroaching Enemy upon her remote Colonies, by which, for the future, we, her Majestys Subjects, with her Royal Care, may hope to enjoy her good Laws and our just Properties; We therefore, the Representatives of her Majesties Colony of *New-Jersey,* willingly lay hold of this present Opportunity to demonstrate our Loyalty and Gratitude, by contributing to our utmost Abilities towards assisting with the designed Expedition against *Canada.* We therefore pray that it may be Enacted, *And be it Enacted by the Honourable, the Lieut. Governour, Council and General Assembly, now met and assembled, and by the Authority of the same,* That there be assessed, levyed and raised upon the Estates, Real and Personal, of all and every the Inhabitants and Free-holders of and in this Province, the Sum of Three Thousand Pounds, according to the value of Money mentioned in an Act of Assembly, made in the eighth year of her Majestys Reign, entituled, *An Act for the Support of her Majestys Government for one year.* Which said Money shall be, and hereby is given and granted to her Majesty, her Heirs and Successors, for and towards the defraying the Charges of Two Hundred Volunteers, to be raised and imployed, with all other Charges relating to the said Expedition against *Canada,* and to no other use, intent or purpose whatsoever. The said Sum of 3000 £ . to be raised and paid, according to the Proportions following, *Viz.*

The Counties of *Bergin* and *Essex,* the Sum of six hundred ninety one Pounds.

The Counties of *Middlesex & Sommerset,* four hundred fifty eight Pounds.

The County of *Monmouth,* Four hundred ninety six Pounds.

The County of *Burlington,* Six hundred and eighteen Pounds.

The County of *Gloucester,* Two hundred and six Pounds.

The County of *Salem,* Four hundred thirty two Pounds.

The County of *Cape May,* Ninety Nine Pounds.

And be it further Enacted, &c. That the said Sum of three thousand Pounds shall be laid, assessed, levyed, raised, collected and paid in such manner, and under such Restrictions, Regulations, Pains, Penalties and Forfeitures as are mentioned and expressed in the before-recited Act, to all intents, constructions and purposes whatsoever, as if the several Clauses, *Proviso's* and Limitations in that Act were at large herein recited and inserted, excepting wherein it is by this Act otherwise appointed and expressed, *Viz.* All Cattle, Horses and Mares of two years old, and upwards, at forty Shillings *per* head. Every single Labouring Man, at twelve Shillings. Every Housholder, the Rate of whose Estate shall not amount to 12 *s.* to be rated at the discretion of the

Assessors after mentioned. All Trades-men, that follow their Trades, to be rated at the discretion of the Assessors, not under 8 *s.* nor above 30 *s.* for their Trade. All Ferries to pay as followeth, The Ferry at *Weehauk,* 9 *s.* The Ferry at *Amboy,* 45 *s.* The Ferry near *Delaware*-Falls, 30 *s.* The Ferry above *Delaware*-Falls, 15 *s.* The Ferry below *Burlington* on *Delaware,* 30 *s.* The Ferry at *Ancocas Creek,* 15 *s.* The Ferry from *Daniel Cooper's* to *Philadelphia,* 15 *s.* The Ferry from *Gloucester* to *Philadelphia,* 15 *s.* Every Wherry that carries Goods and Passengers for hire, 30 *s.* Every Flat that carries for hire, 15 *s.* Every Wood-boat that carries six Coard, and upwards, 30 *s.* Every one under six, to four Coard, 15 *s.* Every one under Four Coard that carries Wood and Passengers for hire, 9 *s.* All Grist-Mills, Saw-Mills, and Fulling-Mills to be Rated at the Discretion of the Assessors, not above 3 £ . 15 *s.* nor under 9 *s.* All Merchants, Shop keepers and Indian-Traders, at the Discretion of the Assessors, not above 4 £ . 10 *s.* nor under 15 *s.* All those that keep Publick Houses of Entertainment shall be rated at discretion of the Assessors aforesaid, not exceeding 15 £ . nor under 30 *s.*

And be it Enacted by the Authority aforesaid, That there shall, and is hereby appointed for each County within this Colony, the Assessors and Collectors after-named, *Viz.*

In the County of *Bergin, Peter van Bushkirk* and *George Duncan,* Assessors; and *John Edsall,* Collector.

In the County of *Essex, John Herriman* and *John Cooper,* Assessors, and *John Plum,* Collector.

In the County of *Middlesex* and *Sommerset, John Harrison,* jun. *George Drake* and *Adam Hude,* Assessors, and *John Harrison,* Collector.

In the County of *Monmouth, William Laing, James Hubbard* and *Samuel Dennis,* Assessors, and *William Lawrence,* Collectors.

In the County of *Burlington, William Burstill, Arthur Clayton* and *John Wilkinson,* Assessors, and *Nathaniel Westland* and *Will. Emlin,* Collectors.

In the County of *Gloucester, George Lawrence* and *Joseph Tomlinson,* Assessors, and *Daniel Cooper,* Collector.

In the County of *Salem, Isaac Sharp, Jonathan Wallen & Alexander Graunt,* Assessors; and *James Sherwin* and *Joseph Sease,* Collectors.

In the County of *Cape May, John Page* and *Barnabas Cromwell,* Assessors; and *Joseph Welden,* Collectors. Which said Assessors and Collectors are hereby Required at or before the first day of *August* next to qualifie themselves after the manner directed in the before recited Act.

And be it further Enacted, &c. That the said Assessors of the several and respective Counties shall agree amongst themselves of such Divisions in their said Counties as they shall think fit, and shall on or before the 20th Day of *October* next go unto all and every the Houses of the Inhabitants of their said Counties and Divisions, so agreed on, and take a true and perfect account of all the Names and Estates (Real and Personal) of the said Inhabitants, and every other thing rated and Rateable in the before-mentioned and this Act. Which said Assessors shall meet upon the 20th Day of *November* next, and proceed in assessing the said 3000 £ . as is appointed and ordered by the above-recited

Act. And the said respective Assessors shall deliver a true and perfect List of all the said Persons, Sums and Assessments to the respective Collectors, and Duplicates thereof to the respective Constables, on or before the first day of *March* next, which Constables shall forth-with give Notice to the several Inhabitants of their said several and respective Districts, of the said Sums rated and assessed, and of the time and place of payment thereof; which said Sums shall be paid in two equal Payments, to the respective Collectors; the first Moiety of the said 3000 £ . to be paid at or before the first day of *June* next ensuing, and the other moiety or 1500 £ . to be paid at or before the first Day of *June,* which shall be in the year of our Lord 1711. And in case of Nonpayment, the Constables to distrain and sell the same, and pay said Rates and Charges, and return the Over-plus, and do every thing as in the said Act is directed, and pay the said Rates and Assessments to the above-named Collectors, on or before the first day of *July,* at the said two Terms of payment respectively.

And be it further Enacted, &c. That Mr. *Miles Forster* of *Amboy* shall be and is hereby appointed Treasurer for the *Eastern-Division,* and *Dr. John Roberts*[2] of *Burlington* shall & is hereby appointed Treasurer for the *Western-Division;* which said Treasurers are hereby obliged to be qualified and accountable for the Money they receive by virtue of this Act, as the said *Miles Forster* is obliged to be [by] the Act for Support of the Government, aforesaid, unto whom all the said Collectors shall pay in their respective Sums they shall receive in each Division, at or before the 15th Day of *July,* next after their Receipt of the several Sums and Payments aforesaid.

And be it Enacted, &c. That each of the Treasurers shall be allowed, as a Reward for their Trouble, *six Pence per Pound,* according to the respective Sums they receive and pay; and the *Assessors* of each County shall be, and are hereby allowed *four pence half penny per Pound* for their pains and trouble aforesaid.

And be it Enacted by the Authority aforesaid, That Capt. *Tho. Farmer,* Capt. *Elisha Parker* and *Mr. John Royce* shall be and are hereby appointed Commissioners for mannaging the said Expedition, and to purchase and provide Provisions, and every other thing whatsoever necessary for and relating to said Expedition, for payment of which, they the said *Tho. Farmer, Elisha Parker* and *John Royce,* or any two of them, shall grant Warrants under their hands, directed to the said Treasurer or Treasurers, expressing to Whom, for what Service, or for what Materials and Things, relating to the said Expedition, such Warrants are granted; and the said Treasurer or Treasurers are hereby required and directed to pay such Sums as are expressed in the said Warrants, for which the said Warrants shall be their good and sufficient Discharge for so much as is therein contained, they keeping a true and perfect account of the same.

And be it further Enacted, &c. That the said Commissioners, or any one or more of them, are hereby authorized and impowered, if occasion shall require, to search for and seize all Provisions and other Necessaries, needful for said Expedition, except such Provisions as private Families shall provide for their own use, paying the current Price for the same, and to command such assistance

for that end as they shall think fit; and all and every person and persons refusing to assist, when commanded, as aforesaid, to commit to Goal, there to remain for the space of one Moneth, without Bail, for every such Offence.

And be it further Enacted, &c. That in case of Death or unavoidable absence of any one or more of the said Commissioners, the remaining Commissioner or Commissioners, with the assistance of any two Justices of the Peace of this Province, one whereof being of the *Quorum,* shall appoint others in the room and stead of the Commissioner so wanting.

And be it further Enacted, &c. That the said Commissioners shall be allowed such honourable Reward as shall appear, by their Representations, to be due for their Trouble, by this or the succeeding Assembly.

And be it further Enacted, &c. That if the said Expedition to *Canada* should happen to be hindered or impeded, the said first moiety or 1500 £. shall, notwithstanding, be paid as aforesaid; and after all Charges laid out on the said Expedition, shall be paid and discharged, the remainder, if any be, shall remain in the hands of the said Treasurer or Treasurers, to be disposed of by Act of General Assembly of this Province; and the payment of the second moiety or 1500 £. shall cease and fall, and be null, void and of none effect, to all constructions, intents, and purposes whatsoever, any thing herein contained to the contrary hereof in any wise notwithstanding.

Bradford (1709) 21-24.

1. The expedition of 1709 was proposed to expel the French from Canada and to retaliate for Indian attacks in New England. Although New Jersey was expected to raise, arm, and supply two hundred volunteers, the assembly refused to cooperate.

2. John Roberts was designated special treasurer of West Jersey by the assembly in July 1710, for the sole purpose of funding the Nicholson-Vetch expedition.

An Act for Encouragement of Volunteers to go on the Expedition to *Canada.*

Whereas there is an Expedition intended, for the Reducing of *Canada,* and her gracious Majesty doth require all her good and loyal Subjects to be aiding and assisting in the same, and hath prescribed and appointed the several Quota's of Men in each respective Government, *Be it therefore Enacted, and it is hereby Enacted by the Lieut. Governor, Council and Representatives now*

met in General Assembly, and by the Authority of the same, That all and every such Person and Persons as shall list themselves and go as Volunteers in the said Expedition, to the Number of Two Hundred, including their proper Officers hereafter mentioned, shall have, as a Reward for their Service, the several Sums of Money hereafter exprest, *viz.* To each Captain the Sum of eight Shillings *per Diem;* each Lieut, four Shillings and six Pence *per Diem,* said Captains and Lieutenants being Persons who reside or have Estates in this Province, and not exceeding the number of One Hundred Days, to each of them; each Serjant Fifteen Pounds for the whole Service; each Drummer, Twelve Pounds for the whole Service, each Corporal, Twelve Pounds for the whole Service; each Man that shall go as Volunteer, the Sum of Ten Pounds, besides the Queens Bounty. And for the better ordering and disciplining the said Men that enlist themselves, and go as Volunteers, there are and shall be appointed the several Officers following, *viz.* three Captains, six Lieutenants, six Serjants, six Corporals and six Drummers.

And be it further Enacted, &c. That all Serjants, Corporals and Drummers, and all private Centinels that shall inlist themselves as aforesaid, shall have a quarter part of the said Reward paid them presently in Bills of Credit by the Treasurer or Treasurers of this Province, by Warrants under the Captains hand with whom they inlist, directed to the said Treasurers, which they are hereby directed to pay, as part of the Money raised by an Act of Assembly of this Province, entituled, *An Act for raising three Thousand Pounds for her Majesties Service in this present juncture,* and the remaining three quarters by like Warrant, to be granted presently, as aforesaid, and to be paid to them, their Executors, Administrators or Assigns, within three Months after their inlisting themselves, as aforesaid, and going on the said Expedition.

And be it Enacted, &c. That the Lieut. Governor, or Commander in Chief for the time being, shall Commissionate the said Captains & Lieutenants, and shall grant Warrants under his hand for their Pay, directed to the Treasurer or Treasurers of the said Province, which they are hereby directed to pay in Bills of Credit, out of the Money raised by an Act of Assembly, entituled, *An Act for raising three thousand Pounds for her Majestys Service, &c.* (*viz.*) Ten Pounds, part thereof, upon receiving of their Commissions (to such as desire the same) and the remainder to them, their Executors, Administrators or Assigns, at the end of the said Expedition.

And be it further Enacted, &c. That Capt. *John Harrison*[1] is hereby appointed Commissary for this present Expedition, to receive at *Albany,* take care of, mannage and dispose of the Provisions and other Necessaries provided for the aforesaid Men, according to his Discretion, or as he shall be ordered, for which he shall be paid, as a Reward, the Sum of *six Shillings per Diem,* not exceeding one hundred days, to be paid by Warrant from the Lieut. Governour or Commander in Chief for the time being, directed to the Treasurer or Treasurers of the said Province, and by them paid, as aforesaid.

Provided always, and it is the true intent & meaning of this Act, That if any Person or Persons who shall go on the said Expedition, shall happen to loose a Leg or an Arm, or be any way disabled from Labour, in the said Expedition,

shall receive and be paid the Sum of *Nine Pence per Day* after he or they shall return from the said Expedition, so long as he or they shall remain an Inhabitant within this Colony, any thing herein contained to the contrary in any wise notwithstanding.

Bradford (1709) 24-25.

1. John Harrison (?-1724) was commissioned by Lt. Gov. Richard Ingoldsby as captain of two companies of fusiliers raised for the 1709 expedition to Canada.

An Act for enforcing the Currency of Bills of Credit for Three Thousand Pounds.

Be It Enacted by the Lieut. Governour, Council and General Assembly, and by the Authority of the same, That Bills of Credit shall be issued forth, to the value of Three Thousand Pounds, and no more, pursuant to the value of Money specified in an Act *for the Support of her Majesties Government of* New-Jersey *for one year;* which Bills shall be in manner and Form following, *viz.*

This Indented Bill of ------- Shillings, due from the Colony of New-Jersey, to the Possessor thereof, shall be in value equal to Money, and shall be accordingly accepted by the Treasurer of this Colony, for the time being, in all publick Payments, and for any Fund at any time in the Treasury. Dated, New-Jersey, the 1st of *July* 1709. by Order of the Lieut. Governor, Council and General Assembly of the said Colony.

Which Bills shall be signed by Mr. *Thomas Pike,* Capt. *Thomas Farmer,* Mr. *John Royce* and Capt. *Elisha Parker,*[1] or any three of them, who are hereby appointed and directed to sign the same, and lodge the same in the Treasurers hands, to be issued out by the Treasurers, under the hands of the said Capt. *Thomas Farmer,* Mr. *John Royce* and Capt. *Elisha Parker,* or any two of them, for Provisions, and every other thing whatsoever, necessary for and relating to the Expedition against *Canada;* and further, to be issued out by the Treasurers, by Warrants under the hand of the Lieut. Governour, or Commander in Chief for the time being, for such pay as shall be due to such Captains and Lieutenants as go on said Expedition, according to an Act of General Assembly, entituled, *An Act for encouragement of Volunteers to go on the Expedition to* Canada; and further, to be issued out by the said Treasurers, by Warrants under the hands of the Captains aforesaid, for payment of such Rewards as are given to

Volunteers who go on said Expedition, according to the afore-recited Act of General Assembly.

Which Bills shall be received and taken for the Value, as aforesaid, and equal to the current Coyn passing in this Colony for Goods bought or sold, in any Payments to be made for Debts contracted, or that shall be contracted; and the tender of the said Bills for the Payment and Discharge of any Debt or Debts, Bargains, Sales, Bonds, Bills, Mortguages & Specialties whatsoever, shall be as good and effectual in the Law, to all intents, constructions and purposes, as if the current Coyn of this Colony had been offered and tendered to any person or persons whatsoever, for the discharge of the same, or any part thereof.

And be it further Enacted, &c. That the said Bills of Credit shall be Printed and Numbered, expressing in every of them the Sum of Money they shall be current for; and to prevent Counterfeiting any of the said Bills, they shall be Dated, and Indented on the top thereof, with the Arms of the Queen of *Great Britain,* stampt or printed on the left side thereof, towards the bottom of every of the said Bills; and the Indent shall pair with and suit a Counterpart thereof, bound in a Book for that purpose, and subscribed by the Parties herein appointed to do the same, to be kept by the Treasurers, of the same Tenor and Date, and so near in similitude, in all Circumstances, as possibly may be, to such Bills of Credit that are issued & made current in Payment, as aforesaid. Two Hundred of which said Bills shall be for *Five Pounds* each Bill; Two Hundred of them for *Forty Shillings* each; Six Hundred of them for *Twenty Shillings* each; One Thousand of them for *Ten Shillings* each; and Two Thousand of them for *Five Shillings* each Bill, amounting to, in all, *Three Thousand Pounds.*

Provided always, and it is the true intent and meaning of this Act, That the said Signees shall not sign a greater Number of the said Bills of Credit than what shall amount to, or pass, or be current for more than *Three Thousand Pounds,* Money aforesaid.

And be it further Enacted, &c. That for the better Currency of the said Bills of Credit, the Collectors and Treasurers of this Colony, for the time being, shall, and are hereby required and directed to take and receive all and every the said Bills, according to the value therein expressed, with the proportional Advance of *Two and a half per Cent.* on all and every the said Bills that shall be offered and tendered to them the said Collectors & Treasurers, for any Money due for the first payment of the said 3000 £ *Tax;* and *Five per Cent.* on all and every the Bills that shall be offered and tendered to the said Collectors and Treasurers for Money due for the second and last Payment of the said three thousand Pounds Tax. And on their Receipt of each Payment of the said 3000 £. *Tax,* they shall appoint the Persons that signed the said Bills to meet him or them the said Treasurer or Treasurers, who are hereby required and directed to meet and joyn with him or them to examine and compare the said Bills so to be cancelled, as aforesaid, and keep the same on a File, in order to be further examined by the Governour, Council and General Assembly, for the time being, or such as they shall appoint, when sitting and requiring the same.

And be it further Enacted, &c. That the said Commissioners or Signees,

shall take an Oath before any Justice of the Peace of this Province, being of the *Quorum,* in the words following,

I A.B. do, on the holy Evangelists, sincerely Swear, That I will, to the best of my knowledge and skill, truly, sincerely and faithfully Discharge the Trust reposed in me, relating to and concerning the signing and issuing Bills of Credit, mentioned in and pursuant to the true intent and meaning of an Act of General Assembly of this Colony, entituled, *An Act for the enforcing the Currency of Bills of Credit for Three Thousand Pounds.* So help me God.

And be it further Enacted, &c. That such Person or Persons as shall be convicted of Counterfeiting any of the said Bills of Credit, shall incur the pains & penalties of Felony, without the benefit of Clergy, and suffer accordingly.

And be it further Enacted, &c. That the said Bills of Credit shall be current as aforesaid, between Man and Man, the Treasurers excepted, only until the first day of *June,* which will be in the year of our Lord 1711 and shall and may be received by the Treasurers until the first day of *September* then next following, and no longer.

And be it further Enacted, &c. That the *Three Thousand Pound Tax* passed this Sessions, shall be paid to the said Treasurers in the said Bills of Credit, and in no other Specie whatsoever.

Bradford (1709) 25-27.

1. Thomas Pike, Captain Farmer, Elisha Parker and John Royce were commissioned to sign bills of credit for the 1709 expedition. The assembly nullified most bills signed by these commissioners.

Fifth Assembly, First Session

21 Nov. 1709 - 31 Jan. 1709/10

Burlington

An Act for explaining and rendring more effectual an Act for Support of her Majesties Government of *Nova-Caesaria* or *New-Jersey* for one year.

Whereas by an Act of General Assembly of this Province of *New-Jersey*, passed during the Administration of his Excellency *John* Lord *Lovelace*, late Governor of this Province, entituled, *An Act for Support of Her Majestys Government of* Nova Caesaria *or* New-Jersey, *for one Year*, It is enacted, That there should be levyed and raised within this Province, for Support of Government thereof, for one year, to commence from the 20*th* Day of *December* then last past, to be appropriated to the Uses in and by the said Act directed, the Sum of One Thousand Seven Hundred and Twenty Two Pounds Ten Shillings and Four Pence half Penny, as in and by the said Act is more at large set forth and expressed. And whereas by the Death of the said *John* Lord *Lovelace*, the Sallaries appointed by the said Act to be paid to the several Officers therein mentioned, (except that to the Representatives) cannot be paid according to the Designs and Intention of the said Act. For the Remedy thereof, *Be it Enacted by the Lieut. Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That the Treasurer of this Province appointed by the said Act shall issue and pay out the Money by him received, or to be received by virtue of the said Act, in manner following, *viz.* by Warrants signed by the Lieut. Governor, or the Commander in Chief for the time being, the several Sums following, that is to say,

To the honourable Lady *Charlet Lovelace,* Relict and Administratrix of the said *John* Lord *Lovelace,* or her lawful Attorney or Assigns, the Sum of Two Hundred Pounds, being part of the Sum of eight hundred Pounds mentioned in the said Act.

To the honourable *Richard Ingoldsby,*[1] our present Lieut. Governor, the Sum of Two hundred Pounds, as by the said Act is appointed. And for his Sallary since he came to be Commander in Chief of this Province, the Sum of Three Hundred and Thirty Pounds; and the Sum of Two hundred and seventy Pounds more, being the remainder of the said 800 £ . mentioned in the said Act, to the said Lieut. Governor and Commander in Chief, for the Support of the Government.

To *Rodger Mompesson,* Esq; at the time of passing the said Act, and at present Chief Justice of this Province, the Sum of Seventy Two Pounds.

To *Thomas Gordon,* Esq; late Chief Justice of this Province, the Sum of Twenty Eight Pounds.

To *Miles Forster,* Esq; Treasurer of this Province, the Sum of Fifty Pounds.

To *Jeremiah Bass,* Esq; Clerk of the Council, the Sum of Forty Pounds.

To *John Pinhorn,* Esq; Clerk of the Assembly, the Sum of Sixty Pounds.

To *William Bradford,* for Printing, not exceeding the Sum of Thirty Pounds.

To *Obadiah Hierton,* Serjeant at Arms, the Sum of Fifteen Pounds.

To *Alexander Harper,* Door-keeper to the Council, the Sum of Fifteen Pounds.

To *James Satterthwait,* one of the Door-keepers of the Assembly, the Sum of Seven Pounds ten Shillings.

To *William Cutler,* the other Door-keeper to the Assembly, the Sum of Seven Pounds ten Shillings.

To each of the Representatives of this Province the said Treasurer shall pay for so many Days as shall be certified to him by the Speaker, that they have served in General Assembly, since the Commencement aforesaid, to the beginning of this Sessions, the Sum of *Six Shillings per Diem;* and also shall pay to the said Speaker at the same Rate, for so many Days as shall be Certified to him by any two of the House of Representatives, according as it is in the said Act more at large expressed and declared.

And be it further Enacted by the Authority aforesaid, That the said *Miles Forster,* Treasurer aforesaid, with his Sureties, shall be, and is hereby declared to be under the same Obligations and Restrictions for the true Performance of his Duty by this Act required, as in the said former Act mentioned and expressed; and shall also receive and pay all the Money payable by the Western-Division of this Province, at the Town of *Burlington.*

And be it further Enacted, &c. That all Justices of the Peace, Constables and other Officers, that have hitherto refused or neglected to perform and execute their respective Duties in and by the said Act required, are hereby Required and Commanded, with all convenient speed, to execute and perform their and every of their said several and respective Duties, under the Pain and Forfeiture each of them, of Fifty Pounds, Money mentioned in the said Act, to be levyed and disposed of as other Forfeitures in the said Act are appointed, altho' the time limitted by the said Act be expired or elapsed, which said Officers shall not be liable to be prosecuted for any Defect by them committed in the executing of their Offices at any time before the Publication hereof.

And be it further Enacted, &c. That all and every Sum or Sums of Money which shall remain in the Treasurers hands, for the time being, after Payment of the several Sums of Money herein before mentioned, shall be paid and disposed of by Act of General Assembly of this Province.

And whereas divers Persons within this Province have not given in the Account of their Taxable Estates to the Assessors, as the said Act directs, whereby some of the Inhabitants are omitted, and not Taxed at all, *Be it therefore Enacted by the Authority aforesaid,* That the Assessors appointed by the said Act, are hereby Impowered and Required to Assess all Persons that have been omitted in their respective Counties or Precincts, notwithstanding the time appointed by the said Act may be elapsed.

And whereas in several of the Counties of this Province, the Assessors of the said Counties have laid and assessed some part of the said Tax upon the Unimproved Lands of such Persons who do not live and inhabit in the said

Counties, which cannot be Recovered and paid, by which means the Quota's to be raised by such Counties must fall short. For Remedy whereof, *Be it Enacted by the Authority aforesaid,* That the Assessors of such Counties as have acted as aforesaid shall forth-with meet together and Assess the Counties in such manner as by the said recited Act is appointed, and so as their full Quota's may be made up, assess'd and paid, together with Twenty Shillings for each County, for their own pains, to be paid as aforesaid.

Passed 21 Jan. 1709/10.
Bradford (1710) 28-30.

1. Richard Ingoldsby (?-1720) served under Lord Cornbury as New Jersey's only lieutenant governor. He became acting governor following the death of Governor Lovelace in 1709 and served until 1710.

An Act for the ascertaining the Place of the sitting of the Representatives to meet in General Assembly.

Whereas it is found by Experience, that the Assembly of this her Majestys Province of *Nova Caesarea* or *New-Jersey* sitting at *Amboy,* is found very inconvenient, not only by reason of the Place being small, and so few settlements therein, that there is not necessary Accomodation for such Services, but also at a very great Distance from some of the Counties of the Western Division of this Province, which makes the Expences very great, as well as the aforesaid Inconveniencies a Hardship. And whereas *Burlington* is a Place about the middle of the said Province, and well accomodated with all Conveniencies and Necessaries both for Men and Horses. Therefore for the Remedying the aforementioned Inconveniencies for the future, *be it Enacted by the Lieut. Governor, Council & Assembly now met and assembled, and by the Authority of the same,* That from hence forward all succeeding Assemblies shall sit at *Burlington,* until it be otherways settled by Act of Assembly, any Custom or Usage to the contrary hereof in any wise notwithstanding.

Passed 21 Jan. 1709/10.
Bradford (1710) 30.

An Act for Building and Repairing Goals and Court-houses within this Province.

Whereas Goals and Court-houses are absolutely necessary for Administration of Justice, and putting the Laws in Execution. And whereas there is many times occasion for raising Money for defraying the publick Charges of the Countys, such as Killing of Wolves, &c. Maintaining the Poor, Building and Repairing of Pounds, Bridges, &c. *Be it therefore Enacted by the Lieut. Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same,* That the Free-holders of each several and respective Town or Precinct within each County shall assemble and meet together on the first Monday in *March,* yearly, and every year, and by the majority of Voices chuse two Free-holders for every such Town and Precinct, for the ensuing year, which Free-holders so chosen, together with three Justices of the Peace, one whereof of the *Quorum,* shall meet together at such times and places as they, or the major part, shall appoint and agree upon, such Sum and Sums of Money as shall be needful for building such Goals or Court-houses as are wanting, in such place or places as they shall agree, and for Repairing such as want to be repaired; and shall also agree upon such other Sum and Sums of Money as shall be needful and necessary for defraying and paying the publick and necessary Charges of the County for that year, and to what Uses the same shall be applyed; and shall nominate and appoint Assessors and Collectors to assess, levy and collect the same, at such times, and in such manner as they shall agree; and shall also appoint Mannagers to do and see done such Things and Works as they shall appoint to be done and performed. And all such Assessors, Collectors and Mannagers shall be accountable to the said Justices and Free-holders when called thereunto.

And be it further Enacted, &c. That all Persons who shall refuse or neglect to pay such Rates as above, shall be distrained upon by the Constable of such Town or Precinct, by Warrant from any one Justice of the Peace of the said County; which Constable shall sell the said Distress at a Vendue or Out-Cry, and pay the Rate to the said Collector, and *Eighteen Pence* to himself for his own pains, and *One Shilling* to the said Justice of the Peace for his Warrant, and Return the Over-plus, if any be, to the Owner.

Passed 21 Jan. 1709/10.
Bradford (1710) 30-31.

An Act for the better Qualifying Representatives to serve in General Assembly within this Province.

Whereas nothing can conduce more to the honour, safety & advantage of this Province, than the Members elected to serve in the General Assembly be perfectly acquainted with the true state and Circumstances of this Province; and many Inconveniencies may arise by electing Persons to serve in the said General Assembly, who inhabit in another Province, altho' they may have some Interest or Estate in this, but their Concerns lying & being in some of the neighbouring Provinces, where they, with their Families do inhabit, they may thereby be swayed to have great regard to the Interest of the Province in which they with their Families so inhabit, than for the Wellfare & Prosperity of this. And whereas it is absolutely necessary for the regular proceedings of the Representatives, that the House of Representatives, when met, should have power over the several Members thereof, which the house cannot have if any of their Members are in any of the neighbouring Provinces. For the preventing of which, and many more Inconveniencies and Disadvantages that may arise to this Province, by electing persons inhabiting else-where, *Be it Enacted by the Lieut. Governor, Council and General Assembly now met and assembled, and by the Authority of the same,* That from and after the Dissolution of this present Assembly, no persons shall be capable of being elected a Representative to serve for any City, Town or County in the General Assembly within this Province, who is not inhabiting and usually resident himself, & likewise with his Family (if any he hath) the day of the date of the Writ of Summons, and hath been so three Moneths before in some City, Town or County of that Division in which he shall be elected.

Be it Enacted by the Authority aforesaid, That after the Dissolution of this present Assembly, no person shall be capable of serving in the General Assembly of this Province, who hath not an Estate within the Division in which he is elected, sufficient to qualifie him, any Law or Usage to the contrary notwithstanding.

Passed 21 Jan. 1709/10.
Bradford (1710) 31-33.

An Act for Dividing and Ascertaining the Boundarys of all the Counties in this Province.

Whereas by the Uncertainty of the Boundaries of the Counties of this Province great Inconveniencies have arisen, so that the respective Officers of most of those Counties cannot know the Limits of them, For the preventing the same in time coming, and the better ascertaining the Boundaries of them, *Be it Enacted by the Lieut. Governor, Council and General Assembly, and by the Authority of the same,* That in the Eastern Division, the County of *Bergin* shall begin at *Constables-Hook,* and so run up along the Bay and *Hudsons-River* to the Partition Point between *New-Jersey* and the Province of *New-York;* and so run along the Partition Line between the Provinces, and the Division Line of the Eastern and Western Division of this Province to *Pequaneck-River,* and so to run down the said *Pequaneck* and *Passaick-River* to the Sound, and so to follow the Sound to *Constables-Hook,* where it began.

That the County of *Essex* shall begin at the Mouth of *Raway-River,* where it falls into the Sound, and so to run up the said *Raway-River* to *Robesons* Branch; thence West to the Division Line between the Eastern and Western Division aforesaid, and so to follow the said Division Line to *Pequaneck-River,* where it meets *Passaick-River;* Thence down *Passaick-River* to the Bay and Sound; Thence down the Sound to where it began.

The County of *Somerset,* begins where *Bound-Brook* empties it self into *Rariton-River,* thence down the Strand of *Rariton* to the mouth of a Brook known by the name of *Lawrances-Brook;* thence running up the said *Lawrances-Brook* to the great Road that leads from *Inians's* Ferry to *Cranbery-Brook;* from thence South forty four Degrees Westerly to *Sanpinck-Brook,* thence down the said *Sanpinck-Brook* to the said Division Line of the Eastern and Western Division aforesaid, and so to follow the said division line to the Limits of the abovesaid County of *Essex;* Thence East along the Line of *Essex-County* to *Green-Brook,* and thence running down the said *Green-Brook* and *Bound-Brook* to where it began.

The County of *Middlesex* begins at the Mouth of the Creek that parts the Land of *George Willocks* and the Land that was formerly Capt. *Andrew Bown's,* deceased; thence along the said Capt. *Andrews* Line to the Rear of the said Land; thence upon a direct Course to *Warn's* Bridge on the Brook where *Thomas Smith* did formerly live; thence upon a direct Course to the South East Corner of *Barcleys* Tract of Land that lyes near *Martiniponex;* thence to the most Southernmost part of said Tract of Land, including the whole Tract of Land in *Middlesex-County;* thence upon the direct Line to *Sanpinck* Bridge on the High Road, including *William Jones, William Story, Thomas Richman* and *John Guyberson* in *Monmouth-County;* thence along the said Road to *Aarin Robins* Land; thence Westerly along the said *Aarin Robins* and *James Lawrance* line to the Line of the Eastern and Western Division aforesaid, including the said *Robins* and *Lawrance* in *Monmouth-County;* thence Northerly

along the said line to *Sanpinck* Brook, being part of the Bounds of the said *Somerset-County;* thence following the lines of *Somerset* and *Essex-Counties,* and so to the Sound, and thence down the Sound to *Amboy-Point,* and from thence to the Creek, where it first began.

The County of *Monmouth* begins at the Mouth of the Creek aforesaid, that parts the Land of Capt. *Andrew Bowne,* deceased, and *George Willocks,* thence following the line of *Middlesex-County* to the line of the Eastern and Western Division aforesaid; thence Southerly along the said Division line to the Sea; thence along the Sea to the Point of *Sandy-Hook;* thence up the Bay to the aforesaid Creek, where it first began.

The Line of Partition between *Burlington* and *Gloucester-County* begins at the Mouth of *Pensauquin,* alias, *Cropwell-Creek;* thence up the same to the *Fork;* thence along the Southermost Branch thereof (sometimes called *Cole-Branch*) until it comes to the head thereof, which is the Bounds betwixt *Samuel Lipincotes* and *Isaac Sharps* Land; thence upon a strait line to the Southermost Branch of *Little-Egg-Harbour-River,* including the said *Sharp* his Land in *Gloucester-County;* thence down the said Branch and River to the Mouth thereof; thence to the next Inlet on the South side of *Little-Egg-Harbour* most Southerly Inlet; thence along the Sea-Coast to the Line of Partition between *East* and *West-Jersey;* thence along the said Line of Partition by *Maidenhead* and *Hopewell,* to the Northermost and Uttermost Bounds of the Township of *Arnwel* [*Amwell*]*;* thence by the same to the River *Delaware;* thence by the River *Delaware,* to the first mentioned station.

Gloucester-County begins at the Mouth of *Pensauquin-Creek,* thence up the same to the Fork thereof; thence along the said Bounds of *Burlington-County* to the Sea; thence along the Sea-Coast to *Great-Egg-Harbour-River;* thence up said River to the Fork thereof; thence up the Southermost and greatest Branch of the same to the head thereof; thence upon a direct line to the head of *Oldmans-Creek;* thence down the same to *Delaware* River; thence up *Delaware* River to the place of beginning.

Salem-County begins at the Mouth of a Creek on the West side of *Stipsons Island,* commonly called *Jecaks's Creek;* thence up the same as high as the Tide floweth; thence upon a direct line to the Mouth of a small Creek at *Tuckahoe,* where it comes into the Southermost Main Branch of the Fork of *Great-Egg-Harbour-River;* thence up the said Branch to the head thereof; thence along the Bounds of *Gloucester-County* to *Delaware-River;* then down *Delaware-River* and Bay to the place of beginning.

Cape-May-County begins at the Mouth of a small Creek on the West side of *Stipsons-Island,* called *Jecaks's Creek;* thence up the said Creek as high as the Tide floweth; thence along the Bounds of *Salem-County* to the Southermost Main Branch of *Great-Egg-Harbour-River;* thence down the said River to the Sea; thence along the Sea-Coast to *Delaware-Bay,* and so up the said Bay to the place of beginning.

And whereas at present there is not as yet a competent Number of Inhabitants in the County of *Somerset,* for holding of Courts, and for Jury's, *Be it therefore Enacted by the Authority aforesaid,* That the said County of *Somerset*

shall and is hereby subject to the Jurisdiction of the Courts and Officers of the County of *Middlesex,* and that the Jury's for any Tryal whatsoever may be Promiscuously taken out of both or either of the said Counties, as has been usually for all Actions that are or shall be commenced in either of the said Counties, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

Passed 21 Jan. 1709/10.
Bradford (1710) 33-35.

An Act for ascertaining the Representatives Fees of General Assembly.

Whereas it is highly necessary that all Persons chosen Representatives to serve in General Assembly in this Colony, & attending the publick service of the same, at the expence of their Ease and Fortune, and neglect of their own private Affairs, should have some suitable and competent Allowance for the same. And whereas the Defect thereof hath already been, and hereafter may be a great Discouragement to many fit and proper Persons well qualified to serve in the said General Assembly, from undertaking the same, *Therefore be it Enacted by the Governor, Council and Assembly met and assembled, and by the Authority of the same,* That each Representative serving in General Assembly of the Eastern and Western-Division of this Province, shall be and is hereby allowed Five Shillings, Proclamation Money, to commence from the sitting and meeting of this present and future Assemblys, and to continue during each Sessions, and so many Days before and after each respective Adjournment, Prorogation or Dissolution, as the Speaker shall allow of, according to the Distance the several Representatives shall Travel to come to the Place appointed, to be paid by the several Towns & Counties for which they shall serve respectively.

And be it further Enacted by the Authority aforesaid, That any three Justices of the Peace (one being of the *Quorum*) shall and are hereby authorized and Required on the Five and Twentieth Day of *March* (unless the same happen on a Sunday, and in that case the next Day after) yearly, to nominate and appoint Assessors and one Collector in each of their several Towns and Counties which respectively send Representatives to serve in the General Assembly of this Province, who shall immediately repair to the next Justice of the Peace,

and qualifie themselves, as the Law in the like cases directs; which said Assessors shall forth-with assess and raise on the Inhabitants of their Towns and Counties, by equal assessment, a sufficient Sum for defraying the Charges of their several and respective Representatives, yearly and every year; which said Money shall be paid in to the Collector of each Town and County, and to be paid by him to the Representatives, as aforesaid, by Virtue of a Warrant or Certificate under the hand of the Speaker, certifying the time they have served respectively; and that to the Speaker by virtue of a Warrant under the hands of any two of the Representatives.

And be it further Enacted, &c. That if any Person shall refuse or neglect to do as in this Act required, shall Forfeit the Sum of Fifty Pounds, Money aforesaid, the one half to the Queen, her Heirs and Successors, and the other half to the Person grieved.

And to prevent any Member or Members of the house of Representatives from departing or absenting him or themselves from the immediate Service of this Colony in general, and of each City, Town and County for which he or they is, are or shall be elected to serve in particular, following the good Example in that case provided by the Parliament of *England,* by a Statute made in the sixth year of the Reign of King *Henry* the eighth, entituled, *An Act that no Knight of Shire or Burgess depart before the end of the Parliament.*[1] *Be it further Enacted by the Authority aforesaid,* That if any Person or Persons elected or to be elected to serve for any City, Town or County within this Province, hath or have, since the beginning of this present General Assembly, or shall hereafter in this, or any other General Assembly, before such General Assembly be fully finished, ended or prorogued, depart or absent him or themselves from the same for any longer time than the space of three Days, (unless in the case of his own unavoidable Sickness) without leave of the Speaker, and of the house of Representatives first had and obtained, and entered in the Journal Book of the said House, or after such leave so obtained and entered, shall absent him or themselves for any longer time than three Days after the time allowed him, as aforesaid, by the said house, is expired, (except in case of his or their own unavoidable Sickness) he or they so departing or absenting him or themselves, shall loose all those Sums of Money which he or they ought to have had for his or their Fees or Wages for this or any other Session of General Assembly; and that all Cities, Towns or Counties for which any such Person or Persons is, are or shall be elected, and the Inhabitants of the same shall be clearly and absolutely Discharged of and from the said Fees and Wages, against the said Person or persons, and his or their Executors for evermore.

Passed 31 Jan. 1709/10.
Bradford (1710) 35-36.

1. An Act that no Knight of Shire nor Burgess depart before the End of the Parliament, 6 Hen. 8 c 16. *The Statutes* (London, 1734, 1734), vol. 1, 1225-1545, 698.

An Act for the Regulating Fences.

Whereas the want of making and keeping Fences in good Repair hath occasioned much Difference amongst Neighbours, and being Disadvantageous to the Inhabitants of this Province, by their Cattle Trespassing one upon the other. For the preventing of the same, *Be it Enacted by the Lieut. Governor, Council and Representatives in General Assembly met, and by the Authority of the same,* That all Fences that are and shall be made hereafter, and esteemed to be good, lawful and sufficient against Cattle and Horses, shall be Four Foot and Four Inches High.

And be it Enacted by the Authority aforesaid, That all Cattle and Brute Creatures that shall jump over or break down any such Fence, shall be Pounded, and the Owners shall pay the Damage to the person grieved, the Damage thereof to be appraised by two of the Neighbourhood. And that it shall and may be lawful for the Person who receives the Damage by the aforesaid Unruly Cattle, to Pound them Twenty Four Hours in his Field or Yard, and for to give the Owner of the said Trespassers Notice of the Cattle and Damage, if known or easie to be found, and if not Redeemed in the aforesaid twenty four Hours, that then the Persons grieved shall lead or drive them to the Town or Precinct Pound, where the said Pound-keeper shall receive them, and keep them till the Damage and Charges of Trespass, of Driving and Poundage is paid. And that the Pound-keeper shall have for his pains Two Pence per Head for letting in and out of the Pound; and shall have for pounding, feeding and attending per Head Six Pence every twenty four hours the said Cattle and Horses shall continue in the Pound.

And be it further Enacted, &c. That where any Person sets his Fences in the Partition Line between him and his Neighbour, and his Neighbour improves the Land or Meadow adjoyning thereto, they shall make and maintain the said Division-Fence in good and sufficient Repair equally between them.

And be it Enacted, &c. That where any persons do agree together to Fence their Lands in common, such Fences shall be made and maintained in good and sufficient Repair according to their several proportions of Land and benefit they receive thereby.

And be it further Enacted, &c. That when any Stray Cattle or Horses are Impounded for Trespassing, as aforesaid, the said Pound-keeper is hereby Required forth-with to set up Papers at the most publick Places within the Township and County to which the said Pound belongs, and the three next adjoyning Towns, giving publick Notice and Descriptions of the said Strays; and if the Owner do not appear and redeem them within one Moneth after such publick Notice given, then the said Pound-keeper shall take them to his own Use at the Appraisement of two sufficient Free-holders of the Neighbourhood on their Oaths or Attestations administered to them by any one Justice of the Peace of the County, he paying for the Trespass and other incident Charges, and returning the Over-plus to the Owner, when he doth demand it, and who is here-

by nevertheless enabled to Redeem the said Cattle and Horses at any time within a Year, paying the said Trespass and other Charges.

And be it Enacted by the Authority aforesaid, That if any Person, Owner or Possessor of any Land within this Province shall neglect or refuse to make or keep in due Repair the Fence or Fences about his Land, in manner as is herein before prescribed, and for Defect thereof the Horses or Cattle of any other Person shall break or enter into or upon the said Lands, that the Owner of the said Horses or Cattle shall not be liable to any Action, nor the Horses or Cattle be Impounded for any Damage thereby committed; and if any Action shall be commenced thereon, or Avown made by reason of such Damage, that then it shall and may be lawful for the Owner of such Horses or Cattle to plead the General Issue, and give this Act in Evidence or to justifie the same.

Date of passage undetermined.
Bradford (1710) 36-37.

An Act for Amending the Act for preventing Swine Runing at large.

Whereas by an Act for preventing of Swine runing at large, it is enacted, that any Person or Persons that shall find any Swine Trespassing upon his or their Land, may forth-with kill such Swine, and keep them to his or their own proper Use, without any Account to be given thereof, which may be very inconvenient, and give some encouragement to evil disposed Persons, *Be it Enacted by the Lieut. Governor, Council & General Assembly, and it is hereby Enacted by the Authority of the same,* That whosoever shall kill Hogs or Swine by virtue of the said Act, shall give notice thereof to the Owner to take them to his own use, if he can be easily found, otherwise he shall give Notice thereof to the Over-seers of the Poor of such Town or Precinct, who shall dispose thereof to the best advantage for the use of the Poor, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

Date of passage undetermined.
Bradford (1710) 37.

An Act for Regulating Stone-Horses or Stallions that run at large in this Province.

Whereas by long Experience it hath been found, that small Stallions runing at large in the Woods, have been, and still are very hurtful to the Breed of Horses in this her Majesties Province of *New-Jersey,* by causing the Breed to be small, and so rendring them less useful to the Inhabitants thereof, *Be it therefore Enacted by the Lieut. Governor, Council and Representatives now met in General Assembly, and by the Authority of the same,* That from and after the 15th of *May* next, any person or persons who shall find any Stone Horse or Horses runing at large in the Woods, of the Age of eighteen Moneths, or more, and not of the full height, from the lowest part of the Hoof unto the highest part of the Wither, of Fourteen Hands (Four Inches to each Hand) it shall and may be lawful for any such person or persons to take up such Horse or Horses, being under the size aforesaid, and to geld, or cause them to be gelded, who shall receive from the Owner or Owners of every such Horse the Sum of 20 *s.* current Money of this Province, within a Moneth after gelding, as aforesaid; and upon neglect or refusal of such Payment, it shall be deemed and esteemed a Due and just Debt to the person or persons aforesaid, and to be recovered from the Owner or Owners of such Horse or Horses, as a Debt under 40 *s. Always provided,* That if any Horse so gelded, as aforesaid, happen to dye within one Moneth, that then and in that case the Owner or Owners shall be free and clear from the payment of Twenty Shillings, as aforesaid.

Passed 31 Jan. 1709/10.
Bradford (1710) 38.

An Act for Reviving and Continuing the Courts of Sessions & Common Pleas in the County of *Gloucester,* with the Proceedings of the same.

Whereas the general Courts of Sessions of the Peace & Common Pleas in the County of *Gloucester* have been kept by a former Ordinance the first Tuesday in *April,* and the first Tuesday in *October.* And whereas by a late

Ordinance bearing date Fifth Day of *November, Anno Dom.* 1708, it was ordained, That from and after the Day to which the several Inferiour Courts and Sessions then stood adjourned, the said Court of Pleas should be held Quarterly, for the County of *Gloucester,* at *Gloucester* the second Tuesday in *March,* the 3d Tuesday in *June,* the 3d Tuesday in *September,* and the 3d Tuesday in *December.* And whereas the Justices of the said Courts had not timely Notice of holding the said Courts, according to the said late Ordinance, by means whereof the said Courts have not been duly adjourned and holden. And whereas some Doubts may arise concerning the Discontinuance of Indictments, Actions, Suits and Process depending in the said Courts, *Therefore be it Enacted by the Lieut. Governor, Council and General Assembly met and assembled, and by the Authority of the same,* That no Indictment, Suit, Action or Process be discontinued for not holding the said Courts or any of them, but that the same shall be Revived, Continued and Remain and holden in the next Courts to be for the said County, according [to] the last Ordinance lately made for that purpose; and that all and every Person and Persons obliged to make their Appearance at the said last Courts, which were not holden, shall make and enter their Appearance, after Publication hereof, at the next Court of Quarter-Sessions and Common-Pleas respectively to be holden for the said County, in such manner as they should have done if the said last Courts had been duely kept and holden, any Law, Custom or Usage to the contrary notwithstanding.

Passed 31 Jan. 1709/10.
Bradford (1710) 38.

Sixth Assembly, First Session

6 Dec. 1710 - 10 Feb. 1710/11

Burlington

An Act for Support of this Her Majesties Government of *Nova-Caesarea* or *New-Jersey.*

Be it Enacted by the Governor, Council and General Assembly now met and assembled, and by the Authority of the same, That there be assessed, levyed and raised in manner hereafter mentioned, within this Province, for the Support of her Majestys Government in the same, for one year, to commence from the twenty third Day of *June* last past, being the day on which his Excellency our present Governour's Commission was published, the Sum of Nine Hundred and Forty Four Pounds, Money as appointed by her Majesties Proclamation, and since enforced by Act of Parliament in the sixth year of her Majestys Reign, entituled, *An Act for ascertaining the Rates of forreign Coyns in her Majestys Plantations in America,*[1] which is hereby given and granted to her Majesty, her Heirs and Successors.

And be it further Enacted by the Authority aforesaid, That there be likewise assessed, levyed and raised in manner hereafter mentioned, within this Province, the Sum of Nine Hundred and Forty Four Pounds, Money aforesaid, which is hereby given and granted to her Majesty, her Heirs and Successors, for the Support of the Government of this Province, for one other year, to commence from the twenty third Day of *June* next ensuing, and to end the twenty third of *June,* 1712.

And be it further Enacted by the Authority aforesaid, That in case it shall happen that his Excellency Coll. *Robert Hunter,*[2] the present Governour, shall by Death, or otherwise, cease to be Governour of this Province, at any time after the said twenty third day of *June* next ensuing, and before the said twenty third of *June* 1712. That then it shall and may be Lawful to and for the Treasurer or Treasurers of this Province, for the time being, and he is or they are hereby impowered and directed to pay unto his said Excellency Coll. *Robert Hunter,* his Executors or Administrators, out of the said Sums of nine hundred Forty Four Pounds, to be assessed, levyed and raised for the Support of Government, as aforesaid, for one year, from the said twenty third day of *June* next ensuing, such Sum and Sums of Money as at the time of his ceasing to be Governour, as aforesaid, shall be due and unpaid to him, for Sallary and Incidents, in proportion to the Sums of Money he shall have received or shall be payable to him for those or the like Services, out of the nine hundred and Forty Four Pounds to be assessed, levyed and raised for the Support of Government as aforesaid, from the said twenty third day of *June* last past.

And be it further Enacted by the Authority aforesaid, That all the other Officers of the Government shall likewise be Allowed, and the Treasurer or Treasurers, for the time being, is or are hereby impowered and directed to pay unto them respectively, the Sum and Sums of Money which at the time of his said Excellencys ceasing to be Governour, as aforesaid, shall be due and unpaid

to them for Sallary, in proportion to the Sums of Money they shall have received, or shall be payable to them respectively, for those or the like Services, out of the said nine hundred and Forty Four Pounds to be assessed, levyed and raised for the Support of the Government, as aforesaid, from the said twenty third day of *June* last past; and that the Treasurer or Treasurers, for the time being, shall detain and keep in his or their hands the remainder of the said Sum of nine hundred Forty Four Pounds to be assessed, levyed and raised for the Support of the Government, as aforesaid, for one year from the said twenty third day of *June* next ensuing, to be disposed of by the Governour, Council and General Assembly, and not otherwise.

And be it further Enacted by the Authority aforesaid, That there shall be also assessed, levyed and raised within this Province, the Sum of Three Hundred Pounds, Money aforesaid, *per annum,* for two years, to commence from the 23d day of *June* last, which is hereby given and granted to her Majesty, her Heirs and Successors, for defraying the Expence of the Representatives of this Province, at the Rate of *Five Shillings,* Money aforesaid, *per Diem,* to each Representative for their Service in General Assembly, for the said two years.

And be it further Enacted by the Authority aforesaid, That the Collector or Collectors of each respective County, or the Treasurer, shall issue and pay all or such part of the said Three hundred Pounds *per annum,* for two years, in such manner, and to such Representatives as he or they shall be ordered and directed by Warrants, from time to time, signed by the Speaker of the General Assembly, and to the Speaker by Warrant under the hand of any two Members of the said Assembly, for the time being.

And be it further Enacted by the Authority aforesaid, That the said Sums of 944 £ . and 300 £ . *per annum,* for two years, shall be rated, assessed & levyed upon the Persons, Estates, Goods and Chattels after-mentioned, *viz.* Every Free-man, the Rate of whose Estate does not amount to six Shillings, shall notwithstanding pay Six Shillings *per annum.* All Trades-men that follow Trades, shall pay for the same, not under Four Shillings, nor above Sixteen Shillings *per annum,* at the discretion of the respective Assessors afternamed. The Ferry at *Weehawk* in the County of *Bergin,* shall pay Six Shillings *per annum.* The Ferry at *Perth-Amboy* Thirty Shillings *per annum.* The Ferry near to *Delaware* Falls, twenty Shillings *per annum.* The Ferry above said *Delaware* Falls, ten Shillings *per annum.* The Ferry on said River, below *Burlington,* twenty Shillings *per annum.* The Ferry on *Rancokas*-Creek, ten Shillings *per annum.* The Ferry from *Daniel Coopers* to *Philadelphia,* ten Shillings *per annum.* The Ferry from *Gloucester* to *Philadelphia* Fifteen Shillings *per annum.* Every Wherry that carries Passengers and Goods for hire, twenty Shillings *per annu*[*m*]. Every Flat that carries Goods and Passengers for hire, ten Shillings *per annum.* Every Wood-boat that carries six Coard & upwards, twenty Shillings *per ann*[*um*]. Every Boat that carries under six to four Coard, ten Shillings *per annum.* Every Boat that carries under four Coard, six Shillings *per annum.* Every Grist-Mill and Saw-Mill to be rated at the discretion of the Assessors, not under Fifteen Shillings, nor above three Pounds *per annum.* Every Fulling Mill to be rated as aforesaid at the discretion

of the respective Assessors, not under ten Shillings, nor above twenty Shillings *per annum*. All Merchants, Shop-keepers, Indian and other Traders to be rated at the discretion of the Assessors, not under twenty Shillings each *per annum*, nor above ten Pounds *per annum*. All those that keep publick Houses for Retailing of strong Liquors, or publick Houses of entertainment, shall be rated at the discretion of the Assessors, not under twenty Shillings each, nor above ten Pounds *per annum*.

And be it further Enacted by the Authority aforesaid, That for the better assessing, levying and collecting of the said Sums of Nine hundred and Forty Four Pounds, and three hundred Pounds *per annum*, as aforesaid, there shall be and is hereby appointed in the respective Counties, within this Province, the persons after-named for Assessors and Collectors.

In the County of *Bergin*, Mr. *Edmund Kingsland* and Mr. *George Duncan*, Assessors; and Mr. *Arent Schuyler* Collector.

In the County of *Essex*, Mr. *John Cooper* and Mr. *Benjamin Price* (Son of Mr. *Benj. Price*, Justice) Assessors; and Mr. *John Harriman* Collector.

In the County of *Middlesex*, Mr. *Samuell Walker* and Mr. *Henry Ralph*, Assessors, and Mr. *John Rudyard*, Collector.

In the County of *Somerset*, Mr. *John Harrison* and Mr. *Benja. Clark*, Assessors, and Mr. *Peter van Este* Collector.

In the County of *Monmouth*, Mr. *Elisha Lawrance* and Mr. *James Bullen*, Assessors, and Mr. *Obadiah Holmes*, Collector.

In the County of *Burlington*, Mr. *John Reading* and Mr. *John Wells* of *Northampton*, Assessors; and Mr. *John Tantham* and Mr. *Nathaniel Westland*, Collectors.

In the County of *Gloucester*, Mr. *Thomas Sharp* and Mr. *William Warner*, Assessors; and *John Kay*, Esq; Collector.

In the County of *Salem*, Mr. *Jonathan Wallen* and Mr. *Benjamin Acton* Assessors, and Mr. *Joseph Eastland* and Mr. *William Hall* of *Alloways-Creek*, Collectors.

In the County of *Cape-May*, Mr. *John Taylor* and Mr. *John Cresy*, Assessors, and Mr. *Ephram Edwards*, Collector.

And be it further Enacted by the Authority aforesaid, That all and every the Assessors and Collectors aforesaid, shall, and hereby are obliged before the twentieth Day of *March* next ensuing, to repair to one Justice of the Peace within the respective Counties whereto they belong, and take an Oath, or Attestation, if *Quakers*, for the faithful Discharge of their respective Offices; which Justices are hereby impowered and authorized to administer the same; which said Assessors, so qualified, shall immediately issue out his or their Order to every Constable within each Town, Division, Precinct or District, in their several and respective Counties, to bring in a fair List of the Names of all the persons within their said Town, Division, Precinct or District.

And be it further Enacted, &c. That if any of the aforesaid Assessors or Collectors shall neglect to repair, at or before the said twentieth Day of *March* next, to one Justice, and take an Oath or Attestation, as aforesaid, or afterwards be remiss, negligent, or mis-behave him or themselves in the execution or

performance of the respective Duties required or directed to be done by this Act, each of them so offending shall Forfeit and pay to her Majesty, her Heirs and Successors, the Sum of Fifty Pounds lawful current Money aforesaid, to be recovered by Action of Debt within any Court of Record within this Province, with costs of Suit.

And be it further Enacted by the Authority aforesaid, That upon the Death, Removal or Refusal of any of the Assessors or Collectors as aforesaid, any two Justices of the Peace (one whereof to be of the *Quorum*) of the County, shall upon the death, removal or refusal of any of the said Assessors or Collectors, as aforesaid, nominate others in their stead and place, which Person or Persons, so nominated and appointed for, as if they had been named and appointed by this Act, and Immediately take the Oath, or Attestation, for the due performance of the same, under the like penalty, as aforesaid, to be recovered against them as aforesaid.

And be it Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace shall refuse or neglect to Administer the Oath or Attestation aforesaid, to any of the Assessors or Collectors aforesaid, that shall be ready and offer to take the same, or neglect to appoint others in the place and stead of those who shall either dye or refuse, or remove out of the respective Counties, as aforesaid, or neglect to perform any other part of their Duty by this Act required, he or they shall forfeit to her Majesty, her Heirs and Successors for every such Neglect or Offence, the Sum of Fifty Pounds Money aforesaid, with Costs of Suit, to be recovered and applyed as aforesaid.

And be it further Enacted by the Authority aforesaid, That all and every the respective Constables of every Town, Division, District or Precinct within this Province, shall, and they are hereby obliged to make a true and perfect List of the Names of all the Inhabitants, Residents, House-holders, Sojourners and Free-Men within the Town, Division, District or Precinct whereof they are Constable or Constables, on or before the tenth day of *April* next, and deliver the said List to one of the Assessors of that County to which they belong.

And be it further Enacted by the Authority aforesaid, That if any Constable or Constables shall neglect, delay or refuse to perform any part of his or their Duty required by this Act, or return any Imperfect List of the Names of the Inhabitants, Residents, House-keepers, Sojourners and Free-men within the Town, Division, District or Precinct whereof he or they is or are Constable or Constables, as aforesaid, every such Constable so neglecting, delaying or refusing, shall forfeit the Sum of ten Pounds, Money aforesaid, with Costs of suit, to be recovered and applyed as aforesaid.

And be it Enacted by the Authority aforesaid, That all and every Inhabitant and House-holder within each of the respective Counties within this Province, shall give a true and perfect List of the Number of Acres of Improved Land, Wood-Land and Meadows by him or them possessed and enjoyed, together with his or their Mills, Boats, and the bigness of them, the number of his or their Slaves above Fourteen years of age, and under Fifty, that are not disabled; and of all his or their Cattle, Horses and Mares above three years old, and of all his and their Sheep and Hoggs above one year old, to one of the Assessors of

the County to which he, she or they belong, at or before the first day of *May* next ensuing.

And be it further Enacted by the Authority aforesaid, That the Assessors of each respective County shall meet together at some convenient place within the County to which they belong, at or before the fifteenth day of *May* next, and then and there Assess and compute what the particulars after mentioned will amount to, *viz.* Six shillings *per annum* for every Free-man, the rate of whose Estate will not amount to six shillings: For every Tradesmen that follow their Trades: The Ferrys in their respective Counties as they are rated by this Act: The Wherries, Flats, Wood-boats, Mills, Merchants, Shop-keepers, Traders and publick House-keepers as aforesaid, and all such being Assessed pursuant to the directions of this Act, the said assessors shall sum them up and see what the sum Total shall amount to.

And be it further Enacted by the Authority aforesaid, That all the Assessors of the respective Counties within the said Province shall on the first Tuesday of *June* next, meet together at the house of *Thomas Foulks* at or near *Crosswicks,* and then and there compute what the Sum Total of the aforementioned Assessments, which they shall then bring with them, of all and every the respective Counties amounts to, and shall then and there compute the value of all the Estates Real and Personal, given in to the said Assessors throughout the Province, at the value after mentioned, *viz.* All unimproved Land at seven Pounds *per* hundred Acres, all improved Meadows and Land at ten Pounds *per* hundred Acres. All Labouring Slaves above fourteen years old and under fifty, at fifteen Pounds *per* head. All Cattle, Horses and Mares, of three years old and upwards, at Forty shillings *per* head. All Sheep of one year old, and upwards, at four shillings *per* head. All Swine of one year old and upwards, at six shillings *per* head; and then cast up what the Sum Total of the said Estates amount to; and then Assess what there shall be wanting of the said Nine Hundred Forty Four Pounds and Three Hundred Pounds *per annum;* and also the Sum of Fifty one Pounds Sixteen Shillings & Four Pence *per annum* for the Expence, Charge and Trouble of the Assessors, Collectors and Constables, equally upon the Pound value of the Sum Total of the real and personal Estates last mentioned.

Provided always, and it is hereby Enacted by the Authority aforesaid, That if it shall happen that any of the Assessors shall by any unavoidable necessity be hindred or prevented to meet at the house of *Thomas Foulks,* on the aforesaid first Tuesday of *June* next, that then and in such case he or they shall send and cause to be delivered to the other Assessors, at the said time and place, the true and exact Assessment made in that respective County or Counties to which such Assessor or Assessors do belong, as aforesaid, as also an account or List of all and every the Inhabitants, House-holders, Residents, Free-holders, and of all and every their respective Estates given in to him or them, as aforesaid, together with the names of all such who have delayed, neglected or refused to give in the List of their Estates, as aforesaid; and that it shall and may be Lawful to and for the other Assessors, met and Assembled at the time and place aforesaid, to proceed, execute, perform and do every Act, matter and thing

relating to Assessing and Taxing all and every Person or Persons, and their Estates, that are made rateable or taxable by this Act, as if all and every the Assessors of the said respective Counties were there present.

And be it further Enacted by the Authority aforesaid, That if any of the aforementioned Assessor or Assessors do or shall delay, refuse or neglect to meet with the other Assessors on the said first Tuesday of *June* next, at the House of said *Thomas Foulks,* at or near *Crosswicks-Creek,* or delay, refuse or neglect to send, and cause to be delivered to the other Assessors, at the said time and place, the true and exact Assessment or Assessments to be made, as aforesaid, together with the Accounts and Lists of all and every the respective Estates to be given in unto him or them, as aforesaid, as also the Names of all such who shall have delayed, refused or neglected to give an Account of their Estates, as aforesaid, that then it shall and may be lawful to and for the other Assessors then and there met, and they are hereby impowered, directed and required to assess, according to their discretion, the County or Counties the Assessor or Assessors whereof shall delay, refuse or neglect to meet at the time and place aforesaid, or to send and cause to be delivered the Assessments, Lists and Accounts as aforesaid; & that the Assessor or Assessors named, or to be named, for such County or Counties so to be assessed, shall lay such general assessment or assessments on the Persons and Estates rateable within such County or Counties, equally and impartially, pursuant to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That if any Inhabitants, Residents, House-keepers, within this Province shall neglect, refuse or delay to give a perfect list of their Estates, to the respective Assessors, of the Counties whereto they belong, the Assessors of that County are hereby Authorized and Impowered to rate all such according to their discretion, at any time within six Moneths after the said Concealments.

And be it further Enacted by the Authority aforesaid, That the said Assessors of each respective County shall compute what each persons Assessment, in the County where they are Assessors for, amounts to, and shall give a true and perfect List of the Names and Sums to the Collector or Collectors of the respective County, and also a List of the Names and Sums as aforesaid, of the Inhabitants of each Town, Division, District or Precinct, to the respective Constable or Constables thereof, before the fourth Tuesday of *June* next.

And be it further Enacted by the Authority aforesaid, That each Constable shall give notice to all and every of the Person or Persons within the Town, Division, District or Precinct whereto he belongs, what their respective Sums or Rates are, which he, she or they are to pay.

And be it Enacted by the Authority aforesaid, That every Person or Persons so rated, and having notice given them by the Constable, or left at their Dwelling house, shall pay in their respective Sum or Assessment to the Collector of the County whereto they belong, at or before the first day of *October* yearly, for each of the said two years.

And be it further Enacted by the Authority aforesaid, That upon neglect, delay or refusal of any Person or Persons to pay the Sum or Sums of Money,

which by virtue of this Act they are or shall be Assessed, at the days aforesaid, to the Collector or Collectors of the County to which they belong, that then and in such a case, the Collector or Collectors shall make a List of the Names of the Persons so neglecting, delaying or refusing to pay the Sum or Sums which they were assessed, as aforesaid, together with an Account of the Sum or Sums of Money that such Person or Persons so delaying, neglecting or refusing to pay, were assessed and rated at, and shall deliver the said List and Account to a Justice of the Peace of that County to which they belong, on or before the eighth day of said *October* yearly, which Justices of the Peace shall forthwith Issue out his Warrant or Warrants to the respective Constables of each Town, Division, District or Precinct where such Persons Estates are, to make distress upon the same.

And be it further Enacted, &c. That every Constable, upon Receipt of such Warrant or Warrants, shall forth-with make Distress upon the Goods and Chattels of the person or persons neglecting, delaying or refusing to pay the Rates or Assessments, as aforesaid, and shall expose the said Distress or Distresses to publick Sale, and out of such Sale pay the respective Sums for which the Distress was made, to the Collector of that County, retaining the Sum of eighteen pence for the Charge and Trouble of making the Distress and Sale, and then to return the Over-plus (if any there be) to the Owner.

And be it further Enacted, &c. That the Collector of each respective County, aforesaid, shall pay all and every the Sum and Sums of Money by him received by virtue of this Act, yearly, on or before the first Day of *November* in each year, to the Treasurer or Treasurers of the Province for the time being, excepting what they have paid to the Representatives, and to the Assessors, Collectors and Constables, as in this Act is directed.

And be it further Enacted, &c. That the Assessors of each County shall be allowed for the Money assessed in their respective Counties, for their Charge and Trouble, the Sum of Four pence *per* Pound; and the Collector or Collectors of each respective County shall be allowed for the Money by them collected in the said County, for their charge and trouble, the Sum of *Four Pence per Pound;* and the Constables of each County shall be allowed for their trouble and charge, for the Money collected in every Town, Division, Precinct or District, which they officiate and do the Service directed by this Act, the Sum of *Two Pence per Pound,* out of the afore-mentioned Sum of Fifty One Pounds Sixteen Shillings and Eight Pence, added to the said Sum of Nine hundred & Forty Four Pounds, and Three hundred Pounds *per ann*[*um*] for two years, aforesaid, which the Collector or Collectors of each respective County are hereby authorized to pay and allow them.

And be it further Enacted by the Authority aforesaid, That the aforementioned Sum of Nine Hundred and Forty Four Pounds to be assessed, levyed and raised for the Support of the Government for one year, to commence from the said 23d day of *June* last past, and the said afore-mentioned Sum of Nine Hundred and Forty Four Pounds to be assessed, levyed and raised for the Support of the Government for one year, to commence from the said 23d day of *June* next ensuing, shall be applyed to and for the Support of the Government

for the said two years only, and to and for no other Use, Intent or Purpose whatsoever.

And be it further Enacted, &c. That the afore-mentioned Sum of Three hundred Pounds *per annum* raised for defraying the Expence of the Representatives, shall be applyed to and for the defraying the said Representatives Expences, as is before expressed, and to and for no other Use, Intent or Purpose whatsoever.

Passed 10 Feb. 1710/11.
Bradford (1711) 9-45.

1. An Act for ascertaining the Rules of Foreign Coins in her Majesty's Plantations in *America,* 6 Anne, c 30. *The Statutes* (London, 1735), vol. 4, 1705-1717, 157-158.

2. Robert Hunter (?-1734) became governor following the death of Governor Lovelace and the brief administration of acting governor Ingoldsby. He served from 1710 to 1719.

An Act for Reviving the Militia Act of this Province.

Whereas by an Act of General Assembly made in this her Majestys Province of *New-Jersey,* in the Months of *March* or *April,* in the seventh year of her Majestys Reign, for the Security and Preservation of this Province, it was enacted by a Law, entituled, *An Act for settling the Militia of this Province,* which Act was limited to be in force for two years after the publication thereof, and no longer, which Act expires in the Month of *April,* 1711.

Be it therefore Enacted by the Governour, Council and General Assembly and by the Authority of the same, That the said Act, entituled as aforesaid, and every clause, article and thing whatsoever contained in the Printed Copy of the said Act, shall and is hereby Declared and Continued to be in Force for two years longer, after the first day of *February,* in this Instant year of our Lord, 1710, as if the said Printed Act, and every clause, article and thing therein contained, whatsoever, had been particularly Expressed, Incerted, Made and Enacted by the Governour, Council and General Assembly now met and Assembled, any Limitation of time, other matter or thing that may or can be objected against the said Printed Copy of the Law aforesaid, to the contrary in any wise notwithstanding.

Passed 10 Feb. 1710/11.
Bradford (1711) 45-46.

An Act for Amending and Explaining an Act of the General Assembly of this Province, Entituled, *An Act for the Currency of Bills of Credit for Three Thousand Pounds.*

Whereas in Issuing out of Bills of Credit to the value of Two Thousand Nine Hundred Sixty Six Pounds five Shillings, appointed to be Issued out by an Act of General Assembly of this Province, passed the thirtieth of *June,* One Thousand Seven Hundred and Nine, Entituled, *An Act for enforcing the Currency of Bills of Credit for Three Thousand Pounds,* several Mistakes have been committed, by which the Currency of the said Bills hath hitherto been very much Obstructed. For Remedy whereof, *Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same,* That the said Bills of Credit Stampt with the Arms of *England,* and Signed by *Thomas Farmer, Elisha Parker, Adam Hudd and Thomas Pike,* or any three of them, amounting in the whole to the Sum of Two Thousand Nine Hundred Sixty Six Pounds five Shillings, Money aforesaid, shall be and are hereby declared to be good and valid, and effectual to all Intents and purposes mentioned in the said Act for Inforcing the Currency of the said Bills of Credit for Three Thousand Pounds, and shall pass and be Current in all Payments, and for all Debts which became due and payable after the date of the said Bills, being the first of *July,* 1709, and the tender of them as good and effectual as in the said Act is expressed, as if all the said Bills had been stamped and Signed exactly according to the letter of the said Act.

And be it further Enacted by the Authority aforesaid, That whosoever shall be convicted of Counterfeiting any of the said Bills of Credit, hereby declared good and current, or of signing of more of the aforesaid Bills, shall Incur and suffer the same Pains and Penalties as by the said Act is appointed.

And whereas by the aforesaid Act for the Inforcing the Currency of Bills of Credit for Three Thousand Pounds, It was Enacted, That the Three Thousand Pound Tax should be paid to the said Treasurers in the said Bills of Credit, and in no other specie whatsoever, *Be it Enacted by the Authority aforesaid,* That the said Three Thousand Pound Tax shall and may be paid to the Treasurer or Treasurers, and Collector or Collectors thereof for the time being, either in Bills of Credit or in Silver Money of *Sevil, Pillar* or *Mexico* Coyn at the Rate of Eight Shillings the Ounce Troy, or in Dollars at Five Shillings and Six Pence *per piece,* the said Treasurers and Collectors paying the Persons who bring the said Bills, the advance on them of *two and a half per Cent.* for the first payment, and *five per Cent.* for the second payment.

And be it further Enacted by the Authority aforesaid, That all Persons whatsoever who shall have any of the said Bills of Credit in their hands shall on or before the first day of *September,* in the year of our Lord 1712, and never thereafter, bring or send in the same to the Collector or Collectors, Treasurer or Treasurers of the said Tax, who have any of the said Money of the said Tax

in their hands, who are authorized and directed to receive the said Bills, and pay the Contents, with the advance of *Two and a half per Cent.* for the first payment, and *Five per Cent.* for the second payment, to such Person or Persons who bring the said Bills, and all the Collectors are hereby appointed and directed to deliver all such Bills of Credit as they receive, to the said Treasurer or Treasurers, which Treasurers, on receipt of each payment of the said Three Thousand Pound Tax, shall appoint the Persons who signed the said Bills of Credit, to meet him or them the said Treasurer or Treasurers, which the said Signers are hereby directed and required to do, to compare and examine the said Bills of Credit, which are to be cancelled according to the said Act, and keep the same on File in order to be further examined by the Governour, Council and General Assembly for the time being, or such as they shall appoint, which said Treasurer or Treasurers are also hereby directed and required to enter into Bond or Recognizance to her Majesty, her Heirs and Successors, of Six Thousand Pounds, with sufficient Security, residing and having Estates in this Province, to be taken by the Governour or Commander in Chief, for the time being, for the faithful discharge of their Duty, and for being accountable to the Governour, Council and General Assembly.

And whereas the Assessors of several of the Counties of the Western-Division of this Province, by miscarriage of the Printed Laws which were sent them, have been hitherto rendered uncapable of making and Assessing the said Three Thousand Pound Tax, as they should have done according to the tenor of the said Act for raising Three Thousand Pounds for her Majesties Service for this present Juncture; *Be it therefore Enacted by the Authority aforesaid,* That the said Assessors shall forthwith order and Command the Constables of each Town and Precinct of the said Counties, to Summons all the Inhabitants of every such Town and Precinct to meet together at such time and place as the said Assessors shall appoint, and give the said Assessors a true and just Account of every thing rated or rateable by the said Act, that the same may be assessed, levyed and paid, as also others that have been assessed and neglected to pay, shall pay their Rates according to the purport of the said Act, with this difference only, that is to say, that the first Moiety of the said Tax of three thousand Pounds shall be paid at or before the first day of *June,* now next ensuing, and the other Moiety, or fifteen hundred Pounds, shall be paid at or before the first day of *June* which shall be in the year of our Lord One Thousand Seven Hundred and Twelve. And if any Person or Persons within this Province shall neglect or refuse to pay their respective Taxes to the Collector or Collectors at or before the time above mentioned, the several Collectors shall make a true and perfect List of the said Persons, and the Sums for which they are assessed, and the same deliver to any Justice of the Peace in the County, who is hereby Authorized and required to make out a Warrant or Warrants to the Constable or Constables of the said County to make distress upon the persons so neglecting or refusing to pay as aforesaid, and such Constable shall forthwith make distress upon their Goods and Chattles for the full value of their Taxes, with *Nine Pence* for each Person whose name is mentioned in the said Warrant for the Justice, and his own Fees, being the Sum of *Eighteen Pence*

for each Distress, which they are hereby allowed; & of all such Distresses so made, the several Constables shall at or before the aforesaid days of payment expose them to Sale by a publick Vendue, & forthwith pay the respective Sums to the Collectors aforesaid, and return the overplus, if any be, after he has deducted his own Fees and the Justices, to the Persons from whom the Distresses was taken, any thing in the said Act to the contrary in any wise notwithstanding. And the said Collectors shall pay in their respective Sums they shall receive in each Division and County not already paid, at or before the Fifteenth day of *July* next after their receipt of the several Sums and Payments aforesaid.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Treasurers of this Province shall not Issue out of the said Treasury any of the said Bills of Credit received by him or them for the said Tax of Three Thousand Pounds, on any Account or pretence whatsoever, under the Penalty of forfeiture of his or their Security given for the due Execution of that Office.

Passed 10 Feb. 1710/11.
Bradford (1711) 46-48.

An Act for Reviving and Continuing the Courts of Common-Pleas in the County of *Gloucester,* with the Proceedings of the same.

Whereas by a late Act of Assembly it was Enacted, That the Courts of Common-Pleas should be held Quarterly for the County of *Gloucester* at *Gloucester* on the second Tuesday in *March,* the third Tuesday in *June,* the third Tuesday in *September,* and the third Tuesday in *December,* according to a former Ordinance. And whereas for want of Justices the said Courts have not been duly holden according to the said Act. And whereas some doubts may arise concerning the Discontinuance of Actions, Suits and process Depending in the said Courts, *Therefore be it Enacted by the Governour, Council and General Assembly met and Assembled, and by the Authority of the same,* That no Suit or Action be discontinued for not Duly holding the said Courts, or any of them, but that the same shall be Revived, Continued and Remain, and be holden in the next Courts to be for the said County, according to the aforesaid Act of Assembly made for that Purpose; and that all and every Person and Persons Obliged to make their appearance at the said last Courts, which were not

holden, shall make and enter their appearance, after publication hereof, at the next Court of Common-Pleas respectively, to be holden for the said County, in such manner as they should have done, if the said last Courts had been duly kept and holden, any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

Passed 10 Feb. 1710/11.
Bradford (1711) 48.

An Act, Entituled, *An Act for Enabling the Owners of the Meadows and Marshes, adjoyning to and on both sides of the Creek that Surrounds the Island of* Burlington, *to stop out the Tide from overflowing them.*

Passed 10 Feb. 1710/17.
Bradford (1711) 48, title only. Text not found.

Sixth Assembly, Second Session

6 July - 16 July 1711

Perth Amboy

An Act for Levying and Raising Money for and towards the Encouragement, Pay, Provision, Transportation and other Charges of Volunteers to go on an Expedition against *Canada,* upon the Inhabitants of this Colony.

Be it Enacted by the Governor, Council and General Assembly met and assembled, and by the Authority of the same, That there be raised, assessed and levyed upon the Inhabitants of the Colony of *New-Jersey,* the Sum of Twelve Thousand Five Hundred Ounces of Plate, which is hereby given and granted to her Majesty, her Heirs and Successors, for and towards the Encouragement, Pay, Provision, Transportation and all other Charges of Volunteers that go out of this Colony, and paying of Men that go on the account of this Colony from any of the Neighbouring Colonies, if a sufficient Number of Volunteers cannot be had in this Colony to go on the present Expedition against *Canada,* including the Charge of Printing and Signing the Bills of Credit, and the Treasurers for their Trouble, and for no other Purpose, Intent or Use whatsoever.

And be it Enacted by the Authority aforesaid, That for and towards the Interest, and the Charges of assessing and collecting of Three Thousand Pounds, by an Act of Assembly of this Colony, made in the eighth year of her Majesties Reign, entituled, *An Act for raising Three Thousand Pounds for her Majesties Service in this present Juncture,* the Sum of Five Hundred Forty Two Ounces Ten Penny weight, and for and towards the Charges of raising, assessing and collecting the Sum of Thirteen Hundred Forty Two Ounces Ten penny weight of Plate, the Sum of Five Hundred Forty Three Ounces eight Penny weight and eighteen Grains of Plate, amounting in the whole to Thirteen Thousand Five Hundred Eighty Five Ounces Eighteen Penny weight Eighteen Grains of Plate. Which Thirteen Thousand Five Hundred Eighty Five Ounces Eighteen Penny weight Eighteen Grains is to be raised, assessed and collected upon the Inhabitants aforesaid at five several times or payments, in five succeeding years, in the manner following, that is to say, For the year of our Lord Seventeen Hundred and Twelve, the Sum of Three Thousand One Hundred Sixty Nine Ounces Five Penny weight Ten Grains. For the year of our Lord Seventeen hundred and Thirteen, Two Thousand six hundred and four Ounces three penny weight and eight Grains. For the year of our Lord Seventeen hundred and Fourteen, Two thousand six hundred and four Ounces Three penny weight eight Grains. For the year of our Lord Seventeen hundred and Fifteen, Two thousand six hundred & four Ounces three penny weight eight Grains. And for the year of our Lord Seventeen hundred and Sixteen, Two thousand six hundred and four Ounces three penny weight eight grains of Plate.

And be it further Enacted by the Authority aforesaid, That the said several

Sums annually shall be rated, assessed and levyed upon the Persons, Estates, Goods and Chattels of the Inhabitants aforesaid, in manner following, that is to say, Every Male Person, from sixteen years and upwards, within this Colony, (that are not maintained by Charity, and Slaves not able to work) shall pay Six penny weight and Six Grains of Plate *per annum*. The Owners of the Ferry at *Weighauk* [*Weehawk*] shall annually pay Seven penny weight twelve Grains of Plate. The Owners of the Ferry at *Amboy* shall pay annually One Ounce ten penny weight of Plate. The Owners of the Ferry near *Delaware* Falls shall pay yearly One Ounce Five penny weight of Plate. The Owners of the Ferry above *Delaware* Falls shall pay twelve penny weight twelve Grains annually. The Owners of the Ferry on *Delaware-River* below *Burlington* shall pay annually One Ounce five penny weight of Plate. The Owners of the Ferry on *Rancocas Creek* shall pay annually twelve penny weight and twelve Grains of Plate. The Owners of the Ferry from *Daniel Coopers* to *Philadelphia* shall pay Twelve penny weight & Twelve Grains annually. The Owners of the Ferry from *Gloucester* to *Philadelphia* shall pay eighteen penny weight eighteen Grains annually. The Owners of every Wherry that carries Goods and Passengers for hire, shall pay Fifteen penny weight of Plate annually. The Owners of every Flat that carries for hire, shall pay annually Seven penny weight and twelve Grains of Plate. The owners of every Wood-boat that carries seven Coard and upward, shall pay one Ounce and five penny weight annually. The Owners of every Wood-boat that carries under seven Coard to five Coard of Fire-Wood, shall pay annually twelve penny weight and twelve Grains of Plate. The owners of every Wood-boat under five Coards, that carries Goods and Passengers for hire, shall annually pay Seven penny weight and twelve Grains of Plate. The Owners of every Grist-Mill and Saw-Mill shall pay not less than twelve penny weight and twelve Grains of Plate annually, nor more than two Ounces and ten penny weight of Plate annually. Every Merchant, Shop-keeper, Indian-Trader or other Trader, shall pay not less than Fifteen penny weight of Plate annually, nor above three Ounces Fifteen penny weight of Plate annually. The Keeper of every House of Entertainment shall pay not less than one Ounce seventeen penny weight twelve Grains of Plate annually, nor above three Ounces Fifteen penny weight of Plate annually. And all Lands and Meadows shall be valued at Seventeen Ounces ten penny weight of Plate for every hundred Acres annually, and so proportionably for a greater or smaller Quantity. And all Cattle, Horses and Mares of three years old and upwards, shall be valued at Five Ounces of Plate *per* head annually. And all Sheep of one year old and upwards shall be valued at Ten penny weight of Plate annually.

And for the better assessing, levying and collecting of the several Sums aforesaid, there shall be and is hereby appointed in the respective Counties within this Colony for Assessors and Collectors, the Persons hereafter named. In the County of *Bergin,* Mr. *Edward Earl,* jun. and Mr. *Edmund Kingsland* Assessors, and *William Morris,* Esq; Collector. In the County of *Essex,* Mr. *Richard Herriman* and Mr. *Jonathan Sears* Assessors, and Mr. *John Herriman* Collector. In the County of *Middlesex* Mr. *John Pike* and Mr. *John Mollison* Assessors, and Mr. *Elisha Parker* Collector. In the County of *Som-*

merset, Mr. *John Harrison* and Mr. *Derick Meddah* Assessors, and Mr. *Peter van Este* Collector. In the County of *Monmouth* Mr. *James Bullen* and Mr. *John Campbell* Assessors, and Mr. *James Hubbard* Collector. In the County of *Burlington* Mr. *John Reading* and Mr. *Jacob Huling* Assessors, and Mr. *Nathaniel Westland* and Mr. *William Embley* Collectors. In the County of *Gloucester* Mr. *Richard Bull* and Mr. *Abraham Porter* Assessors, and Mr. *Daniel Cooper* Collector. In the County of *Salem* Mr. *Alexander Graunt* and Mr. *John Pledger* Assessors, and Mr. *James Sherrin* Collector. And in the County of *Cape May* Mr. *John Townsend* and Mr. *John Taylor* Assessors, and Mr. *Ephram Edwards* Collector.

And be it further Enacted by the Authority aforesaid, That all and every the Assessors and Collectors aforesaid shall and are hereby obliged before the first *Tuesday* of *November* next ensuing, to repair to one Justice of the Peace within the respective Counties whereto they do belong, and take an Oath (or if *Quakers* an Attestation) for the faithful Discharge of their respective Offices, which Justices are hereby authorized and impowered to administer the same. Which Assessors so qualified, shall immediately, and so annually, issue forth his or their Order to every Constable within each Town, Division, Precinct or District in their several and respective Counties, to bring in a fair List of the Names of all the persons Rateable within their said Town, Division, Precinct or District; and to inform the People at the same time when they are to give in their Lists of their Estates to the Assessors.

And be it further Enacted by the Authority aforesaid, That if any of the said Assessors or Collectors shall neglect to repair at or before the said first Tuesday of *November* next ensuing, to one Justice of the Peace, as aforesaid, and take an Oath or Attestation, as aforesaid, or shall thereafter be remiss, negligent or mis-behave himself in the execution of his respective Duty required or directed to be done, or to be required and directed by this Act, each of them so offending shall Forfeit and pay unto her Majesty, her Heirs and Successors the Sum of Fifty Pounds lawful Money of this Colony of *New-Jersey* to be recovered by Action of Debt in any Court of Record within this Colony, with costs of Suit.

And be it further Enacted by the Authority aforesaid, That upon the Death, Removal or Refusal of any of the Assessors or Collectors, as aforesaid, any two Justices of the Peace, (one whereof being of the *Quorum*) of such County, may and shall nominate others in their stead and place, which person or persons so Nominated, shall be, and are hereby obliged to execute the Office they are or shall be nominated and appointed for, as if they had been named and appointed by this Act, and immediately take the Oath or Attestation for the due performance of the same, under the like Penalty, as aforesaid, to be Recovered against them as aforesaid, for the Use aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace within this Province shall refuse or neglect to adminster the Oath or Attestation aforesaid, to any of the Assessors or Collectors aforesaid, that shall be ready and offer to take the same, or shall neglect to appoint others in the place and stead of those who shall either dye, or refuse, or

remove out of the respective Counties for which they are chosen to serve, or shall neglect to perform their Duty by this Act required, he or they shall Forfeit to her Majesty, her Heirs and Successors for every such Offence or Neglect the Sum of Fifty Pounds, Money aforesaid, with costs of Suit, to be recovered and applyed as aforesaid.

And be it further Enacted by the Authority aforesaid, That all and every the respective Constables of every Town, Division, Precinct or District within this Province shall, and they are hereby obliged, annually, to make a true and perfect List of the Names of all the Rateable (Persons) Inhabitants, Residents, Housholders, Sojourners and Free-men within the Town, Division, District or Precinct whereof they are Constable or Constables; and at the same time to give the several Inhabitants notice of the time they are to bring in a List of their Estates to the Assessors, on or before the first *Tuesday* of *February* next, and so annually, and deliver the said List to one of the Assessors of that County to which they belong. And if any Constable or Constables shall neglect, delay or refuse to perform any part of his or their Duty required by this Act, or return any imperfect List of the Names of the said Inhabitants, Residents, Housekeepers, Sojourners and Free-men, and all other persons Rateable by this Act within the Town, Division, District or Precinct whereof he or they is or are Constables, as aforesaid, every such Constable so neglecting, delaying or refusing shall Forfeit Ten Pounds, Money aforesaid, with costs of Court, to be recovered and applyed as aforesaid.

And be it further Enacted by the Authority aforesaid, That all and every Inhabitant and House-holder within each of the respective Counties within this Province shall before the first *Tuesday* of *March* next ensuing, and so annually, give in to the Assessors of his respective County, or one of them, a true and perfect List of the Number of his Acres of Land and Meadow by him possessed and enjoyed, with the Number of his Mills, Boats and their bigness, the Number of his Sons, Servants and Slaves above Sixteen years of Age, able to work; and of their Cattle, Horses and Mares above three years Old, and of their Sheep above one year Old.

And be it further Enacted by the Authority aforesaid, That the Assessors of each respective County within this Colony shall meet together at some convenient place within their respective Counties on or before the second *Tuesday* of *April* annually, and then and there assess and compute what the particulars above ascertained will amount to, and assess according to their Discretion those other Assessments to which no certain Sums are set, in the manner aforesaid, not exceeding the said Limits afore-mentioned, & shall sum them up, and see what the Sum Total will amount to. And thereafter all the said Assessors shall on the second *Tuesday* of *May* next, and so annually meet together at the now Dwelling-house of *Thomas Faulks* at or near *Crosswicks,* and there continue till they have computed what the Sum Total of the Tax or Assessment raised on the said Certainties (which they shall then bring in with them) doth amount to; and if the Sum Total of such Assessments shall not compleat or amount to the Sum to be raised for that year, according to this Act, then and in that case they shall compute what is wanting to be raised and levyed to compleat the

same, and shall divide the Remainder, so as to lay the same equally and impartially on all the Real Estates, and on the Cattle, Horses, Mares and Sheep of all the Inhabitants through-out this Province, according to the Rates aforesaid, being valued at so much in the Pound, according to their Total Value, and the proportion of the remaining part of that years Tax respectively.

Provided always, and it is hereby Enacted by the Authority aforesaid, That if it shall happen that any of the Assessors shall by any unavoidable Necessity be hindred or prevented to meet at the now Dwelling-house of the said *Thomas Faulks,* on the aforesaid second *Tuesday* of *May* next, and so annually that then and in such case he or they so hindred or prevented shall send or cause to be sent and delivered to the other Assessors, at the said time and place, the true and exact Assesment made in that respective County or Counties to which such Assessor or Assessors do belong, as aforesaid, as also an Account or List of all and every the Inhabitants, House-holders, Residents and Free-holders, and of all and every their Estates, with the Number of their Sons, Servants and Slaves Rateable by this Act, given in to him or them, as aforesaid; together with the Names of all such who have denyed, delayed or neglected to give in the List of their Estates, as aforesaid, under his or their hands, with their Reasons for not meeting, as aforesaid; and that it shall and may be lawful to and for the other Assessors met and assembled at the time and place aforesaid, to proceed to execute and perform and do every Act, Matter and Thing relating to Assessing and Taxing all and every Person or Persons, and their Estates that are Rateable or Taxable by this Act, as if all and every the Assessors of the said Respective Counties were there present.

And be it further Enacted by the Authority aforesaid, That if any of the aforesaid Assessors do or shall delay, refuse or neglect to meet with the other Assessors at the same Time and Times, and Place aforesaid, or delay, refuse, or neglect to send or cause to be delivered to the other Assessors at the same time and times, and place, the true and exact Assesment or Assesments made or to be made, as aforesaid, together with the Lists and Accounts of all and every the respective Estates, and Number of Persons Rateable by this Act, given or to be given in to him or them, as aforesaid, as also the Names of all such who shall have delayed, refused or neglected to give in an account of their said Estates and Chattels, as aforesaid, that then it shall and may be lawful to and for the Assessors then and there met, and they are hereby impowered, directed and required to Assess, at their Discretion, the Inhabitants of the County or Counties whereof the Assessor and Assessors shall delay, refuse or neglect to meet at the Time and Times, and Place aforesaid, the other Assessors, or who shall neglect or delay to send and cause to be delivered the Assessments, Lists and Accounts, as aforesaid, any thing above to the contrary in any ways notwithstanding.

And be it futher Enacted by the Authority aforesaid, That if any the Inhabitants, Residenters and House-keepers within this Province shall neglect, refuse or delay to give a perfect List of their Sons, Servants and Slaves Rateable by this Act, and their Estates, to the respective Assessors of the Counties to which they belong, according to the true intent and meaning of this Act, the

Assessors of such County are hereby Authorized and Impowered to assess and Rate such Inhabitants at their Discretion at any time within six Months after such Concealments. And the Assessors of each respective County shall Compute what each persons Assessment in the County for which they are appointed amounts to, and shall give a true and perfect List of the Names and Sums to the Collector of the respective Counties, as also a perfect List of the Names and Sums aforesaid of the Inhabitants of each Town, Division, District or Precinct, to the respective Constables thereof, before the second *Tuesday* of *June* next, and so annually, and that each Constable shall give Notice to all and every the person or persons within the Town, Division, District or Precinct whereto he belongs, on or before the Fourth *Tuesday* in *June* annually, what their respective Sums or Rates are, which he, she or they are to pay annually. And that every Person or Persons so Rated, and having Notice given them by the Constable personally, or left at their Dwelling-house, shall pay in their respective Sums or Assesments to the Collector of the County whereunto they do belong, at or before the first *Tuesday* of *October* yearly, for each of the said Five years.

And be it further Enacted by the Authority aforesaid, That upon Neglect, Delay or Refusal of any Person or Persons to pay the Sum and Sums of Money which by virtue of this Act they are or shall be Assessed at the Days and Times aforesaid, to the Collector or Collectors of the County to which they belong, that then and in such case the Collector or Collectors shall make a List of the Names of the Person or Persons so Neglecting, Delaying or Refusing to pay the said Sum and Sums which they were so Assessed, as aforesaid, together with an account of the Sum or Sums of Money that such person or persons so delaying, neglecting or refusing to pay were assessed and rated at, and shall deliver the said List and Account, under his or their hands, to a Justice of the Peace of that County to which they belong, on or before the Third *Tuesday* of *October* yearly; which Justice of the Peace shall forth-with grant Warrants of Distress upon the same, to the respective Constable or Constables of each respective Town, Division, District or Precinct where such Person or Persons Estates are. And every Constable upon Receipt of such Warrant or Warrants shall forth-with make Distress upon the Goods and Chattels of the Person or Persons neglecting or delaying and refusing to pay the Rates and Assesments, as aforesaid, and shall expose the said Distress or Distresses to publick Sale, and out of the Sale aforesaid pay the respective Sum and Sums for which the said Distress or Distresses were made, to the said Collector of said County, retaining the Sum of *Eighteen Pence* for his Charge and Trouble of making every such Distress and Sale, and return the Over-plus (if any be) to the Owner.

Be it further Enacted by the Authority aforesaid, That it is and may be lawful for each and every Constable within this Province, & they are hereby Required, where they cannot find Effects to pay the Tax, to take the Body of the Person or Persons taxed, and him or them deliver to the Sheriff of the County, who is hereby directed to keep him or them in safe Custody till he or they pay the said Tax, with the Charges accrewing thereon.

And be it further Enacted by the Authority aforesaid, That the Collector of each respective County aforesaid shall pay all and every the Sum and Sums

of Money by them collected and received by virtue of this Act, yearly, to the Treasurer or Treasurers, for the time being, of this Province, in Bills of Credit made and issued, or to be made and issued by an Act of Assembly of this Province, made this present Sessions of Assembly, entituled, *An Act for the Currency of Bills of Credit in the Colony of New-Jersey,* on or before the Third *Tuesday* of *November* yearly, in each of the said Five years, excepting only what Money is given by this Act to the Assessors, Collectors and Constables, which is allowed to be for every Two Ounces & Ten Penny weight of Plate, to the Assessors of each County Twenty Grains of Plate. And to the Collector of each County Twenty Grains of Plate, for the same quantity collected by him. And to the Constable Ten Grains of Plate for the same quantity, and no more; which the County Collectors are hereby authorized to pay and allow to them. Which Payments being made to the Treasurer or Treasurers, for the time being, by the Collector or Collectors, shall be for and towards the taking in and cancelling of the said Bills of Credit made and issued, or to be made and issued, as aforesaid, for her Majesties Service.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Treasurers for the time being, shall call to his assistance *Joseph Billop, Thomas Farmer, Adam Hude, John Burrow,* or any three of them (if so many be then alive, and in this Colony) every year forthwith upon the Payment of the same Bills of Credit annually on every first *Tuesday* of *March,* to be assisting to him in Comparing and Examining of the same Bills of Credit, with their Counter-parts and Numbers, to see the same be justly Cancelled, and an account of them kept, with the Original Bills of Credit so cancelled on a File for that purpose, to be exhibited to the Governour, Council and Assembly of this Colony, when they are pleased to require the same, for their view and Satisfaction, in order to his being Discharged of that Trust, so far as concerns the said Bills of Credit.

Passed 15 July 1711.
Bradford (1711) 49-55.

An Act for the Currency of Bills of Credit in the Colony of *New-Jersey.*

Be it Enacted by his Excellency the Governor, Council and General Assembly of New-Jersey *and by the Authority of the same,* That for the service

of the present intended Expedition against *Canada,* Bills of Credit shall be made and issued for the Sum of Twelve Thousand Five Hundred Ounces of Plate, pursuant to an Act of this present Session, entituled, *An Act for levying and raising of Money for and towards the Encouragement, Pay, Provision, Transportation and other Charges of Volunteers to go on an Expedition against Canada, &c.* which Bills shall be signed by *Joseph Billop, Thomas Farmer, Adam Hude* and *John Burrow,* or any three of them, but made in the same form and manner as was directed for the former Bills of Credit in this Colony by virtue of an Act entituled, *An Act for the Currency of Bills of Credit for Three Thousand Pounds,* made in the eighth year of her Majesties Reign, saving that the Arms of *England,* instead of the Arms of *Britain,* shall be on them, as was stampt on the former Bills (by mistake) and in the words following, *viz.*

This Indented Bill of—Ounces of Plate, Due from the Colony of *New-Jersey* to the Possessor thereof, shall be and is equal to Money in its Value, and shall be accepted accordingly by the Treasurers of this Colony, for the time being, in all publick Payments, and for any Fund at any time in the Treasury. Dated in *Perth-Amboy* the 14th day of *July,* 1711, by Order of the Governour, Council and General Assembly of said Colony.

Of which Sum of Twelve Thousand Five Hundred Ounces of Plate, Three Hundred Bills shall be for Twelve Ounces and Ten Penny weight of Plate each. Five Hundred Bills shall be for Five Ounces of Plate each. One Thousand Bills shall be for Two Ounces and Ten penny weight of Plate each. One Thousand Bills shall be for One Ounce and Five Penny weight of Plate each. Two Thousand Bills shall be for Twelve Penny weight and twelve Grains of Plate each. Four Thousand Bills shall be for six penny weight and six Grains of Plate each; Being in all Eight Thousand and Eight Hundred Bills, amounting in the whole to Twelve Thousand and Five Hundred Ounces of Plate, as aforesaid.

Which Bills so made and signed, shall within the space of six Weeks next ensuing the Publication of this Act be delivered to the Treasurer or Treasurers of this Colony for the time being, and shall be paid and issued by him or them for and towards the Expence and Charge of the said Expedition against *Canada,* to such Person or Persons, and in such manner as his Excellency *Robert Hunter,* Esq; the Governour, or the Governour or Commander in Chief, for the time being, of this Province, shall by Warrants under his Hand and Seal, expressing the particular Sums to be paid, the Persons Name or Names to whom payable, and for what Uses or Services the same are paid, for that purpose shall direct.

And to Corroborate and Enforce the Credit and Currency of the same Bills, as also of the former Bills of Credit for Three Thousand Pounds, *Be it Enacted by the Authority aforesaid,* That the former Bills of Credit as well as the Bills now to be made and issued by Virtue of this Act, shall be received and paid for the same Value, and equal to the current Coyn passing in this Colony for Goods or any other thing bought and sold by all Persons whatsoever residing and passing through this Province, according to their Rates; and the tender

of the said Bills for Payment or Discharging of any Debt or Debts, Bargain, Sale of Lands, or other things, Bonds, Mortgages, Specialties and Contracts whatsoever, shall be as effectual in the Law to all intents and purposes, as if the current Silver Coyn of this Colony had been offered and tendred to any Person or Persons for Discharge of the same, or any part thereof, for the Term of Five Years, as shall be hereafter directed by this Act.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, Creditor or Creditors, Obligee or Obligees and Party or Parties to any Contract, Covenant, Bargain or Agreement whatsoever, already made, or hereafter to be made at any time during the said Five Years, shall, upon Tender of their Debts, Dues or Demands whatsoever in the Bills of Credit aforesaid, or part of the same Debts, being in Bills of Credit, refuse to accept or receive the same Bills of Credit in Discharge of the same Debts, Dues or Demands, or of any part of them, according to their Values or Rates, he or they so Refusing to accept and receive the same Bills of Credit in Discharge, as aforesaid, shall loose the same Debt or Debts, Sum or Sums so refused, and shall forever be barr'd from bringing his or their Action for the Recovery of the said Debt or Debts, Sum or Sums so refused, as aforesaid; and the Defendants may plead this Act in Bar to any Action or Actions that shall be so Commenced.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever within this Colony, during the said Five years, shall offer to Sell, or expose to Sale any Lands, Tenements, Goods or Chattels whatsoever, and deny or refuse to sell the same unless payment be made in current Silver Money, Gold, Plate, Dollars, or other Specie whatsoever, and not in said Bills of Credit (whereby the Credit of the said Bills may be Impaired) the Seller in such case, if the Bargain be not above the Value of Five Pounds, shall Forfeit Forty Shillings, to be Recovered before any Justice of the Peace within this Colony, upon the Oath or Attestation of one Evidence, for each Offence. And if the Value of the Bargain be above Five Pounds, & under Fifty Pounds, the Seller shall Forfeit Five Pounds; and if the Value of the Bargain be above Fifty Pounds, and under One Hundred Pounds, the Seller shall Forfeit Ten Pounds. And if the Value of the Bargain be above One Hundred Pounds, the Seller shall Forfeit Fifty Pounds. Which three last Forfeitures to be Recovered by Action of Debt in any Court of Record within this Colony, with Costs of Suit. The first Forfeiture to the Use of the Queen, her Heirs and Successors, towards the Support of the Government; and the other three Forfeitures the one half thereof to be to the use of such Person or Persons as shall Sue for and Prosecute the same to effect, the other half to the use of the Queen, her Heirs & Successors, towards the Support of the Government, any Law, Custom or Usage to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Persons appointed for the Signing and making of the same Bills of Credit, shall take Oath before one Justice of the Peace of this Colony, for the true Signing and Delivering of the same Bills of Credit, and no more than the Number mentioned in this Act, to the Treasurers of this Colony, according to the true Intent and Meaning of this present Act of Assembly.

And be it Enacted by the Authority aforesaid, That if any person or persons whatsoever shall presume to Counterfeit any of the said Bills of Credit, he or they being convicted thereof shall incur the Pains and Penalties of Felony without benefit of Clergy, and shall suffer accordingly.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Treasurers for the time being, shall keep an exact Account of the particular Sum and Sums of Money by him in the said Bills of Credit paid and issued upon the Warrants under his Excellency's Hand and Seal, together with the Warrants, and the Receipts or Discharges of the Person or Persons to whom the same Sums are payable, endorsed on the back-side of the said Warrants; which Warrants he is to keep together in distinct Files or Bundles for his Discharge in that respect, at any time to be produced by him to the view and examination of the Governour, Council and General Assembly of this Colony, on Penalty of making good and Refunding any Sum or Sums of Money which shall not be so vouched and discharged, according to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That the said Treasurer or Treasurers for the time being, at the several times limited and appointed for the taking in of the said Bills of Credit made and issued by this Act, upon the payment of the Taxes for the Discharge of them, by virtue of an Act of Assembly of this Colony made for that purpose, shall receive the same Taxes only in the Bills of Credit aforesaid, and in no other Specie whatsoever, according to their Value, and shall appoint the Persons that signed the same Bills, or three of them at least (if so many shall be then living or in the Colony) to meet him the said Treasurer for the time being, who are hereby required and directed, from time to time, to meet and joyn with him to examine and compare the said Bills, with their Counter-parts, and see the same cancelled, taking and preserving an account of the Number and Value of the said Bills so to be cancelled, and keep the same on a File, in order to be further examined by the Governour, Council and Assembly of this Colony for the time being, when the same shall be required.

And be it further Enacted by the Authority aforesaid, That the said Bills of Credit shall be current, as aforesaid, between Man and Man only until the Third *Tuesday* in *November,* which shall be in the year of our Lord 1716, and shall and may be received by the Treasurers of this Colony until the First Day of *April* then next following, and no longer.

And be it further Enacted by the Authority aforesaid, That the Quantity of Plate that each Bill shall be current for, and the Value of the same at Eight Shillings *per* Ounce be printed on the top of each Bill.

And be it further Enacted by the Authority aforesaid, That if any of the Signers named in this Act shall refuse or neglect to sign the said Bills, or by Death or Sickness or any other unavoidable Necessity be prevented to perform what is required of them by this Act, that then and in such case his Excellency

our present Governour, or the Commander in Chief for the time being, may appoint others in the room and place of any of the said Signers refusing, neglecting or prevented, as aforesaid.

Passed 15 July 1711.
Bradford (1711) 55-58.

Sixth Assembly, Third Session

7 Dec. 1713 - 17 Mar. 1713/14

Burlington

An Act for the Support of this Her Majestys Government of *Nova-Caesarea* or *New-Jersey*, for two years.

Be it Enacted by the Governour, Council and General Assembly now met and assembled, and by the Authority of the same, That there be assessed, levyed and raised, in manner hereafter mentioned, within this Province, for the Support of this Her Majesties Government, for one Year, to commence from the Twenty third Day of *September* last past, and to end the Twenty third Day of *September* in the Year 1714 the Sum of Eight Hundred and thirty Pounds, Money as appointed by Her Majesties Proclamation, and since enforced by an Act of Parliament in the sixth Year of Her Majesties Reign, entituled, *An Act for ascertaining the Rates of Forreign Coyns in Her Majesties Plantations in America;* which is hereby given and granted to Her Majesty, Her Heirs and Successors.

And be it further Enacted by the authority aforesaid, That there shall be also assessed, levyed and raised within this Province the Sum of Nine hundred Pounds, Money aforesaid, which is hereby given and granted to Her Majesty, her Heirs and Successors, for defraying the Expenses of the Gentlemen of her Majesties Council, at Six Shillings to each of them for every Day they serve, during this present sitting of General Assembly; and to the Representatives of the Province, at the Rate of Five Shillings for every Day, to each Representative, for their Service during this present sitting of General Assembly, and for paying the Printer for Printing the Acts, the Clerk of the Assembly, and Doorkeepers of the Council and Assembly, and Sergeant at Arms.

And be it further Enacted by the Authority aforesaid, That there be likewise assessed, levyed and raised in manner hereafter mentioned, within this Province, the Sum of Eight hundred and twenty Pounds, Money aforesaid, which is hereby given and granted to Her Majesty, Her Heirs and Successors for the Support of the Government of this Province for one other Year, to commence from the Twenty third Day of *September* next ensuing, and to end the Twenty third Day of *September,* One Thousand seven Hundred and Fifteen.

And be it further Enacted by the Authority aforesaid, That in case it shall happen that his Excellency, Brigadier *Robert Hunter* the present Governour, shall by Death, or otherwise, cease to be Governour of this Province at any time before the Twenty third Day of *September,* One Thousand Seven Hundred and Fifteen, that then it shall and may be lawful to and for the Treasurer or Treasurers of this Province, for the time being, and he and they are hereby impowered and directed to pay unto his said Excellency, Brigadier *Robert Hunter,* his Executors or Administrators, out of the said Eight hundred and thirty Pounds, to be assessed, levyed and raised for the support of Government for one Year, from the twenty third Day of *September* last to the twenty third Day of *September* next ensuing, which shall be the Year 1714, and out of the

Sum of Eight Hundred and twenty Pounds to be assessed, levyed and raised for the Support of Government for one year from the Twenty third Day of *September,* which shall be in the year 1714, to the Twenty third Day of *September* One Thousand seven hundred and Fifteen, such Sum and Sums of Money as at the time of his ceasing to be Governour, as aforesaid, shall be due and unpaid to him for Sallary and Incidental Charges, in proportion to the Sums of Money for those or the like Services heretofore received.

And be it further Enacted by the Authority aforesaid, That the said Sum of Eight Hundred & Thirty Pounds, and the said Sum of Nine Hundred Pounds, being in all One Thousand Seven Hundred and Thirty Pounds, be assessed, levyed and raised the first year, in the proportion following, (*To wit*)

By the County of *Bergin,* the Sum of One Hundred and Forty Pounds.

By the County of *Essex,* the Sum of Two hundred and fifty six Pounds.

By the Counties of *Middlesex* and *Sommerset,* the Sum of two hundred and sixty three Pounds.

By the County of *Monmouth,* Two Hundred and Eighty five Pounds.

By the County of *Burlington,* Two Hundred and thirty five Pounds.

By the County of *Hunterdon,* One Hundred and Twenty Pounds.

By the County of *Gloucester,* One Hundred and twenty seven Pounds.

By the County of *Salem,* Two Hundred and fifty Pounds.

By the County of *Cape-May,* Fifty and Four Pounds.

And be it further Enacted by the Authority aforesaid, That the said Sum of Eight Hundred and Twenty Pounds for the second year be assessed, levyed and raised in the Proportions following, (*To wit*)

By the County of *Bergin,* the Sum of sixty and Eight Pounds.

By the County of *Essex,* One Hundred and twenty one Pounds.

By the Countys of *Middlesex* and *Sommerset,* One hundred and Twenty five Pounds.

By the County of *Monmouth,* One Hundred and thirty seven Pounds.

By the Counties of *Burlington,* One hundred and Eleven Pounds five shillings.

By the County of *Hunterdon,* Fifty five Pounds and fifteen Shillings.

By the County of *Gloucester,* sixty Pounds.

By the County of *Salem,* One Hundred and Nineteen Pounds.

By the County of *Cape-May,* Twenty and Five Pounds.

And be it further Enacted by the Authority aforesaid, That for the assessing and collecting the several and respective Sums aforesaid that there be hereby appointed for each County within this Province, the Assessors and Collectors after Named, (*viz.*)

For the County of *Bergin,* Capt. *Edmund Kingsland* and Mr. *David Demarie* Assessors, and Mr. *Richard Edsall* Collector.

For the County of *Essex,* Mr. *Benjamin Lyon* and Mr. *Benjamin Price,* jun. Assessors, and Mr. *John Herriman* Collector.

For the Counties of *Middlesex* and *Sommerset,* Mr. *Adam Hude,* Mr. *John Drake,* Capt. *John Harrison* and *Derick Middah* Assessors, and Coll. *Elisha Parker* and Mr. *Peter Vaness,* Collectors.

For the County of *Monmouth,* Mr. *James Ashton,* Mr. *Richard Chambers* and Mr. *William Lawrence* jun, Assessors, and Mr. *John Schank,* Collector.

For the County of *Burlington,* Mr. *Thomas Lambert,* and Mr. *Joshua Humphries* Assessors; Mr. *Thomas Wetherill* and Mr. *William Embley,* Collectors.

For the County of *Hunterdon, John Reading,* Esqr. and Mr. *Will. Green,* Assessors; and Mr. *Ralph Hunt,* Collector.

For the County of *Gloucester,* Mr. *Joseph Tomlinson* and Mr. *Richard Bull* Assessors, and Mr. *Thomas Sharp* Collector.

For the County of *Salem,* Mr. *Alexander Grant* and Mr. *Peter Carmack* Assessors, and Mr. *James Sherrin* Collector.

For the County of *Cape-May,* Mr. *John Taylor* and Major *Jacob Spicer* Assessors, and Mr. *Ephram Edwards,* Collector.

Unto one of which above Named Assessors in each County, All and every the respective Inhabitants and House-holders of the same, at or before the first Day of *September* next ensuing, shall give in a true and perfect List of all their Names, and an Account in writing of all their Estates that are to be rated or made Rateable by this Act.

And be it further Enacted by the Authority aforesaid, That all and every the Inhabitants and House-holders of each of the respective Counties within this Province, at or before the first Day of *September,* in the year One Thousand seven hundred and Fifteen, shall give in a true and perfect List of all their Names, and an Account in writing, of all their Estates that are to be rated or made Rateable by this present Act, to one of the Assessors of their respective Counties, as aforesaid.

And be it further Enacted by the Authority aforesaid, That the said Sums of Seventeen Hundred and thirty Pounds, and Eight hundred and twenty Pounds, shall be rated, assessed and levyed upon the Persons, Estates, Goods and Chattels after mentioned (*viz.*)

That every single Man, not a bound servant, the Value of whose rateable Estate does not amount to twenty four Pounds, shall pay six shillings *per Annum.*

Every other Male Person, from sixteen years, and upwards, within this Colony, (except such as are maintained by Charity, and Slaves not able to work) shall pay two shillings and six Pence *per Annum.*

The Ferry of *Weehauck* in the County of *Bergin,* shall pay ten shillings *per Annum.*

The Ferry of *Perth-Amboy* shall pay Thirty Five Shillings *per Annum.*

The Ferry above the Falls of *Delaware-River* shall pay Twenty Shillings *per Annum.*

The Ferry near to the Falls of said River, shall pay ten Shillings *per annum.*

The Ferry at *Burlington,* on said River, shall pay six Shillings *per annum.*

The Ferry on said River, below *Burlington,* shall pay Twenty Shillings *per annum.*

The Ferry on *Northampton-River,* shall pay Twelve Shillings *per annum,*

(six Shillings each side.)

The Ferry from *Daniel Coopers* to *Philadelphia,* shall pay six Shillings *per annum.*

The Ferry from *Gloucester* to *Philadelphia,* shall pay Twenty Shillings *per annum.*

Each Wherry that carries Goods and Passengers for hire, shall pay twenty Shillings *per annum.*

Every Flat that carries Goods and Passengers, or Wood for hire, shall pay six Shillings *per annum.*

Every Wood-Boat that carries six Coard, and upwards, shall pay Twenty Shillings *per annum.*

Every Wood-Boat that carries six Coard, and not less than four Coard, shall pay ten shillings *per annum.*

Every Wood-Boat that carries under four Coard, shall pay six Shillings *per annum.*

Every Grist Mill to be Rated at the discretion of the Assessors, not under ten Shillings, nor above three Pounds *per annum.*

Every Saw Mill to be rated at the Discretion of the Assessors, not under fifteen Shillings, nor above Three Pounds *per annum.*

All Merchants, Shop-keepers, Indian and other Traders to be rated at the discretion of the Assessors, not under Twenty Shillings *per annum,* nor above five Pounds *per annum.*

Every Person that does not reside in the Province, that brings Goods into this Province to sell (except in publick Fairs) shall pay not under Twenty Shillings, Nor above three Pounds *per annum.*

All those that keep Publick-Houses for Retailing of strong Liquors, or Publick Houses of Entertainment, shall be rated at the discretion of the Assessors, not under Twenty Shillings each, nor above five Pounds each, *per annum.*

The Owners or Possessors of Houses and Lots in Towns, the Tax of whose Rateable Estate does not amount to Eight Shillings, shall pay for their said Houses and Lots at the Discretion of the Assessors, not above ten Shillings *per annum,* nor under two Shillings *per annum.*

And be it further Enacted by the Authority aforesaid, That All and every the Assessors and Collectors aforesaid, shall, and are hereby obliged, before the first day of *June* next ensuing, to repair to any one Justice of the Peace within the respective Counties whereto they belong, and take an Oath (or the Affirmation, if *Quakers*) for the faithful discharge of their respective Offices, which Justices are hereby impowered and authorized to administer the same, which said Assessor or Assessors, so qualified, shall immediately issue out his or their order to every Constable within each Town, Division, Precinct or District, in their several and respective Counties, to bring in a fair List of the Names of all the Persons within their said Town, Division, Precinct or District.

And be it further Enacted by the Authority aforesaid, That if any of the aforesaid Assessors or Collectors shall neglect to repair, at or before the said first day of *June* next, to some one Justice of the Peace, and take an Oath or Affirmation, as aforesaid, or afterward be remiss or negligent in the Execution

or Performance of the respective Duties required or directed to be done by this Act, each of them, so offending, shall forfeit and pay to her Majesty, her Heirs and Successors the Sum of fifty Pounds current Money aforesaid, to be recovered by Action of Debt in any Court of Record within this Province, with Costs of suit.

And be it further Enacted by the Authority aforesaid, That upon the Death or Removal of any of the Assessors or Collectors, as aforesaid, any two Justices of the Peace (one whereof to be of the *Quorum*) of the County to which the said Assessors did belong, shall upon the Death, Removal or Refusal of any of the said Assessors or Collectors, as aforesaid, Nominate and appoint others in their place and stead, which Person or Persons, so Nominated, shall be, and are hereby obliged to execute the Office they are so Nominated and appointed for, as fully and amply as if they had been named and appointed by this Act, and shall immediately take the Oath or Affirmation, as aforesaid, for the due performance of the same, under the like Penalties as aforesaid, to be recovered as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Justice or Justices of the Peace shall Refuse or Neglect to administer the Oath or Affirmation aforesaid, to any of the Assessors or Collectors as aforesaid, that shall be ready and offer to take the same, or neglect to appoint others in the place and stead of those who shall either dye, refuse or remove out of the respective Counties, as aforesaid, or neglect to perform any other part of his or their duty, as by this Act is required, he or they so offending, shall forfeit to her Majesty, her Heirs and Successors, for every such neglect or offence, the Sum of fifty Pounds, Money aforesaid, with cost of suit, to be recovered and applyed as aforesaid.

And be it further Enacted by the Authority aforesaid, That all and every the respective Constables of every Town, Division, District or Precinct within this Province, shall, and they are hereby directed to make a true and perfect List of the Names of all the Persons rateable by this Act, within the Town, Division, District or Precinct whereof they are Constables, on or before the first day of *August* for each of the two years, and deliver the said List to one of the Assessors of that County to which the[y] belong.

And be it further Enacted by the Authority aforesaid, That if any Constable or Constables shall neglect, delay or refuse to perform any part of his or their Duty directed by this Act, or return any imperfect List of the Names of the Persons Rateable by this Act, within the Town, District or Precinct, whereof he or they is or are Constable or Constables, as aforesaid, every such Constable so neglecting, delaying or refusing, shall forfeit the Sum of *Ten Pounds,* Money aforesaid, with Costs of Suit, to be recovered and applyed as aforesaid.

And be it further enacted by the authority aforesaid, That the Assessors of each respective County within this Province, shall meet together at some Convenient place within the County to which they do belong, at or before the Third *Tuesday* in *September,* yearly, for the said two years, and then and there Assess the Certainties, as by this Act directed, (*viz.*) Wherries, Flats, Boats, Mills, Merchants, Shop-keepers, Indians and other Traders, Publick House-keepers and House-Lots, and sum up and see what the Sum Total that is to be Raised for that year upon the Certainties in that County will amount to; and [when]

the Sum raised by the Certainties falls short of the Sum to be raised that year, shall be equally assessed on the Pound value of all Lands, and Stock made Rateable by this Act, (*viz.*)

All Improved Meadows and Land shall be valued at Ten pound *per* hundred Acres.

All unimproved Lands held by Surveys, Patents or Deeds by any Person, upon which there can be found any Goods and Chattels belonging to any Person inhabiting on any part thereof, shall be valued at Seven Pounds *per* hundred Acres.

All Cattle, Horses and Mares of three years old and upwards, shall be valued at Forty Shillings each.

All Sheep of one year old, and upwards, shall be valued at Four Shillings each.

And be it further Enacted by the Authority aforesaid, That the Assessors of each respective County within this Province, shall make a true and perfect List of all and every the persons names, and the Sums that they are Rated at, and the same deliver to the Collector of their respective Counties, and shall also deliver Duplicates of the same to the respective Constables of that County at or before the second *Tuesday* of *October* yearly; for said two years, who shall forth-with give notice to all the Inhabitants of the Town, Precinct or Districts to which they belong, of their Rate and sums they are to pay, and the time and place of payment.

And be it further Enacted by the authority aforesaid, That Every Person taxed, as aforesaid, shall at or before the first Day of *December,* yearly, for the said two Years, pay unto the Collector of that County to which they belong, the several sums they are rated and assessed at.

And if any person or persons shall neglect or refuse to pay their respective Taxes to the Collector at or before the first Day of *December,* yearly, for the said two years, then the Collectors shall make a true and perfect List of all the said Delinquints, and the Sums they are assessed at, and the same deliver unto any Justice of the Peace in the County, who is hereby authorized and required to make out a Warrant or Warrants to the Constable or Constables of the said County, to make Distress upon the Goods and Chattels of the persons so neglecting to pay as aforesaid; and such Constables shall immediately make Distress upon their Goods and Chattels for the full value of their Taxes, and his own Fees, being the Sum of *Eighteen Pence* for each Distress, which he is hereby allowed to take to himself. And All such Distress or Distresses so made, the several Constables shall expose to Sale at a publick vendue, and forthwith pay the respective Sums to the Collector of that County, and return the over-plus (if any be) after he has deducted his own Fees, to the persons from whom the Distress was taken.

And be it further Enacted by the Authority aforesaid, That it is and may be lawful for every Constable within this Province, and they are hereby required and commanded, where they cannot find Effects whereon to make Distress, to take the Body of the Person or Persons from whom such Tax or Taxes is due, and him or them deliver to the Sheriff of the County, who is hereby

directed to keep him or them in safe Custody till he or they pay the said Tax, with the Charges accruing thereon.

And be it further Enacted by the Authority aforesaid, That the Collector of each respective County of the *Eastern Division* shall at or before the third *Tuesday* in *February,* yearly, for the said two Years, pay unto the Treasurer or Treasurers of this Province, the respective Sums levyed and appointed by this Act to be paid to him, at the Town of *Perth-Amboy.* And the Collectors of the *Western Division* shall, at or before the second *Tuesday* in *March,* yearly, for the said two years, pay unto the Treasurer or Treasurers, the respective Sums levyed and appointed to be paid, as aforesaid, at the Town of *Burlington.*

And be it Enacted by the Authority aforesaid, That the Assessors of each County shall be allowed for their Charge and Trouble, the Sum of *Ten Pence per Pound;* and the Collector or Collectors of each respective County shall be allowed for their Trouble and Charge, to take to themselves *six Pence per Pound,* of the Money by them collected in the said County; and the Constables for their Charge and Trouble shall be allowed *four Pence per Pound* for the Money collected in their Town, Division, Precinct or District for which they serve.

And be it further Enacted by the authority aforesaid, That the Collector or Collectors of each respective County shall issue out and pay such part of the said Money, collected as aforesaid, as is or shall become due to the Representatives of the Province, for their Service in the General Assembly of the same, in such manner and to such Representatives and Officers aforesaid, as he or they shall be ordered and directed by Warrant, signed by the Speaker of the General Assembly, and to the Speaker by Warrant under the hand of any two Members of the said Assembly.

And be it enacted by the authority aforesaid, That the said Treasurer or Treasurers of this Province shall issue and pay to the Clerk and Door-keeper of the House of Representatives, and to the Sergeant at Arms such Sum and Sums of Money as is by Warrant from the Speaker to him directed; and to the Printer for printing the publick Acts past this Sessions, such a Sum of Money as by a Certificate under the Hands of *John Johnston* and *Thomas Farmer,* Esqrs. shall be to him directed.

And be it further enacted by the authority aforesaid, That the Treasurer or Treasurers of this Province shall issue and pay all such Sum and Sums of Money as shall be by Warrant to him or them directed by the Governour or Commander in chief, for the time being, signed in Council, to such Officer or Officers of the Government as have not or shall not have received their Sallaries, and to the Gentlemen of her Majesties Council, and to the Door-keeper of the Council, as are due to them by virtue of this Act.

And be it further enacted by the authority aforesaid, That if any Person or Persons shall neglect, refuse or delay to give in a true and perfect List of all their Estate rateable by this Act, to one of the Assessors aforesaid, in writing, such Person or Persons so neglecting or refusing shall be rated at the discretion of the Assessors.

And be it further enacted by the authority aforesaid, That if any person or

persons within this Province shall give in short, or conceal any part of his or their Estate, rateable or to be rated by this Act, every Person so concealing shall Forfeit, for every Pound value so concealed, the sum of *Five Shillings,* to be recovered by Action of Debt before any one Justice of the Peace, one half thereof to the Informer, the other half to be paid to the Collector toward the said Tax.

And be it further Enacted by the Authority aforesaid, That every Non-resident having brought any Goods, Wares or Merchandize by Land into this Province to sell, except in publick Fairs, shall forth-with repair to some one Justice of the Peace, and give an account of the Quantity and Value of the Goods he, she or they have brought to sell, and give security to the said Justice to pay such Sum or Sums to the Collector of that County as the said Justice shall direct, not less than, Twenty Shillings, nor above Three Pounds.

And be it further Enacted by the Authority aforesaid, That every Non-resident having brought any Goods, Wares or Merchandizes by Water into this Province to sell, except in publick Fairs, shall forth-with repair to one of the Collectors of Her Majesties Customs, or for want of a Collector, to any one Justice of the Peace of that County, and give an Account of the Quantity and value of the Goods he, she or they have brought to sell, and give security to the said Collector or Justice of Peace to pay such Sum or Sums (to the Collector of that County appointed by this Act to receive the Tax before mentioned) as the said Collector of Her Majesties Customs, or Justice of Peace, shall direct, not exceeding Three Pounds, nor under Twenty Shillings; and every Justice of the Peace or Collector having taken security, as aforesaid, shall transmit the same to the Collector of that County, and give a Certificate thereof, which Certificate shall be a sufficient Permit for that Person to sell all the Goods therein mentioned, at any time or Place within this Province, for one year; and the said Justice or Collector shall receive for every such Certificate the Sum of Two Shillings, to be paid by the Owner of the said Goods.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, not Residents within this Province shall sell any Goods, Wares or Merchandize contrary to the true intent and meaning of this Act, the Constable of that Town, Precinct or District, in which any such goods are sold, shall forth-with seize and take into his Custody all the Goods, Wares and Merchandize belonging to any Person or Persons so Offending; and if the Owner or Owners shall not redeem the same within Eight and forty Hours, by paying as by this Act directed, and all the Charges accruing by the said seizure, then and in that case the Constable shall expose the said Goods to publick sale, by way of Vendue or Out-cry, to the highest bidder, and pay the Sum or Sums as directed by this Act to the Collector of that County, and himself for all his Charges and Trouble for making the said Distress and Sale, and return the over-plus, if any be, to the Owner.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Treasurers of this Province shall give security, with sufficient Sureties within this Province, to the Value of five Thousand Pounds for the true and faithful performance of his or their said Office.

And be it further Enacted by the Authority aforesaid, That the Assessors

within each respective County in this Province, shall assess, over and above the Sums herein mentioned, in each County, so much as will pay Themselves, Collectors and Constables for Assessing, Collecting and gathering the same, as is allowed by this Act, yearly, for the two years herein mentioned.

And be it further Enacted by the authority aforesaid, That the Assessors of each County in this Province shall make and Sign a fair Copy of all the Persons and Sums by them assessed, and deliver the same to the Collector or Collectors of each County within this Province, which said Collectors are hereby required to deliver the same to the Treasurer or Treasurers of this Province, at the same time that they pay him the aforesaid Taxes, and the said Treasurer or Treasurers shall lay the same before the House of Representatives when required thereto.

Passed 15 Mar. 1713/14.
Bradford (1714) 29-39.

An Act for Collecting the Arrearages of Taxes since the Year One Thousand Seven Hundred and Eight.

Whereas by an Act made by the General Assembly of this Province, in *April,* One Thousand Seven Hundred and Nine, Entituled, *An Act for the Support of her Majesties Government for one Year,* and for raising the Sum of One Thousand Seven hundred Twenty two Pounds, Ten Shillings and four Pence half Penny. And whereas by another Act, made as aforesaid, entituled, *An Act for raising Three Thousand Pounds for Her Majesties Service,* in *June,* One Thousand Seven Hundred and Nine. And whereas by another Act, made as aforesaid, in the Year One Thousand Seven Hundred and Ten, entituled, *An Act for the Support of Her Majesties Government for two Years,* and for Raising the Sum of Two Thousand five Hundred and Ninety one Pounds, twelve Shillings and eight Pence. And whereas by another Act, made as aforesaid, in the year One Thousand Seven Hundred and Eleven, entituled, *An Act for Levying and Raising the Sum of five Thousand Pound, for & towards the Encouragement of Volunteers, &c.* several Sums of Money were appointed and directed to be raised for the Uses mentioned in the several Acts aforesaid, as by the same (relation being thereunto had) may more fully and at large appear. And whereas there are still considerable Sums of Money remaining due and unpaid, which nevertheless were directed to be paid, in and by the said Acts, or

some of them, Therefore, for the more effectual collecting, levying and paying the same.

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That on or before the first *Tuesday* in *June* next, the Assessors appointed in and by an Act, Entituled, *An Act for the Support of Her Majesties Government of* Nova-Caesarea *or* New-Jersey, *for two years,* shall meet in their respective Counties within this Province at the place where the Courts are usually kept, and the said Assessors shall give notice to the several & respective Collectors of the said Taxes, their Heirs, Executors or Administrators, to meet them at the place aforesaid, at such time as they shall think fit to appoint, and then, and there, all and every of the Collectors of the several Taxes aforesaid, or their Heirs, Executors or Administrators shall lay before the Assessors, so met as aforesaid, the Assessments of all and every the Free-holders and Inhabitants of each County for all and every the Taxes aforesaid; which Assesments the said Assessors shall inspect and examine, and then compute what part of the respective Taxes aforesaid are still remaining due and unpaid. And the Assessors aforesaid, after having computed what part of the said respective Taxes remain due and unpaid, shall compute what part of the same is due and unpaid by Persons Solvent and able to pay the same, and still dwelling in the County in which they were assessed; also, what part of the same is due and unpaid by Persons Solvent, as aforesaid, and removed out of the said County in which they were assesed, into any other County within this Province; and also what part of the same remains due and unpaid by Persons Dead or Insolvent in the said County in which they were assesed, and such part of the same as remains due and unpaid by Persons Dead or Insolvent, as aforesaid, or by Persons Insolvent and removed out of the said County in which they were assesed, shall be added by the Assessors aforesaid, unto the Quota or Proportion that each County, in which such Dead or Insolvent Persons were assesed, ought to pay of the Sum of Seventeen hundred and thirty Pounds given for the Support of her Majesties Government of this Province, for the Year One Thousand Seven Hundred and Fourteen, and shall be assesed with the Sum aforesaid, in the same manner and way as in and by the said Act is appointed and directed. And the said Assessors shall further on or before the last *Tuesday* in *June* next ensuing, under their Hands transmit to the Collector of the Tax (for the Support of Her Majesties Governments for the time being) the Names of all those Inhabiting in that County who have not paid the Taxes aforesaid, and which the said Assessors esteem Solvent, and the Respective Sums Due from them, and shall also transmit to such Collectors, as aforesaid, of the Neighbouring Counties, the Names of those that have removed from that to the Neighbouring Counties, who have neglected to pay their Respective proportions of the Taxes aforesaid, and the several Sums by them due and remaining unpaid.

And be it further Enacted by the Authority aforesaid, That all and every of the Collectors aforesaid, appointed for the Collecting the Tax for the Support of Her Majesties Government for this Instant Year, shall make out a true and perfect List of all the Names and Sums of those who shall be certified to them by the Assessors aforesaid, and have neglected to pay their proportions of all or any

of the Taxes aforesaid, which List the said Collector shall transmit to some one of Her Majesties Justices of the Peace, who is hereby directed immediately to make out Warrants to the Constables for Recovering of all such Sums, after the same manner as is directed by the said Act for the Support of Her Majesties Government for two years, past this Sessions.

And be it further Enacted by the Authority aforesaid, That all and every the Collectors aforesaid of the *Eastern-Division,* shall on or before the third *Tuesday* in *February* next, pay unto the Treasurer or Treasurers of this Province, for the time being, at *Perth Amboy,* such Sums of Money as they shall Receive by virtue of this Act; and all and every the Collectors of the *Western-Division* shall on or before the second *Tuesday* in *March* next, pay unto the Treasurer or Treasurers of this Province, for the time being, at *Burlington,* such Sums of Money as they shall receive by virtue of this Act.

And be it further Enacted by the Authority aforesaid, That all Justices of the Peace, Assessors, Collectors, Sheriffs and Constables herein named, or hereby intended, for the Assessing, Levying and Collecting the Sums of Taxes aforesaid, are and shall be entituled to the same Fees and Rewards for performing the several Duties and Services in and by this Act required as are directed and appointed in and by the Act for the Support of Her Majesties Government for two years, past this present Sessions of Assembly, and in case of Neglect of performing their Respective Duties directed, required or intended to be performed by this Act, are hereby subjected to the like Forfeitures and Penalties as they are subjected to in the Act for the Support of Her Majesties Government for two years, past this Sessions, as aforesaid.

Passed 17 Mar. 1713/14.
Bradford (1714) 39-41.

An Act to Enable *Thomas Gordon,*[1] Esq; Treasurer of this Province, to pay the Sum of Nine Hundred Ninety Nine Pounds thirteen Shillings and three Pence, towards the Support of the Government, and for Discharging the said Treasurer thereof.

Whereas upon strict Examination of the Accounts of the said *Thomas Gordon,* Treasurer of this Province, it appears that there is remaining in his hands the Sum of Nine Hundred Ninety Nine *Pounds* Thirteen *Shillings* and

Three *Pence,* Money of the value appointed by the Queens Proclamation, being the Ballance of Twelve Thousand five hundred Ounces of Plate, lately raised by Act of General Assembly of this Province, in Bills of Credit, *Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same,* That the said *Thomas Gordon,* Esq; Treasurer of this Province, shall Pay unto his Excel. the Governour and other Officers of this Province, pursuant to such Warrants as shall be unto him directed, signed by the Governour in Council, the said full and just Sum of Nine hundred Ninety nine *Pounds* thirteen *Shillings* and three *Pence,* Money aforesaid, for the Support of this Her Majesties Government from the twenty third day of *June,* One Thousand Seven hundred and twelve, to the twenty third Day of *September,* One thousand Seven hundred and thirteen.

And be it enacted by the authority aforesaid, That upon the said *Thomas Gordon,* Esq; his paying the Sum of Nine hundred ninety nine *Pounds* thirteen *Shillings* and three *Pence,* according to the Warrants aforesaid, he the said *Thomas Gordon,* his Heirs, Executors and Administrators, and his and their Lands and Tenements, Goods and Chattels are and shall be forever hereafter acquitted, exonerated and discharged of and from the Twelve thousand Five hundred Ounces of Plate aforesaid.

Passed 26 Feb. 1713/14.
Bradford (1714) 42.

1. Thomas Gordon (?-1722) was deputy secretary and registrar of the East Jersey Board of Proprietors. He held every high public office in the province, except the governorship.

An Act to Continue and Revive the Currency of Bills of Credit appointed to be sunk in the Year 1712 and 1713 and to enable *Thomas Gordon,* Esq; Treasurer of this Province, or the Treasurer for the time being, to pay in the said Bills of Credit the several Sums of Money due from the Government to several Persons having Warrants or proper Orders for the same; and also to enable the said Treasurer to pay the said Bills in Exchange for the Bills of Credit issued out on the first Expedition against *Canada.*

Whereas the Non-payment of the several Taxes raised for the Support of Government since the Year One Thousand Seven Hundred and Eight, and for carrying on the first Expedition against *Canada,* has hindered the payment of several Debts due from the Government, contracted since the said year One Thousand Seven Hundred and Eight, to several Persons having Warrants or proper Orders for the same. And whereas Bills of Credit, to the Value of Three Thousand Pounds, raised by virtue of an Act, entituled, *An Act for Raising Three Thousand Pounds for Her Majesties Service in this present Juncture,* was to be Sunk in such manner as by the said Act is directed, but the Taxes aforesaid not being fully paid, the said Bills cannot be sunk according to the true intent and meaning of the said Act,

Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That Bills of Credit, to the value of Two Thousand Pounds, appointed to be sunk in the Years One Thousand Seven Hundred and Twelve, and One Thousand Seven Hundred and Thirteen, shall be continued and be as current as any Bills of Credit now are, or heretofore have been, and shall pass and be received in all Payments whatsoever, in the same manner, and under the same Penalties as any Bills of Credit now do, or heretofore have done within this Province.

And be it further enacted by the authority aforesaid, That the Treasurer of the *Western-Division* of this Province shall pay and deliver unto the said *Thomas Gordon,* Treasurer and Receiver General of this Province, or to the Treasurer or Receiver General of the same, for the time being, all such Sum and Sums of Money, and Bills of Credit, as are now in his Hands, by Virtue of his being Treasurer, as aforesaid; and the said Treasurer of the *Western-Division* shall also pay and deliver all such Sum and Sums of Money, and Bills [of] Credit, as he shall hereafter receive for the Tax of the two Years aforesaid. And the said Treasurer of the *Western-Division* is hereby impowered to retain in his own Hands, for his service in receiving and paying, *six Pence per Pound,* for all Money or Bills of Credit received and paid by him, as aforesaid. And the said *Thomas Gordon,* or the Treasurer of this Province, for the time being, shall issue out and pay to the several Persons having Warrants or proper Orders for the same, the several Sum and Sums of Money due to the said Persons since the year One Thousand Seven Hundred and Eight, aforesaid, and until the Twenty third Day of this present Month of *March,* he the said *Thomas Gordon,* or the Treasurer of this Province, for the time being, taking sufficient Receipts for all such Sum and Sums of Money paid by him, as aforesaid, and to be accomptable for the same to the Governour, Council and General Assembly, when thereunto required.

And be it further Enacted by the authority aforesaid, That the said *Thomas Gordon,* or the Treasurer of this Province for the time being, shall receive from any Person or Persons all or any the Bills made current for the Value of Three Thousand Pounds, on the first Expedition against *Canada,* which remain in their Hands, and shall give in exchange, to the said Persons bringing them in, the Value of the said Bills in the Bills now made Current by this Act.

And be it further Enacted by the Authority aforesaid, That the said *Thomas Gordon,* Treasurer of this Province, or the Treasurer of this Province for the time being, shall pay to each of the Mannagers for the first Expedition against *Canada,* Fifteen Pounds, as a Reward for that Service, and to each of the signers of the Three Thousand Pound Bills of Credit, Twelve Pounds, for their Service for Signing and Cancelling the same.

Passed 11 Mar. 1713/14.
Bradford (1714) 43-44.

An Act to lay a Duty upon Wheat exported out of the *Eastern-Division* of this Province, to any of Her Majesties Colonies on the Continent of *America.*

Be it Enacted by the Governour, Council and General Assembly, and it is hereby enacted by the Authority of the same, That every Person, after the first Day of *May* next, who shall export any Wheat or Wheat Meal before it be boulted, out of the Eastern-Division of this Province, to any of Her Majesties Colonies on the Continent of *America,* shall first enter the same with Her Majesties Collector, or one of his Deputies of the said Division, for the time being, and pay the Sum of One Shilling, Proclamation Money, for every Bushel of Wheat or Wheat Meal unboulted, so exported, to the Collector of the said Customs, or his Deputy, for the time being, to be applyed towards the Support of the Government, under the Penalty of Seizure and Forfeiture of all such Wheat and Wheat Meal unboulted, so endeavoured to be exported, one half to the Collector or his Deputy who shall seize the same, the other half to the use aforesaid. And if any Wheat or wheat Meal, so endeavoured to be exported, shall escape being seized, as aforesaid, all and every Person or Persons who shall so export the same, without first paying the Duty aforesaid, shall forfeit the Sum of Twenty Pounds, Money aforesaid, for every such Offence, to be recovered in any Court of Record within this Province, by Action of Debt, one half to the Informer who shall prosecute the same to effect, the other half to the use aforesaid.

And be it further Enacted by the Authority aforesaid, That the Collector of the said Customs, for the time being, shall be and is hereby directed, author-

ized and impowered to appoint Deputies in all such Places of the said Eastern-Division of this Province, as shall be most convenient for the Inhabitants, diligently to inspect and see that this Act be duly performed.

Passed 11 Mar. 1713/14.
Bradford (1714) 45.

An Act for preventing the Waste of Timber, Pine and Cedar Trees and Poles within this Province of *New-Jersey*, and to lay a Duty upon all Pipe and Hogshead Staves exported out of the same to any of the Neighbouring Colonies.

Whereas several ill disposed Persons of late have made very great Waste in destroying Timber, Pine Trees and Poles, by cutting, falling, working up and carrying away of Timber, as well as by boring, extracting of Turpentine, upon not only the Lands belonging to the Proprietors in General, but to others in particular within this Province, which unjust Practices will not only render the Lands where such Wastes are committed of little Value to the Owners, but will also prove a very great mischief to the Inhabitants of this Colony. And whereas the Exportation of Pipe and Hogshead Staves to the Neighbouring Provinces will not only be a means of destroying the Timber of this Colony, but is at present a very great Discouragement to the Trade thereof. For Preventing of which for the future,

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That if any Person or Persons whatsoever, after Publication of this Act, shall presume to cut, fell, work up, or carry away any manner of Trees, Cedar or Pine Poles, standing or lying, or bore, box or extract Turpentine out of any Pine Trees, upon any Lands belonging to the said Proprietors, or others, within this Province, without leave first obtained from the Owner or Owners of the said Land, every such Person or Persons so offending shall, for every Tree so cut, worked up, Boxed, Bored or carryed away, pay the Sum of Twenty Shillings, Proclamation Money, the one half thereof to the Owner or Owners of the said Land, and the other half to the Person or Persons that shall prosecute the same to effect, to be recovered by an Action of Debt; if Forty Shillings, or under, before any one Justice of the Peace; if above

Forty Shillings in the inferiour Court of Common Pleas of that County, with Cost of Suit. And for every Pine or Cedar Pole so cut down or carryed away, shall pay the Sum of Ten Shillings, Money aforesaid, to the Uses above-said, and to be recovered in manner aforesaid. *Provided,* That such offenders shall be sued and prosecuted for every such Offence within six Months time after committing the same.

And it is also hereby further Provided and Enacted by the Authority aforesaid, That this Act shall not be construed or taken to extend to Inhibit any of the Freeholders of the Eastern-Division within this Province from cutting, felling or carrying away any Wood, Trees, Saplings or Poles, whatsoever, that are either standing, growing or lying upon the Land that remains undivided in Common amongst the Freeholders of that Town to which such Free-holder or Free-holders doth belong.

And be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That there shall be paid unto Her Majesty, her Heirs and Successors, for and toward the Support of the Government of this Province, the Sum of thirty shillings, Money of the value directed by her Majesties Proclamation, for every thousand Pipe-staves exported out of the Eastern-Division of this Colony, and transported into any of the Neighbouring Provinces, and twenty Shillings Money aforesaid, for every Thousand of Hogshead-Staves exported as aforesaid, out of this Colony and transported into any of the neighbouring Provinces.

And for the better and more effectual Collecting the Duty of thirty and twenty Shillings aforesaid, and preventing the Exportation of the said Staves, contrary to the true intent and meaning of this Act, *Be it Enacted by the Authority aforesaid,* That every Master or Owner of any Sloop or other Vessel, shall, before he loads any Pipe or Hogshead Staves on board his said Vessel, yearly and every year, enter into Bond with the Collector of the said Eastern-Division, or his Deputy, with two sufficient Securities, Freeholders in this Province in the Sum of two hundred Pounds, to be paid to her Majesty, her Heirs and Successors, on Condition that he shall not within the term of one year, load any Pipe or Hogshead Staves, or put them on board any Sloop, Boat, Flat or other Vessel, in order that they may be exported by the said Vessel out of the said neighbouring Province, or be loaded in the same, or make them into Raft, so as to land them, or any manner of way, directly or indirectly, land, direct or Cause them to be landed in any of the neighbouring Provinces, contrary to the true intent and meaning of this Act. And any Master or owner of any Sloop or other Vessel, or any other person or persons whatsoever, who shall any manner of way Transport from this Province any Pipe or Hogshead-Staves, into any of the neighbouring Provinces, without first having paid, or secured to be paid the Duty appointed by this Act to be paid for the same, shall for every such Offence forfeit the sum of Twenty Pounds, Money as aforesaid, the one half to her Majesty, her Heirs and Successors, the other half to any person who shall prosecute the same to effect, in any Court of Record within this Province. And any Pipe or Hogshead-Staves on board any Sloop or other Vessel whatsoever, the Master or Owner of which shall not produce a Certificate from the Col-

lector, aforesaid, of her Majesties Customs, or his Deputy, that he has given such security, or paid such Duty as aforesaid, shall be forfeited, the One half to her Majesty, her Heirs and Successors, to the use aforesaid, the other half to any Person who shall prosecute the same to effect, in any Court of Record within this Province.

And be it further enacted by the authority aforesaid, That nothing in this Act shall be construed or taken to extend to inhibit to cut, fell or carry away any Wood or Timber within the bounds and limits of the High-ways within this Province, for making and repairing of Bridges and High-ways, or for any other unavoidable Accident and Necessities, any thing in this Act to the contrary in any wise notwithstanding.

Passed 11 Mar. 1713/14.
Bradford (1714) 46-48.

An Act for settling the Militia of this Province.

Whereas the Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most Useful for the Defence thereof, and the Honour of her Majesty,

Be it Enacted by the Governour, Council and General Assembly met and assembled, and by the Authority of the same, That every Captain within this Province already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Precincts of which they are Captains, between the Age of Sixteen and Fifty Years, except Ministers, Phystians, School-Masters, Civil Officers of the Government, the Representatives of General Assembly, Millers, and Slaves, every one of which so Listed shall be sufficiently Armed with one good sufficient Musquet or Fuzee well fixed, a Sword or Bagonet, a Cartouch-Box or Powder-Horn, a Pound of Powder, and Twelve Sizeable Bullets, who shall appear in the field so armed twice every Year, on the third *Friday* of *March,* and on the third *Friday* of *September,* yearly, at the Places appointed by their Captains or Superiour Officers, and to continue in Arms but one Day at each time, besides at other times when they shall be called together by an order in writing under the Hand of the Captain General or Commander in Chief, for the time being, at such Places as shall be by him appointed, to be taught the Use of their Arms, and the Discipline of War; and

when under Arms, shall, and are hereby subjected to the Command of their proper Officer, and upon Disobedience shall and are hereby made liable to the Penalties and Punishments of the Martial Law, so that the Punishment does not extend to taking away of Life or Member.

And be it Enacted by the Authority aforesaid, That every Person so Listed, and that doth appear at the times and places as above, who shall not be armed and provided with Ammunition, as aforesaid, shall forfeit as followeth, *viz.* for want of a Musquet or Fuzee, *two Shillings,* if not well fixed, *One Shilling,* for want of a Sword or Bagonet, *One Shilling,* for want of a Pound of Powder, *One shilling,* and so in Proportion; for want of twelve Sizeable Bullets, *One shilling,* and so in Proportion; to be levied by the Serjeant or Corporal of the Company, by a Warrant from the Captain, upon their Goods and Chattels, if they refuse to pay their forfeitures, which forfeitures shall be applyed towards Providing the Company with Drums and Colours.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Captain General or Commander in Chief, for the time being, in Case of Invasion of an Enemy, to call all, or so many of the persons aforesaid, together for Repelling the force of an Enemy, to order such Detachments for the common Defence as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments for Expelling the Enemy and Preservation of her Majesties Subjects and Government.

And be it further Enacted That every Person so Listed, that doth not appear at the Places appointed, as above, on the third *Friday* of *March,* and on the third *Friday* of *September,* shall contribute and pay towards the Support of her Majesties Government in this Province, the Sum of *Five Shillings* for each of the said Days absence, to the Captain or the Commanding Officer, for the Time being, of their Respective Companies, excepting in case of Sickness or any other Reasonable Excuse to be allowed of by the Captain, which Sum so raised by the said Captain or Commanding Officer, shall, from time to time, be paid into the Treasurer of the Province. And if any Person or Persons shall refuse or neglect to pay, as aforesaid, the said Captain or Commanding Officer is hereby required and impowered to make out his Warrants to one of the Serjeants or Corporals, to make Distress upon every persons Goods and Chattels so Neglecting or Refusing to pay, as aforesaid, Provided that such Distresses are made but once a year for all the Defaults that have been Committed within the said year, before the time of such Distress, and shall expose the said Goods to a Publick Sale, and after Sale thereof, shall return the over-plus (if any be) to the owners thereof, after deducting *One shilling* for his trouble, which he is hereby allowed to take.

And be it further enacted by the authority aforesaid, That the said Treasurer shall keep true and perfect Lists of all the Money collected, as aforesaid, and shall have for his the said Treasurers trouble *Ten Pounds* for every Hundred Pounds Received by virtue of this Act, and so in proportion for greater or lesser Sums, which Sum or Sums of Money are to be applyed to the Support of Her Majesties Government of this Province.

And be it further Enacted by the Authority aforesaid, That if the small

Fines mentioned in this Act, for defraying the Charges of Drums and Colours, and other incidental Charges, are found insufficient, the Captain or Superiour Officer of each Company, who was at the Charge of furnishing them, shall be allowed by the Treasurer out of the other Fines, as much as will make up the small Fines sufficient to re-imburse them, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for such Captains or other Commanding Officers as live on or near the Sea side and Indians, on any Descent or Invasion by an Enemy, to call all, or so many of their several and respective Companies together, as shall be thought Necessary to expel the said Enemy.

And be it further Enacted by the Authority aforesaid, That when the Governour or Commander in Chief, for the time being, shall think fit to Direct, in time of War or Danger, any Watch to be kept in any Place or Places within this Province, the Colonel, Lieutenant Colonel, Major, or other Commanding Officer of the Regiment, to whom such Direction is signified, shall issue out his Orders to the several Captains under his Command, to appoint such and so many Men to appear with their Arms at such Time and Places as such Colonel or Commanding Officer shall appoint; which Watch, so appointed, shall be equally Relieved by the Commanding Officers of said Company, and so equally through all the Companys of the said County; and every Person or Persons neglecting or refusing to Watch, during the Time and at the Place appointed, shall forfeit the Sum of *five Shillings* for each Offence, and any Person that shall leave the said Watch until Relieved by some other Persons appointed to Watch in his stead, every such Person so leaving, as aforesaid, shall forfeit the Sum of *Forty Shillings,* Money of the said Province, to be recovered before any Justice of the Peace of the County where the Offence is committed, one half to the informer who shall prosecute the same to effect, the other half to her Majesty, her Heirs and Successors, towards the Support of the Government, as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person, appointed by the Captain to be a Serjeant or Corporal, shall refuse the said Office, every such Person so refusing shall forfeit the Sum of *Twenty Shillings,* to be recovered by Warrant from any one Justice of the Peace.

Provided always, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms, as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to Distrain, as aforesaid, shall forfeit the Sum of *Twenty Shillings* for each Default, to be Recovered before any one Justice of the Peace, and applyed to the Support of the Government, as aforesaid.

And be it further enacted by the authority aforesaid, That this Act shall Continue and be in Force for seven Years after Publication thereof, and no longer.

Passed 11 Mar. 1713/14.
Bradford (1714) 48-51.

An Act for Regulating of Slaves.

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all and every Person or Persons within this Province, who shall at any time after Publication hereof, buy, Sell, barter, trade or traffick with any *Negro, Indian* or *Mullatto Slave,* for any Rum, Wine, Beer, Syder, or other strong Drink, or any other Chattels, Goods, Wares or Commodities whatsoever, unless it be by the consent of his, her or their Master or Mistress, or the person under whose care they are, shall pay for the first Offence *Twenty Shillings,* and for the second and every other Offence, *forty Shillings,* Money according to the Queens Proclamation, the one half to the Informer, the other half to the use of the Poor of that Place where the Fact is committed, to be recovered by Action of Debt before any one of Her Majesties Justices of the Peace.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons within this Province, who shall find or take up any Negro, Indian or Mullato Slave or Slaves, five Miles from his, her or their Master or Mistresses habitation, who hath not leave in writing from his, her or their Master or Mistress, or are not known to be on their service, he, she or they, so taken up, shall be Whipt by the party that takes them up, or by his order, on the bare back, not exceeding Twenty Lashes; and the Taker up shall have for his reward Five Shillings, Money aforesaid, for every one taken up as aforesaid, with reasonable Charges for carrying him, her or them home, paid him by the Master or Mistress of the Slave or Slaves so taken up; and if above the said five Miles, *six pence per Mile* for every Mile over and above, to be recovered before any one Justice of the Peace, if it exceeds not Forty Shillings, and if more, by Action of Debt in the Court of Common Pleas in the County where the fact shall arise.

And be it further Enacted by the Authority aforesaid, That if any Negro, Indian or Mullatto Slaves, of or belonging to any other Province shall come into this Province without Lisence under the Hand of his, her or their Master or Mistress, or that is not known to be upon his or her business, every such Negro, Indian or Mullatto Slave shall be taken up by any Person within this Province and be whipt by the nearest Constable of the Place where the said Slave shall be taken up, not exceeding Twenty Lashes on the bare back, and to be committed by a Warrant from the next Justice of the Peace to the Goal of that County, and the Person so taking them up and carrying them to be whipt, shall have for his reward *Ten Shillings,* Money aforesaid, for each Slave, and the Constable *Three Shillings* for whipping each Slave, to be paid by the Master or Mistress of such Slave or Slaves, and to remain in Prison till it be paid, with all reasonable Charges that may accrue thereby.

Be it further Enacted by the Authority aforesaid, That all and every Negro, Indian or other Slave, who after the Publication of this Act shall Murder, or otherways kill (unless by Misadventure, or in Execution of Justice) or conspire

or attempt the Death of any of Her Majesties Leige People, not being Slaves, or shall commit any Rape on any of the said Subjects, or shall willfully burn any Dwelling House, Barn, Stable, Out-House, Stack or stacks of Corn or Hay, or shall willfully Mutilate, Mayhem or Dismember any of the said Subjects, not being Slaves, as aforesaid, or shall willfully Murder any Negro, Indian or Mullatto Slave within this Province, and thereof be convicted before three or more of Her Majesties Justices of the Peace, one whereof being of the *Quorum* who are hereby required and impowred to hear and determine the same, in conjunction with five of the Principal Free-holders of the County wherein such Fact shall be committed, without a Grand-Jury, Seven of whom agreeing, shall give Judgment and Sign the Execution, according to this Act, and he, she or they so offending shall suffer the Pains of Death in such manner as the Aggravation or Enormity of their Crimes (in the Judgment of the Justices and Free-holders aforesaid) shall merit and require.

Be it further Enacted by the Authority aforesaid, That upon Complaint made to any one Justice of the Peace against any Indian, Negro or Mullatto Slave or Slaves, who have or are supposed to have committed any of the Murders, Rapes, Mayhems, &c. mentioned in this Act, the said Justice shall immediately issue out his Warrant to the next Constable, to apprehend the said Offender or Offenders, and for all or any Person or Persons to come before him that can give Evidence, and if upon Examination it appears that the Person or Persons are Guilty, he shall commit him or them to Prison, and also shall Certify to the two next Justices the said cause, and to require them, by Virtue of this Act, to associate themselves to him, which the said Justices are hereby required to do, and they so associated are to issue their Summons to five Free-holders, acquainting them with the cause, and appointing them the time and Place the same shall be heard and determined, at which Time and Place the Justices are hereby impowered to appoint some Person to prosecute the said Offender or Offenders, and the Person appointed shall prefer an Accusation in Writing, specifying the Time, Place and Nature of the Offence, as near as conveniently may be, to which Accusation the Offender or Offenders shall be obliged to Plead, and upon Refusal to plead, the like Judgment shall be given against the Person or Persons so accused, as if convicted by Verdict or Confession. And upon Pleading thereto the Justices shall proceed to Tryal, in Conjunction with the said Free-holders so summoned as aforesaid, to which Free-holders no Peremptory Challenge shall be allowed. And if upon hearing the Matter (the said Free-holders being first Sworn by the said Justices, to Judge according to Evidence) they shall adjudge the Negro, Indian or Mullatto Slave or Slaves Guilty of the Offence complained of, they shall give Sentence to Death upon him, her or them, as aforesaid, and by their Warrant cause immediate Execution to be done by the common or any other Executioner in such manner as they shall think fit. *Provided,* That the Evidence of Indian, Negro or Mullato Slaves shall be Admitted and allowed on Tryals of such Slaves in all causes Criminal.

And whereas such Negro, Indian or Mullato Slave is the Property of some of her Majesties Subjects in this or the neighboring Provinces, *Be it therefore*

Enacted, That any Master or Mistress of any Negro, Indian or Mullato Slaves, supposed to be Guilty, as aforesaid, may, upon their desiring the same, have a Jury to try the said Slave Returned by the Sheriff, and the said Master or Mistress may have Liberty to make such Challenges to the Jury as is admitted to be made in other Cases of the like Nature.

And Whereas such Negro, Indian or Mullatto Slave so put to Death will be a great Loss to the Owner of the same, who was no ways assisting, Countenancing or abetting his said Slave in the mischief done and perpetrated by the said Slave, and may induce the owner to transport the said Slave out of the Province, by which means the said Slave will be secured from the Punishment to be inflicted on him for his said Crime, and other Negro, Indian or Mullatto Slaves encouraged to do the like Mischief in hopes of the same security. For preventing of which for the future and that the owner of any Indian or Mullatto Slave may not be under any temptation of with-drawing and securing the said Slave from the prosecution of Justice, *Be it Enacted by the Governour, Council and General Assembly and by the Authority of the same,* That every Owner of any Negro, Indian or Mullatto Slave (such owner Residing in this Province) shall for every Man Slave Executed for any of the Crimes aforesaid, receive the Sum of *Thirty Pounds,* Money according to the Queens Proclamation, and for every Woman Slave executed as aforesaid, the Sum of *Twenty Pounds,* Money aforesaid, to be Levyed, Collected and paid in manner following, *To wit,* The Constables of every Town or District within this Province shall deliver a List of all the Negro, Indian and Mullatto Slaves within their and each of their Several and Respective Districts, both Men and Women, above the Age of Fourteen and under Fifty Years, which are not disabled or uncapable of performing their Master or Mistresses Service, unto the Justices at their Courts of General Quarter Sessions of the Peace in every County in the Months of *May* and *June,* Yearly and every Year, who shall Order the Clerk of the Peace to file the same, when any Negro, Indian or Mullatto Slave shall happen to be Executed for any Crime, the Justices of the Peace of the County where the fact is committed, or any three of them, one being of the *Quorum,* at the desire of the Master or Mistress of such Negro, Indian or Mullatto Slave, shall meet together and call for the aforesaid List from the Clerk of the Peace, and according to said List they shall Assess the value of the said Slave or Slaves, so executed, equally on the Heads contained in the said List, *To wit, Thirty Pounds,* Money aforesaid, for a Man, and *Twenty Pounds* for a Woman, or less, as the said Justices in their discretion shall think fit, and shall appoint a Collector to Collect and Receive the same, of which Assessment made as aforesaid, and the time of Payment thereof, the Constables shall give notice to the Masters or Mistresses of such Negro, Indian or Mullato Slaves, within their and each of their several and respective Districts within said County, and upon refusal or delay of payment, the said Collector shall deliver a List of the said Deficients to any Justice of the Peace of the said County, who shall make out Warrants to the Constables of the several Towns and Districts to distrain for the same, and the said Distress to sell at a publick Out-Cry, and pay the said Assessment to the said Collector, and *Eighteen Pence* to himself for the

Charges of such Distress, and return the over-plus (if any be) to the Owner; and the said Collector shall pay the said Money, so Collected, to the Master or Mistress of said Negro, Indian or Mullatto Slave so executed, as aforesaid and take his or her Receipt for the same, which he shall deliver to the Justices at their next Sessions of the Peace to be filed by the Clerk of the said Court.

And the Justices of the Peace are hereby allowed *one Shilling* for every Warrant of Distress, as aforesaid, the Collector for his trouble shall have *one Shilling* in the Pound for all Money Collected and paid by him by virtue of this Act, and each Constable shall have *Three Shillings* for giving notice as aforesaid.

And be it further Enacted, That if any Negro, Indian or Mullato Slave shall attempt to Ravish any White Woman or Maid, or that shall presume to Assault or strike any Free Man or Woman professing *Christianity,* any two Justices of the Peace are hereby authorized to Inflict such Corporal Punishment (not extending to Life or Limb) upon such Slave or Slaves so offending as to the said Justices shall seem meet.

And be it enacted by the authority aforesaid, That if any Negro, Indian or Mullatto Slave shall steal to the value of *Six Pence,* or above, and under *Five Shillings,* and be thereof convicted before two Justices of the Peace, one whereof being of the *Quorum,* such Negro, Indian or Mullatto Slave shall be Whipt on the bare back at the publick Whipping-Place with Thirty Lashes, by the Constable of such Township or Place where the Offence was committed, or by such Person as he shall appoint. And that if any Negro, Indian or Mullatto Slave shall steal to the value of *Five Shillings,* or above, such Slave shall be Whipt on the bare back with Forty Stripes, as aforesaid, by the Constable, as aforesaid, the which Constable shall receive for Whipping of each Slave, *Five Shillings,* to be paid by the Master or Mistress of the said Slave, and in default of Payment to be levyed by Warrant from any Justice of the Peace, out of the Goods of the said Master or Mistress.

And be it Enacted by the Authority aforesaid, That every Justice of the Peace, Constable or other Officer Neglecting, delaying or refusing to perform their several Duties enjoyned by this Act, shall for every such Offence forfeit the Sum of *Five Pounds* to Her Majesty, Her Heirs and Successors, to be recovered by Action of Debt in any of the Inferiour Courts of Common Pleas within this Province; and every Free-holder and Jurors summoned, as aforesaid, and refusing to serve, shall forfeit *Twenty Shillings,* to be levyed by the Constable, by Warrant of Distress from two of the Justices of the Peace assembled to try the said Slave, who are hereby required immediately, upon such refusal, to issue their Warrant for levying the same accordingly.

Be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever shall hereafter imploy, harbour, Conceal or entertain other Peoples Slaves at their Houses, Out-Houses or Plantation, without the consent of their Master or Mistress, either signified to them Verbally, or by Certificate in writing under the said Master or Mistresses Hand, excepting in Distress of Weather, or other extraordinary Occasions, upon the forfeiture of *Forty Shillings* for every Time they are so entertained and concealed, to be paid to the

Master or Mistress of such Slave or Slaves (so that the Penalty for entertaining such Slave exceeds not the Value of the said Slave) And if any Person or Persons whatsoever shall be found guilty [of] so harbouring, entertaining or concealing of any Slave, or assisting to the conveying them away, if such Slave shall happen to be lost, Dead, or otherways rendered Unserviceable, such Person or Persons so harbouring, entertaining, concealing, assisting or conveying them away, shall be also liable to pay the value of such Slave to the Master or Mistress, to be recovered by Action of Debt in any Court of Record within this Province.

Be it further enacted by the authority aforesaid, That no Negro, Indian or Mullatto Slave, that shall hereafter be made free, shall enjoy, hold or possess any House or Houses, Lands, Tenements or Hereditaments within this Province, in his or her own Right in Fee simple or Fee Tail, but the same shall Escheat to Her Majesty, Her Heirs and Successors.

And Whereas it is found by experience, that Free Negroes are an Idle Sloathful People, and prove very often a charge to the Place where they are,

Be it therefore further Enacted by the Authority aforesaid, That any Master or Mistress, manumitting and setting at Liberty any Negro or Mullatto Slave, shall enter into sufficient Security unto Her Majesty, Her Heirs and Successors, with two Sureties, in the Sum of *Two Hundred Pounds,* to pay yearly and every year to such Negro or Mullatto Slave, during their Lives, the Sum of *Twenty Pounds.* And if such Negro or Mullatto Slave shall be made Free by the Will and Testament of any Person deceased, that then the Executors of such Person shall enter into Security, as above, immediately upon proving the said Will and Testament, which if refused to be given, the said Manumission to be void, and of none Effect.

Passed 11 Mar. 1713/14.
Bradford (1714) 51-56.

An Act for Regulating of White Servants, and taking up Souldiers and Sea-men Deserting Her Majesties Service and coming into this Colony.

Whereas the Importation of White Servants into this Province would be a great benefit to the Country in General, by settling in and improving the same, but hath hitherto been much obstructed because several Ill minded Persons encourage and assist the said Servants to Run away and absent themselves

from their Master or Mistresses Services, to the great Damage of the said Master and Mistresses. For Prevention whereof for the future,

Be it Enacted by the Governour, Council and General Assembly, and it is hereby enacted by the Authority of the same, That every Servant who shall depart or absent themselves from the Service of his or her Master or Mistress, without leave first obtained, shall by any one Justice of the Peace, before whom such Servant shall be brought, be adjudged to serve Double the Time he, she or they have so absented themselves, besides paying or serving for all Damages and Costs which such Master or Mistress shall be adjudged to have sustained by such unlawful Absence and Departure.

And be it further Enacted by the Authority aforesaid, That all and every person or persons whatsoever, who shall any way counsel, intice, aid or assist any Servant to Run away or absent themselves from their Master or Mistresses Service, as aforesaid, every such person shall Forfeit the Sum of *Ten Pounds,* besides Costs, to be Recovered by the said Master or Mistress in any Inferiour Court of Common Pleas in this Province.

And be it further Enacted by the Authority aforesaid, That all and every person or persons, who shall knowingly conceal, entertain or harbour any Servant, (unless in necessity,)[1] every such person so offending shall pay the Sum of *Ten Shillings* for every Days Concealment, Entertainment or Harbouring, to the Master or Mistress of such Servant, to be recovered, if under *Forty Shillings,* before any Justice of the Peace, and if above *Forty Shillings,* by Action of Debt in any Inferiour Court of Common Pleas within this Province.

And be it further Enacted by the Authority aforesaid, That every person or persons who shall take up any Servant, Run away or absenting, and carry back, or return said Servant to his or her Master or Mistress, every such person shall have *Fifteen Shillings* for his Trouble and pains, besides *six Pence for every Mile,* from the place where taken up, to the said Master or Mistresses Habitation, to be paid by the said Master or Mistress; and upon Refusal to be recovered, if under *Forty Shillings,* before any Justice of the Peace; if above, by Action of Debt in any Inferiour Court of Common Pleas within this Province, besides Costs; for which the said Servant shall pay and satisfie, as aforesaid.

AND whereas not only Servants do absent themselves from the Service of their Masters and Mistresses, and Run away and escape into the Neighbouring Provinces, but the Souldiers and Sea-men of her Majestys Garrisons and Ships of War do sometimes Run away and Desert her Majestys Service, coming into, abiding in, and passing through this Province, For Preventing of which for the future,

Be it further Enacted by the authority aforesaid, That all Sea-Men, Souldiers, Servants, and other Labourers and suspected Persons, who shall travel in and through this Province, without a Pass from one or more Justices of the Peace of this or the neighbouring Provinces, signifying that he, she or they are free Persons, it shall and may be Lawful for any Constable or other Person or Persons whatsoever, to take up all such Vagrant Persons, Travelling without Passes, as aforesaid, and him, her or them to carry before any Justice of the Peace of this Province, who shall strictly Examine all such persons so brought

before him, and all such as can give no good account of Themselves, and the Causes and Reasons of their Travelling, shall be by the said Justice committed to the common Goal of the County where taken up, there to remain till thence delivered by order of their Captain, Master, Mistress, or other due Course of Law.

And be it further Enacted by the Authority aforesaid, That any Boat-man or Ferry-man who shall carry or transport into or out of this Province, or over any Ferry within the same, any of the persons above-mentioned, without Passes, as aforesaid, or any Keeper of a Publick-House who shall entertain such Servants, Sea-men or Souldiers, as aforesaid, not having Passes, and not apprehend the said person and secure them so as the said persons may be brought before some of her Majestys Justices of the Peace, Every person so offending, contrary to the true Intent and Meaning of this Act, shall, for every such Offence, Forfeit the Sum of *Forty Shillings,* to be recovered by the Captain or other Commanding Officer of such Souldier or Sea-man, the Master or Mistress of such Servant, or any others injured by such Carriage, Ferryage, transportation or Entertainment, before any Justice of the Peace of said Province, as aforesaid.

Passed 11 Mar. 1713/14.
Bradford (1714) 57-58.

1. The words (*unless in necessity,*) are added by a note of correction.

An Act for Preventing Corruption in the Courts of Justice within this Province.

For the more effectual Preventing of Corruption in the Courts of Justice within this Province, it is humbly proposed, and prayed, That all the Laws and Statutes now in force in that part of her Majestys Dominion of *Great Britain,* formerly her Majestys Kingdom of *England,* and wherein Provision is made against the taking of Bribes, Gifts, or any unlawful Fee or Reward by Judges, Justices of the Peace, or any other Officers, either Magesterial or Ministerial, may be declared to be in Force in this her Majestys Province of New-Jersey.

It is therefore Enacted and Declared by the Governour, Council and General Assembly, and by the authority of the same, That all the Laws and Statutes now in Force in that Part of her Majestys Dominion of *Great Britain* formerly called *England,* wherein Provision is made against the taking of

Bribes, Gifts, Unlawful Fees or Rewards, or any other Male-Administration by Judges, Justices or any Officers, Magesterial or Ministerial, be, from the Publication of this Act, in force in this her Majestys Colony of New-Jersey, effectually to all the Intents, Constructions and Purposes exprest, meant and intended in and by the said Laws and Statutes.

And be it further Enacted by the Authority aforesaid, That every Judge and Justice that hereafter shall adjudge and determine any Suit or Action before them, as Judges or Justices in any of the Inferior Courts of Judicature within this Province, and that shall take upon them to hear, adjudge and Determine the same Action or Suit again, as a Judge or Justice, in any of the Superiour Courts, where they are also Judge or Justice, every such Judge and Justice offending contrary to the true intent and meaning of this Act, shall forfeit the Sum of Forty Pounds, the one half to her Majesty, her Heirs and Successors, and the other half to such Person as shall Prosecute the same; to be Recovered by Action of Debt in any Court of Record within this Province; wherein there shall be no Essoyn, Protection or Wager of Law, nor any more than one Imparlance; and every such Judgment, so given by the said Judge or Justice, to be void and of none effect.

Passed 11 Mar. 1713/14.
Bradford (1714) 59.

An Act for preventing Malicious Prosecutions by Informations.

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publication hereof, No Person or Persons whatsoever shall be troubled, vexed or disturbed in his or their Liberty or Estate by the Queens Attorney General, or any other Person or Persons whatsoever, upon pretence of any Misdemeanour committed, otherwise than by Presentment of the Grand Jury, or by Information by an Order from the Governour, for the time being, signed in Council, for such Prosecution, and the party or parties so prosecuted shall be brought to Tryal the second Court after such Information filed, or be discharged the Court without paying of any Fees, any Law, Usage or Custom to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That any Person or

Persons prosecuted by Information, as aforesaid, and brought to Tryal the second Court, as aforesaid, and acquitted by the Verdict of Twelve Men, shall be discharged the Court without paying of any Fees.

And be it further enacted by the authority aforesaid, That if the Attorney General, or any other Person, shall prosecute any Person or Persons contrary to the true Intent and meaning of this Act, (excepting on such Penal Statutes as include the Plantations, or where it is otherways provided for by Acts of General Assembly of this Province) shall forfeit *Fifty Pounds* for every such Offence, to be recovered by Action of Debt in any Court of Record within this Province, the one half to the Person or Persons who shall prosecute the same to Effect, and the other half to Her Majesty, Her Heirs and Successors.

Passed 11 Mar. 1713/14.
Bradford (1714) 60.

An Act for Ascertaining the Qualification of Jurors within this Province.

Be it Enacted by Governour, Council and General Assembly, met and Assembled, and by the Authority of the same, That from and after Publication hereof all Grand and Petty Juries shall be Summoned by the High Sheriff of each County, or his Deputy or under Sheriff, or (in cases where either of them are concerned, or of other Lawful Challenge) by the Coroner, and that either Personally, or by Summons in Writing left at every mans House so Summoned, Respectively, in four Days, at least, before the first day of the Court, which persons so Summoned shall be of good Fame, Credit and Reputation, and Freeholders of the County for which they shall serve.

And be it further Enacted by the Authority aforesaid, That all persons so Summoned to serve upon Grand Inquests, shall be returned by the said High-Sheriff, and shall each of them be worth, at least, One Hundred Pounds in Real Estate in the County for which they shall serve. And that all persons Summoned to serve on all Petty Juries, also, be returned by the said High-Sheriff, or in cases where he or his Deputy are concerned or of other Lawful Challenge, by the Coroner without the direction or advice of any other person or persons whatsoever, and shall each of them be worth One Hundred Pounds in Real and Personal Estate in the County for which they shall serve.

And be it further Enacted by the Authority aforesaid, That in case any

Sheriff or Coroner shall return any person or persons to serve on Juries, not qualified as directed by this Act, every Plantiff or Defendant may have his Challenge against such Persons. And in case any Debate or Controversy arises concerning the Qualification of the person or persons so Challenged, it shall be determined by any two persons that are sworn on such Jury, as the Law in such cases directs.

Passed 11 Mar. 1713/14.
Bradford (1714) 61.

An Act Confirming Letters of Administration, granted, and to be granted, within this Province.

Whereas Her Sacred Majesty hath reserved to her respective Governours or Commanders in Chief of this her Colony of *New-Jersey* the Collating [of] Benefices, granting Lisences for Marriages, Probates of Wills, and granting Letters of Administration.

Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all Letters of Administration that heretofore have been granted by the present or any preceeding Governour or Commander in Chief, or by any other person or persons that heretofore have been impowered to grant the same, or that hereafter shall be granted within this Colony by the present or any succeeding Governour or Commander in Chief, or by any other person or persons impowered by him or them, All such Letters of Administration heretofore granted, or hereafter to be granted by the Authority aforesaid, shall only be, and are hereby declared to be, and at all times hereafter shall be taken, deemed and Esteemed to be good and vallid in the Law, to all intents and purposes, according to the true intent and design of them, and every of them respectively, and shall not be Superceded or Reversed by any other Administration whatsoever granted or to be granted for Estates within this Colony, excepting by such Administration as shall be granted by the Authority aforesaid.

Passed 17 Mar. 1713/14.
Bradford (1714) 62.

An Act Concerning Swine.

Be it enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all and every Free-holder within this Province, Himself, Servants or Tenants for years, may kill any Swine trespassing on any part of his or their Land, and shall give the owner of the Swine notice thereof, if he can easily be found, otherwise he shall (within fifteen Hours after) give notice to one of the Over-Seers of the Poor, who shall dispose of the same to the best advantage for the use of the Poor of that Town or Precinct; but if any Free-holder or Tenant for years finding any Swine Trespassing on his or their Land, shall not think fit to kill them, as aforesaid, he may put them into his Yard or other Inclosure, and send word to the Owner, who shall pay double Damage to the Person injured, as it shall be appraised by two honest Neighbours to be chosen by the party Injured, to be recovered by Action of Debt; if Forty Shillings, or under, before any Justice of the Peace; if above Forty Shillings, in the inferiour Court of Common Pleas of that County, with cost of Suit.

And be it enacted by the authority aforesaid, That if any Free-holder, his Servants or Tenants for years, shall kill any Swine not Trespassing on his or their Land, he shall pay double Damage to the Owner, to be recovered by Action of Debt; if Forty Shillings, or under, before any Justice of the Peace; if above Forty Shillings, in the Inferiour Court of Common Pleas of that County, with Costs of Suit.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons (who are not Free-holders, their Servants or Tenants for years) shall Range the Woods or Fields, Hunt, Mark or kill any Swine, every Person or Persons so ranging, hunting, marking or killing, contrary to the true intent and meaning of this Act, shall pay double the value of each Swine so killed, mark't or drove away, to the Owner of the same; to be recovered as aforesaid. And if such persons, not Free-holders, their Servants or Tenants for years, shall drive, carry away and convert to his own Use any Swine whatsoever and wheresoever within this Province, such person or persons shall also Forfeit the Sum of Forty Shillings for each Offence, to be Recovered before any one Justice of the Peace, on the Testimony of one Evidence, with other Circumstances, one Third part to the Informer that shall prosecute the same, the other two Thirds to the Over-Seer, for the Use of the Poor of that Town or Precinct.

And be it enacted by the Authority aforesaid, That if any person or persons convicted, as aforesaid, of Killing, Marking or Driving away any Swine, as aforesaid, shall not within three Hours after such his Conviction, pay the said Forty Shillings, that then and in such case he shall receive Ten Lashes on the bare back.

And be it enacted by the Authority aforesaid, That all the Acts heretofore made concerning Swine, shall be, and are hereby Repealed, to all intents and purposes.

Passed 15 Mar. 1713/14.
Bradford (1714) 62-63.

An Act for Regulating Fences.

Whereas for the preventing Differences and Trespasses among Neighbours, it is Necessary that Fences shall be kept in good Repair,

Be it therefore enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the authority of the same, That all Fences that are and shall be esteemed good and lawful, shall be Four Foot and six Inches High, and close, strong and sufficient to prevent Horses and Neat Cattle, great and small, going thorow or under such Fences.

And be it Enacted by the Authority aforesaid, That all such Cattle and Horses that shall Jump over or break down any such Fence, shall be Pounded, and the Owner of the Beast shall pay the Damage to the Person Damnified, which shall be appraised by two sufficient Men of the Neighbourhood, chosen by the party Damnified by such Creatures, who shall also view the sufficiency of the Fence. And it shall and may be lawful for the Person injured to Pound such unruly tresspassing Horses and Cattle within his Field or Yard the space of Twenty Four Hours, he giving notice thereof to the Owner of the said Tresspassers, if known or easie to be found, and if they are not Redeemed within the said Twenty four hours space, then he shall lead or drive them to the Town or Precinct Pound, where the Pound-Keeper shall receive and keep them till the Damages and Charges of the Trespass, driving and pounding is paid. And the Pound-keeper shall have for letting in and out of the Pound *Two Pence per head,* and for feeding, pounding and tending, *six Pence per head* for every Twenty four hours they shall continue in the Pound.

And be it Enacted by the Authority aforesaid, That where any Person sets his Fence in the Partition Line between him and his Neighbour, and his Neighbour improves the Land or Meadow Adjoyning thereto, by inclosure, for Tillage, Mowing or Pasturage, they shall make and maintain the said Division-Fence equally between them; and if either of them refuse or neglect so to do, then the other may make and repair the said Division Fence wholly, and shall recover half the Charges of the party refusing, by Action of Debt within any Court of Record, as it shall be valued by two honest Men of the Neighbourhood, indifferently chosen by both Parties; but if the Person Neglecting to make or Repair the said Fence, shall refuse to chuse one of the said Appraisers, then the other may chuse them both himself. And where any Persons do agree to fence their Land in common, such Fences shall be made and maintained according

to their several proportions of Land, and benefit they receive thereby.

And be it Enacted by the Authority aforesaid, That when any Stray Cattle or Horses are Impounded for Tresspassing, as aforesaid, the said Pound-keeper is hereby required forth-with to give notice to the Owner, if known, or to set up Papers at the most publick places within the Township and County to which the Pound belongs, and the three next adjoyning Towns, giving Publick Notice and Description of the said Strays; And if the Owner of Stray, or some Person by his Order, do not appear and redeem them within two Months after such publick Notice given, the Pound-keeper shall sell such Strays at Publick Outcry (he setting up Papers on said Publick Places) giving notice of the time and Place of Sale (six days before the Sale) and out of the Money received for such Strays, he shall pay for the Trespass, as aforesaid, and other incident Charges, and return the over-plus to the Owner of the said Stray, or to his order, provided he appear and demand the same within one year after such Sale; and if the Owner, or some Person by his order, doth not appear within the time aforesaid, then the Pound-keeper shall pay the said Over-plus Money to the Overseers, for the use of the Poor of that Town or Precinct.

And be it enacted by the authority aforesaid, That if any owner or possessor of Land within this Province shall neglect or refuse to make & keep in good Repair the Fence and Fences about his Land, in manner as is herein before prescribed, and for Default thereof the Horses or Cattle of any other person shall break in or enter into or upon the said Land, over or thorow such Fence, that the Owner of the said Cattle or Horses shall not be liable to any Action, nor the Cattle or Horses be Impounded for any Damage committed; and if any Action be commenced thereon, that then the Owner of such Cattle or Horses do plead the General Issue, and give this Act in Evidence to Justify the same.

And be it Enacted by the Authority aforesaid, That where there is not a Pound kept within the Town or Precinct, then the person Damnified by such Cattle or Horses Trespassing, as aforesaid, may Pound them in his own Field or Yard till redeemed: and he shall act in such cases, in all things as the Pound-keeper should or ought to have done by this Act, any thing herein to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That the Act, Entituled, *An Act for Regulating Fences,* made in *January,* One Thousand Seven Hundred and Nine, be and is hereby Repealed, to all Intents and purposes.

Passed 15 Mar. 1713/14.
Bradford (1714) 64-66.

An Act for raising of Money for Building and Repairing of Goals and Court-Houses within each respective County of this Province, and to Repeal the Act past for that purpose in the Year One Thousand Seven Hundred and Nine.

Whereas Goals and Court-Houses are absolutely necessary for the Administration of Justice, and putting the Laws in Execution;

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That the Inhabitants of each Town and Precinct within each County shall Assemble and meet together on the second *Tuesday* in *March,* yearly, and every Year, at the most publick place of each respective Town and Precinct, and by the Majority of Voices chuse two Free-holders for every such Town and Precinct for the ensuing Year, which Free-holders, so chosen, or the Major part of them, together with all the Justices of the Peace of each respective County, or any three of them (one whereof being of the *Quorum*) shall meet together,

For the County of *Bergin,* near to the *Dutch* Church, by *Hackensack-River.*

For the County of *Essex,* at *Newark.*

For the County of *Middlesex,* at *Perth-Amboy.*

For the County of *Sommerset,* at the most convenient place of the County, which shall be agreed upon by the Major part of the Free-holders that inhabit there.

For the County of *Monmouth,* at *Shrewsberry.*

For the County of *Burlington,* at *Burlington.*

For the County of *Gloucester,* at *Gloucester.*

For the County of *Salem,* at *Salem.*

For the County of *Cape-May,* near to the Prison there.

And agree upon such Sum and Sums of Money as shall be needful for Repairing such Goals and Court-Houses as are already built, and for Building such as are wanting, (*viz.*)

In the County of *Bergin,* near to the *Dutch* Church by *Hackensack-River.*

In *Essex,* at *Newark.*

In *Middlesex,* at *Perth-Amboy.*

In *Sommerset,* at the most convenient place which the Free-holders, Inhabitants, shall agree upon.

In *Monmouth,* near the House of *John Okeson* of *Free-hold.*

In *Burlington* County, at the Town of *Burlington.*

In *Salem* County, at the Town of *Salem.*

In *Gloucester* County, at the Town of *Gloucester.*

In *Cape-May* County, near the present Prison there.

And shall appoint Assessors and Collectors, which said Assessors, so named

for each Town and Precinct, shall meet together at the places above-mentioned within each County, on or before the fourth *Tuesday* in *March* yearly, to Assess the Inhabitants within each Town and County equally, and make a fair List of the said Assessments, and deliver the same to the respective Collectors, at or before the first *Tuesday in April* yearly, which Collector shall deliver a true Copy thereof to the Constable of each Town and Precinct, Who is hereby required immediately, on Receipt thereof, to give notice to the several Inhabitants within their Respective Districts, of the Sums they are to pay, which Sums shall be paid to each Collector at or before the fourth *Tuesday in May* yearly. And upon non-payment, then the Collectors are hereby required to deliver a List of the Delinquents to any one Justice of the Peace of the County where the Default is, who is hereby required, forth-with, to Issue his Warrant or Warrants to the several Constables, Commanding them to Levy the same by Distress on the Goods and Chattels of each Delinquent, and expose the same to Sale, and to pay their respective Sums to the Collector or Collectors, at or before the second *Tuesday in June,* yearly, and return the over-plus, if any be, to the owner, deducting *Twelve Pence* to himself for each Distress, and *six Pence* to the Justice for the Warrant.

And be it Enacted by the Authority aforesaid, That the Justices of [the] Peace and Free-holders appointed and elected, as aforesaid, are hereby required to appoint Mannagers to do and see done, such Things and Works as they shall agree upon to be done and performed, which said Mannagers are hereby Authoized and Impowered to draw Warrants on the Collectors respectively, for Payment of the Work and Materials needful in Building and Repairing Goals and Court-Houses, as aforesaid, not exceeding the Sum or Sums appointed by the Justices and Free-holders aforesaid, for that purpose, which Warrants the Collectors are hereby required to answer and pay. And all the Assessors, Collectors and Mannagers shall be accountable to the said Justices and Freeholders, when called thereunto, the Allowance for their Pains and Trouble shall be, for the Assessors *four Pence per Pound,* The Collector *four Pence per Pound,* The Constables (for giving notice of the Sums and time of payment) *two Pence per Pound,* The Mannagers *ten pence per Pound.*

And be it Enacted by the Authority aforesaid, That if any Person or Persons appointed or elected, as aforesaid, shall neglect or refuse to Act, do and perform whatsoever is required of them by this Act, such Person or Persons so neglecting or refusing shall forfeit the Sum of *Twenty Shillings* for each Offence to be levyed by Distress of each Defaulters Goods and Chattels, as aforesaid, to be applyed towards Building and Repairing the respective Goals and Court-Houses. And in case of Death, Absence or Refusal of any Person or Persons, nominated and appointed, as aforesaid, any three Justices of the Peace, one being of the *Quorum,* shall, appoint a Person or Persons in his or their stead, and who shall in case of neglect or refusal, also be liable to all the Penalties above-mentioned.

And be it Enacted by the Authority aforesaid, That if the Inhabitants of any Town or Precinct shall neglect to meet and chuse Free-holders, as aforesaid, then it shall and may be lawful for the Justice at their next Court of Quart-

er-Sessions to appoint two Free-holders residing in each such Town or Precinct, that shall so neglect or refuse, as aforesaid, and who shall in case of Neglect or refusal also be liable to the Penalties above-mentioned, any thing contain'd herein to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That the Act, entituled, *An Act for building and repairing Goals and Court-Houses* within this Province, made in the Month of *January,* One Thousand Seven Hundred and nine, in the eighth year of Her Majesties Reign, be and is hereby Repealed, and every Clause and Thing therein contained, to all intents, Constructions and Purposes. And Whereas there was, by Virtue of that Act of Assembly hereby Repealed, an Assessment made, and part of the Money collected and expended towards the building a Goal in the County of *Monmouth.*

Be it therefore Enacted by the authority aforesaid, That the Justices and Free-holders aforesaid, shall, and are hereby impowered to examine and compute the Money so collected and expended, and raise so much over and above the Sum they determine to raise on their County of *Monmouth* aforesaid, for the Building a Court-House and Goal, by the directions of this Act, as was Collected and expended by virtue of the Act hereby Repealed, and the Persons that have paid their former Assessments, as aforesaid, are hereby impowered to stop the Sum so paid by them, out of their proportions of the Assessment, which shall be made, as aforesaid, and the Collector or Collectors are hereby required to allow the same.

And be it further Enacted by the Authority aforesaid, That if any of the Justices and Free-holders aforesaid, shall neglect or refuse to meet at the time or times appointed by this Act, or refuse to do what is required of them, then any three of the Justices in each respective County (one being of the *Quorum*) shall appoint such time or times, as they shall think proper, to meet and act as aforesaid; and every Person Neglecting or refusing to meet and Act at such time or times so appointed, provided publick Notice be put up by the said Justices, in writing, Eight days before, in some Publick place in each respective Town or Precinct, shall be liable to the Penalties before mentioned in this Act, as if they had neglected or refused to meet and Act at the time or Times before mentioned in this Act.

Passed 28 Feb. 1713/14.
Bradford (1714) 66-69.

An Act for Establishing a Ferry from the Town of *Burlington,* in the Province of *New-Jersey,* to the Town of *New-Bristol* in the Province of Pennsilvania.

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That a Ferry shall be kept and plyed from the Town and Island of *Burlington,* over *Delaware-River,* unto the Town of *New-Bristol* in the Province of *Pennsilvania;* and that the said Ferry shall be kept and managed by such Person or Persons as the Governour or Commander in Chief, for the time being, shall Lisence and appoint, and that such Ferry-Man, or Ferry-Men, so Lisenced (and no other) shall and may demand and have the Fees or Ferriages following, and no other, *To wit,*

For every single Person carried over the said River, Three Pence; if above one Person, Two Pence half Penny for each.

For each Man and Horse, Nine Pence.

For every Ox, Cow, Steer or Hiefer, One Shilling.

And for every Sheep or Hog, Three Pence, all Money according to the Queens Proclamation.

And be it Enacted by the authority aforesaid, That the Ferry-Man or Ferry-Men so Lisenced, as aforesaid, shall keep good and sufficient Boat or Boats, for carrying Men, Horses and Cattle, and shall well and duly attend the Service of the said Ferry at all times, under the penalty of *Twenty Shillings,* Money aforesaid, for every such default, to be Recovered by Action of Debt by any Person or Persons whatsoever that shall sue for the same, for his or their own use, before any one Justice of the Peace within the County of *Burlington* aforesaid.

And be it Enacted by the authority aforesaid, That every Person who shall Ferry-Over, for Fee or Reward, any Person or Persons, Horse or Horses, Cattle, Sheep, Hogs, Goods or Merchandize, from the said Town or Island of *Burlington,* over the said *Delaware-River,* unto the said Town of *New-Bristol,* or unto any place near the same, without the Consent of the Ferry-Man or Ferry-Men Lisenced as aforesaid, shall forfeit the Sum of *Twenty Shillings,* Money aforesaid, for every such Offence, to be Recovered by the Ferry-Man or Ferry-Men Lisenced as aforesaid, to his or their own use, by an Action of Debt, before any one Justice of the Peace within the said County of *Burlington,* any Custom or Usage to the contrary in any wise notwithstanding.

Passed 17 Mar. 1713/14.
Bradford (1714) 69-70.

An Act for Confirming of Conveyances of Lands made and to be made by Wills and Powers of Attorney, and declaring what Exemplifications of Records and other Things shall be holden and received for good Evidence of Estates of Inheritance, and for Transfering of Uses into Possession.

Whereas on and several Years after the first settlement of this Colony, the great distance of Plantations, and scarcity of Inhabitants was such, That it was difficult to get more than two Witnesses to be present at the signing, sealing and acknowledging of last Wills and Testaments, which induced the then Legislature of the Province of *East-Jersey,* now the *Eastern-Division* of this Province, in the Year One Thousand six Hundred and Eighty Two, to make a Law declaring, That all Wills in Writing, attested by two credible Witnesses, shall be of the same force to convey Lands, as other Conveyances.

And whereas Pursuant to the said Law, many Wills have been made, Bequeathing and Devising Lands, signed by the Testator, and attested only by two subscribing Witnesses.

Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all last Wills and Testaments heretofore made in writing, signed by the Testator, in presence of two subscribing Witnesses, and proved according to the custom heretofore used in either the *Eastern* or *Western-Divisions* of this Province, by which any Lands, Tenements or Hereditaments have been given, devised or bequeathed unto any Person or Persons whatsoever, every of the said last Wills and Testaments shall at all times hereafter be held, taken, deemed and esteemed as good, valid and sufficient Title in the Law, to all Intents, Constructions and Purposes, as if the Testator had conveyed the same away in his Life time, and shall forever Bar any Person or Persons claiming or to claim Estate under any such Testator; contrary to the true intent and meaning of such Will or Testament; and the said Will being proved as aforesaid, and the Books of Registers of either of the *Eastern* or *Western-Divisions* of this Province in which they were entred, being proved as aforesaid, may be given, and shall be received in Evidence, any Law or Custom to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That all Wills and Testaments which hereafter shall be made in writing, signed and published by the Testator, in presence of three subscribing Witnesses, and regularly proved and entred upon the Books of Records or Registers in the Secretarys Office of this Province, or any proper Office for that purpose, shall and are hereby declared, and forever hereafter shall be taken, accepted, deemed and esteemed sufficient to devise, bequeath and convey any Lands, Tenements, Hereditaments, or other Estates whatsoever, within this Province, as effectually to all intents, constructions and purposes whatsoever, as if the Testator had conveyed the same away

in his life time; and the Books in which they are Registred or Recorded may be given in Evidence, and shall be accepted of and be sufficient Evidence at all times and Places where the said Wills or Testaments may be requisit[e] to be given in Evidence, any Law or Custom to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That the Copies of any last Will or Testament whatsoever heretofore made, or hereafter to be made within any part of the Kingdoms of *Great Britain* or *Ireland,* by which any Lands, Tenements, Hereditaments or other Estate within this Province, are devised or bequeathed, certified under the Seal of such Office where such Will or Testament is proved and lodged, may be given, and shall be received in Evidence before any of the Courts of Judicature within this Province, and be esteemed as valid and sufficient as if the original Will or Testament were then and there produced and proved.

And be it Enacted by the Authority aforesaid, That the Copy of any Will or Testament made in any other of Her Majesties Colonies, by which any Lands, Tenements, Hereditaments or other Estates within this Province is given, devised or bequeathed, being proved according to the Custom of such Colony, certified under the great Seal of such Colony, may be given, and shall be received in Evidence in any of the Courts of Judicature within this Province, and be esteemed as valid and sufficient as if the original Will or Testament were then and there produced and proved.

And be it Enacted by the Authority aforesaid, That all Deeds, Grants, Sales, Leases, Assurances, or other Conveyances whatsoever, heretofore made by Virtue of Letters of Agency, Powers of Attorney, or other Powers or Authorities whatsoever, that have been entred on the Publick Books of Records of this Province, or the publick Books of Records of the *Eastern* or *Western-Divisions* thereof, whereby any Lands, Tenements or Hereditaments whatsoever within this Province, have been granted, sold, conveyed, assured, released or transferr'd to any Person or Persons, pursuant to such Powers and Authorities whatsoever, shall be and are hereby declared as good, valid and sufficient Title in the Law, to all Intents, Constructions and purposes whatsoever unto the said Grantees their Heirs and Assigns, as if the Constituent or Constituents had then and there sold and Conveyed the Land or Lands, and had executed Deeds (according to the true Intent and meaning of such Grants, Deeds or Conveyances) which said Grants, Deeds or Conveyances shall be of force against, conclude and bind all and every the Constituents, Imployers, Grantors of such Powers & Authorities, & their, & all & every of their Heirs, and all and every other Person or Persons claiming or to claim Estate from or under them or any of them, severally and respectively; and all Lands, Tenements or other Hereditaments, that for the time to come shall be sold, conveyed or disposed of by virtue of such Powers or Authorities, as aforesaid, such Powers shall be first proved and entred upon the Publick Records, after which all Grants and Conveyances made pursuant to the Powers thereby Granted, shall be deemed, taken and Esteemed as good, valid and sufficient Titles against all and every the Constituents, Imployers and Grantors of such Powers and Authorities, and against all claiming or to claim Estate under them, severally and respectively,

aforesaid, as if the Constituent or Constituents had then and there sold and Conveyed the same Land or Lands.

And be it Enacted by the Authority aforesaid, That the Exemplification of any Deeds or Writings Relating to Estates Real or Personal, within this Province, proved and certified under the City Seal of *London* or *Edinburgh* in the Kingdom of *Great Britain,* or under the Seal of the City of *Dublin* in the Kingdom of *Ireland,* or under the Great Seal of Her Majesties Colonies in *America,* and any of the publick Books of Records or Registers of this Province, or of either of the Divisions thereof, shall be received in Evidence in any Court of Record within this Province, and shall be esteemed as sufficient as if the Originals were then and there produced and proved.

And be it enacted by the Authority aforesaid, That all and every person or persons to whom the use or uses of any Tract or Tracts of Land within this Province have been Sold, Given, Limited, Granted, Released or Conveyed by Deed, Grant or any other Legal Conveyance whatsoever, or that shall hereafter be granted by any Deed or Conveyance whatsoever, such Grantees, their Heirs and Assigns shall be Deemed, Taken and Esteemed to be in as Full and Ample Possession of such Lands, Tenements and Hereditaments, to all Intents, Constructions and Purposes as if such Grantees, their Heirs and Assigns were possessed thereof by solemn Livery of Seizin and Possession, any Usage or Custom to the contrary notwithstanding.

Provided always, That nothing in this Act shall be construed to Extend to make Good, Vallid and Effectual any Fraud or Forgery made or used in or about any Power of Agency or Letter of Attorney or other Deeds, Writings or Records, Last Will and Testaments, or any Bargain and Sale, or other Conveyances of any Estate of Inheritance, grounded upon such Fraudulent or Forged Power of Agency or Letter of Attorney, or other Deeds, Writings or Records, and Last Wills and Testaments.

Passed 17 Mar. 1713/14.
Bradford (1714) 70-73.

An Act for shortening of Law-Suits, and Regulating the Practice of the Law.

Be it Enacted by Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That every Person on whom a

Capias is served by the Sheriff, or other proper Officer, shall enter his Appearance at the Court to which the said *Capias* is Returnable, or give in special Bail to the Action, as the Law and the nature of the Cause requires, and in case such person does neglect or refuse to enter such Appearance, or give such special Bail, as aforesaid, the Bail Bond shall be assigned, unless the Court does think fit to allow a further time for the puting in of special Bail, which they may do at their Discretion; *Always Provided,* Such time shall not exceed the Term of Twenty Days in the Supream Court, and Ten Days in the Inferiour Courts.

And be it Enacted by the Authority aforesaid, That every Plantiff shall file his Declaration in the Clerks Office during the sitting of the Court to which such *Capias* is Returnable; or in case time is allowed by the Court at or before the Expiration of such time so allowed, and shall give Oyer of the Specialties or other Instruments mentioned in the said Declaration, together with Copies of the same, to the Defendant or his Attorney, or leave them in the Clerks Office, on penalty of being Non-suited, in case the Plantiff or his Attorney neglect to do the same.

And every Defendant shall file his Plea in the Clerks Office and give Oyer of such Instruments as are mentioned in the said Plea, together with Copies of the same, to the Plantiff or his Attorney, or to the Clerk of the Court in which the Declaration is filed, within such time as is hereafter directed, That is to say, To the Clerk of the Supream Court within Twenty Days after such Declaration is filed, and to the Clerk of any of the Inferiour Courts of Common Pleas, within Twenty Days after the Declaration is filed; and if the Defendant shall neglect or refuse to enter his said Plea within the times by this Act directed and appointed, that then and in such case, Judgment shall be entered against him for such his Default.

And if it so happen that Replications or Rejoynders are necessary to be made, such Replication shall be filed by the Plantiff in the Clerks Office of the Supream Court, within Twenty Days after the time appointed by this Act for filing the Plea, and in the Clerks Office of any of the Inferiour Courts of Common Pleas, within twenty Days after the time appointed by this Act for filing the said Pleas or be Non-suited: And the Rejoynder shall be filed by the Defendant in the Clerks Office of the Supream Court within Twenty Days after the time appointed by this Act for filing of the Replication; and in the Clerks Office of any of the Inferiour Courts of Common Pleas, within Twenty Days after the time appointed by this Act for filing the said Replication; and if the Defendant neglect or refuse to file such Rejoynder within the time prescribed by this Act, then Judgment shall be entered against the said Defendant so neglecting for such his Default: and where further Pleadings are not necessary, Issue shall be joyned, and the Case Tryed the next Court after that to which the *Capias* was returned; and where further Pleadings are necessary, the time of such Pleadings shall be appointed by the next Court following.

And be it further enacted by the Authority aforesaid, That the Plantiff shall come to Tryal the next Court after Issue joyned, or be Non-suited, unless the Court see cause to the contrary; and if the Defendant does not appear upon

the Tryal, the Plantiff shall Proceed in his Default.

Provided always, and it is hereby further enacted by the authority aforesaid, That in case of Non-suit, or Judgment by Default, no Execution shall Issue thereupon till after the next Court following such Non-suit or Judgment by Default.

And be it Enacted by the Authority aforesaid, That every Person desiring the same, shall be permitted and allowed to enter Appearance, and plead his own Cause or Causes himself, or by his Attorney, or by both, in any Court of Record within this Province.

And be it Enacted by the Authority aforesaid, That all Process shall be Sealed by the respective Clerk of each Court of Record within this Province, and that Writs of *Capias* shall be signed underneath on the right Hand by the Clerk, and on the left by the Plantiff or his Attorney, otherwise the Writ shall abate.

And be it Enacted by the Authority aforesaid, That every Attorney on filing a Declaration or Plea in any Cause shall enter his Warrant of Attorney, and leave a Copy thereof in the Clerks Office, under the Penalty of paying all the Costs, and the Action shall discontinue. And every Attorney having undertaken, or that shall undertake to Plead a Cause or Causes, shall manage the same, until it be fully Determined (unless discharged by his Imployer) under the Penalty of paying all the Cost and Damage that shall be sustained by his Imployer or Imployers, if the Cause shall happen to miscarry through his Default, to be recovered by such as shall be agrieved, from such Attorney or Attorneys, by Action of Debt in any Court of Record within this Province.

And be it Enacted by the Authority aforesaid, That when any Non-Resident of the County where the Action shall be brought shall take out a Writ of *Capias* against an Inhabitant, he shall give Bond unto the Defendant, with Security dwelling in the said County, in the Penalty of Ten Pounds, upon condition to pay the Costs, if cast, Non-suited, discontinue or with-draw his Suit without consent of the Defendant, which Bond shall be left with the Clerk of that Court in which the Action is Commenced. And when any Non-Resident of this province shall take out a Writ or *Capias* against any Person within this Province, he shall give Bond unto the Defendant, with Security, dwelling in the said Province, in the Penalty of Ten Pounds, upon condition to pay the Cost, if Cast, Non-suited, Discontinue or with-draw his Suit without the consent of the Defendant, which Bond shall be left with the Clerk of the Court in which the Action is Commenced. And any Clerk neglecting to take such Security, shall pay the Defendants Costs, to be recovered, as aforesaid. And in all Actions above the Value of Ten Pounds, the Defendant shall give Special Bail, if required, except in Actions of *Slander, Quare clausum fregit, Assault and Battery,* unless it be otherwise ordered by the Court.

And be it Enacted by the Authority aforesaid, That no Person or Persons whatsoever, after Publication hereof, shall commence, sue or prosecute any Suit or Action whatsoever in the Supream Court of Judicature of this Province, wherein the true and real cause of Action shall not exceed the Sum of Twenty Pounds of Money according to the Queens Proclamation, over and above all

the Cost and Charges of the Suit (Except where Titles of Land are any ways concerned) under the Penalty of paying to the Defendant all his Costs and Damages which shall accrue by such Prosecutions, to be recovered by Action of Debt in any of the Inferiour Courts of Common Pleas within this Province.

And be it further Enacted by the Authority aforesaid, That no Suit or Action whatsoever (except where Titles of Land are concerned) shall be removed from the Inferiour Courts of Common Pleas of any County within this Province, by *Habeas Corpus,* or any otherwise, unless by *Writ of Error* after Judgment given, except where the Sum or Value of the Suit or Action commenced, as aforesaid, shall exceed the Sum of Twenty Pounds, Money according to the Queens Proclamation. And if any Person or Persons shall remove any Action contrary to the true Intent and meaning of this Act, he, she or they so offending shall pay to the party or parties injured all the Cost and Damages sustained by such Removal, to be recovered as aforesaid, any Law, Custom or Usage to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That if any person or persons shall bring a *Writ of Error* upon a Judgment obtained in any of the Inferiour Courts of Common Pleas, Returnable to the Supream Court, such person or persons shall give Security, within Ten Days after the *Writ of Error* is brought, to prosecute his *Writ of Error* to Effect, and to pay double the Costs of the other party, if the Judgment given in the said inferiour Courts shall be affirmed.

Provided always, That no Execution shall Issue upon such Judgment of the Court of Common Pleas, after the Plantiff in Error hath given notice to the Defendant, by shewing him or his Attorney the said Writ, unless he shall neglect to give in Security as aforesaid.

And be it further Enacted by the authority aforesaid, That all Process, Pleadings, Entries and Proceedings Whatsoever, in all the Courts of Judicature within this Province, shall be in the *English Tongue.*

Passed 11 Mar. 1713/14.
Disallowed 20 Jan. 1721/22.
Bradford (1714) 73-76.

An Act for Settling the Bounds between the Counties of *Sommerset, Middlesex* and *Monmouth.*

Be it Enacted by the Governour, Council and General Assembly, and

by the Authority of the same, That the Boundary Line between *Sommerset* and *Middlesex* Counties shall be and begin where the Road Crosseth the River *Rariton* at *Inians's Ferry* and Runs from thence along the said Old Road by *Jedadiah Higgen's* House, leading towards the Falls of *Delaware,* so far as the *Eastern-Division* of this Province extends.

And be it Enacted by the Authority aforesaid, That the Boundary Line between *Middlesex* and *Monmouth County* shall be and begin at the Mouth of the Creek that parts the Land of *George Willocks* and the Land that was formerly Capt. *Andrew Bowns,* deceased; Thence along the said Capt. *Andrew Bowns* Line to the Rear of the said Land; Thence upon a direct Course to *Warnes* Bridge, on the Brook where *Thomas Smith* did formerly live; Thence upon a direct Course to the South-East Corner of *Barclays* Tract of Land, that lies near *Matchiponix;* Thence to the most Southermost part of said Tract of Land, including the whole Tract of Land in *Middlesex* County; Thence upon the direct Line to *Assanpinck* Bridge on the High Road, including *William Jonas, William Story, Thomas Ruckman* and *John Guyberson* in *Monmouth County;* Thence along the said Road to *Aaron Robbins* Land; Thence Westerly along the said *Aaron Robbins* and *James Lawrence* Line, to the Line of the *Eastern* and *Western Division* aforesaid, including the said *Robbins* and *Lawrence* in *Monmouth County.*

And be it Enacted by the authority aforesaid, That the Boundary Lines between the said Counties, settled by Act of General Assembly of this Province, past in *January* One Thousand Seven Hundred and Nine, so far, and no further, as the same is altered by this Act, shall be and is hereby Repealed to all Intents and Purposes.

Passed 15 Mar. 1713/14.
Bradford (1714) 76-77.

An Act to prevent the concealing of Stray Cattle or Horses.

Whereas Great and many Inconveniencies has happened to the Inhabitants of this Province by reason of Cattle and Horses straying from their owners to other Plantations or Towns, and no Law to enforce the Publishing of Cattle and Horses so straying; and in as much as Ill Minded Persons have and may conceal and convert such Cattle and Horses to their owne use,

Therefore be it Enacted by the Governour, Council and General Assembly,

and by the Authority of the same, That all Persons who have, or hereafter shall have, at any time between the sixteenth of *November,* and the first of *April,* any stray Cattle or Horses upon his or their Improv'd Land, shall give notice in Writing set up in the most publick Place of that Town or Precinct, of every such stray, with their Age, Colour, natural and Artificial Marks, as near as may be, within Ten Days after any such Cattle or Horses coming on his or their Improv'd Land; and for so doing, he or she shall be paid *Three Shillings* by the Owner of such Cattle or Horses; and in case of Refusal, to be Recovered by Action of Debt before any one Justice of Peace. And if an owner do not appear within Ten Days after such Publication, but afterward shall claim any such Cattle or Horse, he shall pay all reasonable Charges, and also the *Three-Shillings* for publishing as aforesaid.

And be it Enacted by the Authority aforesaid, That if any Person whatsoever, that has or hereafter shall have any Stray Cattle or Horse at or upon his or their Improv'd Land at any time between the sixteenth of *November* and the first of *April,* and shall not publish and give notice thereof, in Writing set up, as aforesaid, shall forfeit the Sum of *Twenty Shillings* to the Owner of every such stray, to be recovered by Action of Debt before any one Justice of the Peace of the County where such Strays are taken up, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Passed 15 Mar. 1713/14.
Bradford (1714) 77-78.

An Act for Acknowledging and Recording of Deeds and Conveyances of Land within each Respective County of this Province.

Whereas the Inhabitants of this Province are under great Inconveniences, and put to much trouble and Charges by reason there is no Records of Deeds and Evidences of Lands kept within the respective Counties thereof. For the Remedying of which,

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all Deeds, Conveyances and Evidences of Lands shall be acknowledged by the Grantor, or proved by one or more of the Witnesses, either before any Justices of the Supream Court, or one of her Majesties Council, or the Judge, or any two of the Justices of the

Inferiour Court of Common Pleas within their respective Counties, and indorsed on the said Deeds, before they shall be Recorded.

And it is hereby further Enacted by the authority aforesaid, That the Clerk of the Common Pleas, of each respective County within this Province, shall keep a Book or Books, wherein all Deeds, Conveyances and Evidences of Lands, lying within the same County, already made, or hereafter to be made, shall, or may be Recorded by him, he giving sufficient Security, in the Sum of five Hundred Pounds, lawful Money of the said Province, for the good and Faithful Discharge of the said Office, and that all Persons concerned may have recourse to the said Records, as they shall have occasion, paying the lawful Fees; the Records of which Deeds, Conveyances and Evidences, so acknowledged or proved, produced by the said Clerk in any Court shall be as good, vallid and effectual in the Law, to all intents, constructions and purposes whatsoever, as if the Original were then and there produced and proved in Court, any Law, Custom or Usage to the contrary notwithstanding.

Provided always, and it is hereby further Enacted, That neither this Act nor any Clause thereof shall be construed to debar the Secretary of this Province from Recording or Registring any Deeds or Evidences relating to Titles of Land in his said Office, the said Deeds and Evidences being first proved, as above directed; which Register or Record shall be admitted to be good and lawful Evidence in any Court within this Province, any thing in this Act to the Contrary notwithstanding.

And be it further Enacted by the authority aforesaid, That in the County where the Secretarys Office is, or shall be for the future, kept, Deeds and Evidences relating to Titles of Land, shall only be Recorded in the said Secretary's Office.

Passed 15 Mar. 1713/14.
Disallowed 20 Jan. 1721/22.
Bradford (1714) 78-79.

"As this Law was in full Force, and many Acts were done under it until the 20th Day of *January* 1721, when King George the first in Council disannulled it, obvious Reasons occur for publishing the Act; for, although it is not in present Use, the Security of a Title may depend on the *Acknowledgment, Probate,* or *Record* of a Deed under its former Influence." **Allinson, 33.**

An Act Encouraging the Killing of Wolves, Panthers and Red-Foxes.

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That the Justices of the Peace and Free-holders chosen Yearly in each Town and Precinct of every County, for raising Money for the Building and Repairing of Goals and Court Houses, shall also raise such Sum and Sums of Money as shall be found necessary for defraying the Charge of killing of Wolves, Panthers and Red-Foxes, yearly, and shall also nominate and appoint Assessors and Collectors to assess and collect the same.

And be it Enacted by the Authority aforesaid, That every person or Persons Who shall kill any Wolf, Panther or Red-Fox, and carry the Head of such Wolf, Panther or Red-Fox to any Justice of the Peace, such Justice of the Peace shall give him or them a Certificate (after he has cut off the Ears thereof) to the Collector who upon sight thereof shall pay to the Person bringing such Certificate, the Sum and Sums of Money hereafter expressed.

And be it Enacted by the Authority aforesaid, That every Person or Persons who shall kill any Wolf, Panther or Red-Fox, and procure a Certificate, as aforesaid, shall be paid by the respective Collector, for every Wolf or Panther, the Sum of fifteen Shillings, and for every Whelp of Wolf or Panther, which cannot prey, the Sum of four Shillings, and for every Red-Fox, Two Shillings.

And be it Enacted by the Authority aforesaid, That if any the Justices, Free-holders, Assessors, Collectors, or any others, shall refuse or Neglect to perform the Duty and Services required of them by this Act, such refusers or Neglecters for each fault shall Forfeit the Sum of Forty Shillings, to be Levyed on the Goods and Chattels of the Defaulters by the Constable having Warrant from any Justice of the Peace, one third part to the Informer, the other two thirds to be paid to the Collector, for and towards paying for killing of Wolves, Panthers and Red-Foxes, as aforesaid.

And be it enacted by the Authority aforesaid, That if any person or persons shall neglect or refuse to pay their Assessments to the Collector who shall be appointed by the said Justices and Free-holders, the same shall be Levyed by Warrant from any Justice of the Peace on the Goods and Chattels of such Delinquents, by the Constable, and immediately paid to the Collector. The Fees of the Assessors shall be *six Pence per Pound,* of the Justices and Free-holders, *Twelve Pence per Pound;* of the Collectors, *Twelve Pence per Pound,* and the Constable, *Twelve Pence* for each Distress. Provided, that all the Money mentioned in this Act be and is hereby declared to be according to the Queens Proclamation.

And be it Enacted by the Authority aforesaid, That all the Laws here-tofore made concerning Wolves be and is hereby Repealed.

Passed 17 Mar. 1713/14.
Bradford (1714) 79-80.

An Act for laying a Duty on Negro, Indian and Mullatto Slaves imported and brought into this Province.

Be it Enacted by the Governour, Council and General Assembly and it is hereby Enacted by the Authority of the same, That every Person or Persons that shall hereafter Import or bring in, or cause to be imported or brought into this Province, any Negro, Indian or Mullatto Slave or Slaves, every such Person or Persons so importing or bringing in, or causing to be imported or brought in, such Slave or Slaves shall enter with one of the Collectors of her Majesties Customs of this Province every such Slave or Slaves within Twenty Four Hours after such Slave or Slaves is so Imported, and pay the Sum of *Ten Pounds,* Money as appointed by her Majestys Proclamation, for each Slave so Imported, or give sufficient Security that the said Sum of *Ten Pounds,* Money aforesaid, shall be well and truly paid within three Months after such Slave or Slaves are so Imported to the Collector or his Deputy of the District into which such Slave or Slaves shall be Imported, for the use of her Majesty, her Heirs and Successors, towards the Support of the Government of this Province.

And be it Enacted by the Authority aforesaid, That if any person or persons shall neglect or refuse to enter with the Collector within twenty four hours, as aforesaid, and pay or secure to be paid for each Slave so imported the Sum of *Ten Pounds,* Money as aforesaid, within the space of three Months, as aforesaid, after the Importation of such Slave or Slaves, it shall and may be lawful for the Collector or his Deputy, or any other Person or Persons whatsoever, to take and apprehend the same Slave or Slaves so brought or Imported, and not entered according to the true intent and meaning of this Act, and deliver him, her or them to the Custody of the Sheriff of the County where they are apprehended, who shall bring him, her or them to the first Court of Record within the said County, which Court shall order the same to be sold by Publick Vendue to the highest Bidder, one Third part of which shall go to the Informer who shall prosecute the same to effect, the other two Thirds to her Majesty, her Heirs and Successors towards the Support of the Government of this Province, after paying the Charges of apprehending, keeping and Sale, such Sum of Money as shall be directed by the said Court.

Provided always, and be it further Enacted by the authority aforesaid,

That this Act, nor any thing therein contained, shall [not] be construed to debar any Master or Mistress of a Family, who shall come into and settle in this Province, to import along with them what number of Negro, Indian or Mullatto Slaves they shall think fit, for his or their own use and Service, and not for Sale, nor to debar any Traveller or Travellers to bring what number of such Slaves as they think fit, to attend his, her or their Persons, during their stay in this Province, or to carry through the same from any of the neighbouring Plantations.

And be it enacted by the authority aforesaid, That this Act shall be in full Force from and after the first Day of *June,* which shall be in the Year of our Lord One Thousand Seven Hundred and Sixteen, and no sooner, and from thence until the Full Term and Time of Seven years next ensuing, and no longer.

Provided always, That any person or Persons that shall bring into this Province, or cause to be brought in, any Negro or other Slave or Slaves, from and after the first Day of *June* next ensuing the publication hereof, and before the first Day of *June,* One Thousand Seven Hundred and Sixteen, and not directly from *Africa,* shall pay for each Slave so brought into this Province, the Sum of *Ten Pounds,* as aforesaid, excepting such as are excepted in this Act.

Provided always, and be it further Enacted, That this Act nor any thing therein contained, shall [not] be construed to debar any person or persons possessing a Tract or Tracts of Land or Plantation within this Province, and having Negro, Indian or Mullatto Slaves in any of the neighbouring Provinces, to import and remove into this Province all or any the said Negro, Indian or Mullato Slaves, for his or their own Use and Service, to Cultivate and Improve the said Tract or Tracts of Land and Plantation, and not for Sale, any thing to the Contrary notwithstanding.

Passed 11 Mar. 1713/14.
Bradford (1714) 81-82.

An Act that the Solemn Affirmation and Declaration of the People called Quakers, shall be accepted Instead of an Oath in the Usual Form, and for Qualifying and Enabling the said People to serve as Jurors and to Execute any Office or Place of Trust or Profit within this Province.

Whereas in the *Western-Division* of this Province the greatest part of the Inhabitants are of those People called *Quakers,* who are and were for some time past, not admitted to serve on Jurys, or to Exercise some of the Places of Trust or Profit therein, because they make a Religious Scruple of taking or giving an Oath in the usual Form, by reason of which the burden of serving on Jurys, and in other Places of Trust, has lain upon the smallest part of the Inhabitants, as well to the great hurt and damage of that small part of the said Inhabitants, as to the great Detriment and Inconveniency of the other more Numerous and Wealthy part of the said Inhabitants, called *Quakers,* who have evinced their Loyalty to her Majesty by their readiness to support her Government. And whereas her Majesty has been graciously pleased to direct, for the ease of the said People, called *Quakers,* That an Act be past by the General Assembly of this Province of *New-Jersey,* That the Solemn Affirmation and Declaration of the People called *Quakers,* shall be accepted instead of an Oath in the Usual Form; And has been further pleased to Direct, That they might be admitted into Places of Trust or Profit. To Remidy therefore the Inconveniencys before mentioned; and in Obedience to her Majestys Commands,

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That from and after the Publication hereof, all *Quakers,* or reputed *Quakers,* within her Majestys Province of *New-Jersey,* may take an Affirmation in these words following, *viz.*

I A.B. *Do Declare in the Presence of Almighty GOD the Witness of the Truth of what I say.*

Which Affirmation shall be admitted, allowed and taken instead of an Oath in the usual Form, and is hereby Enacted and Declared to be of the same Force and Effect, to all Intents, Constructions and Purposes in all Courts of Justice, and in other places where by Law an Oath is required within this Province of *New-Jersey.* And the said *Quakers,* or reputed *Quakers,* being lawfully summoned, and having taken the Affirmation aforesaid, may and shall be admitted to serve on all Inquests, Grand and Petty Jurys (except on Petty Jurys in Causes Criminal) any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

Be it futher Enacted by the Authority aforesaid, That all *Quakers* taking and signing the Declaration of Allegiance in the same Form which has been used by the said People in England, with a solemn Declaration for their true Discharge of their respective Trusts, as the case is, and as the nature of the Office may require, shall be, and are hereby declared to be capable (when Elected or Appointed) to serve in the General Assembly, or in any other Post, Place or Office of Trust or Profit within this Province.

And be it further Enacted by the Authority aforesaid, That if any Quaker or reputed Quakers taking the aforesaid Solemn Affirmation, and shall be Lawfully Convicted of having willfully, falsly and corruptly Affirmed and Declared any matter or thing, which, if the same had been in the usual Form of an Oath, would have amounted to willfull Perjury, he, she or they, so offending, shall incur the same Penalties and Punishments as, by the Laws, Persons Convict of willfull Perjury are appointed to suffer.

And be it further Enacted by the authority aforesaid, That this Act shall be and continue in force Eleven Years after Publication, and from thence to the end of next Sessions of Assembly, and no longer.

Passed 11 Mar. 1713/14.
Bradford (1714) 83-84.

An Act for Erecting the upper Parts of the Western-Division of New-Jersey, into a County.

Whereas the Inhabitants of the upper parts of the said *Western-Division,* have, by their Petition, set forth, That for many years last past their frequent attending the several Courts held in *Burlington* being at a very great distance from most of their Habitations, inconvenient and troublesome, as well as chargeable to the Inhabitants of the said Upper parts of the *Western-Division,* aforesaid, and to the great Detriment and Damage of the said Inhabitants. For the Removing of which Inconveniencys, and making of the said People more easie for the time to come, it is Humbly proposed, and prayed that it may be Enacted.

And be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all and singular the Lands, and upper parts of the said *Western-Division* of the Province of *New-Jersey,* lying northwards of or scituate above the Brook or Rivolet, commonly called *Assunpink,* be erected into a County, and it is hereby Erected into a County, Named and from henceforth to be called, *The County of Hunterdon;* and the said Brook or Rivolet, commonly known and called by the Name of *Assunpink,* shall be the Boundary Line between the County of *Burlington,* and the said County of *Hunterdon.*

And be it Enacted by the authority aforesaid, That the said County of *Hunterdon* shall have and enjoy all the Jurisdictions, Powers, Rights, Liberties, Priviledges and Immunities whatsoever, which any other County within the said Province of *New-Jersey* doth, may or ought of Right to Enjoy, excepting only the choice of Members, to Represent the said County of *Hunterdon,* in General Assembly, which liberty is hereby suspended until Her Majesties Pleasure be further known therein, or that it shall be otherwise ordered by Act of Assembly.

And be it further Enacted by the Authority Aforesaid, That until such

time that the said County of *Hunterdon* shall be allowed the Priviledge of chusing Representatives of their own to serve in General Assembly, it shall and may be lawful to and for the Free-holders of the said County (being qualified according to law) from time to time, as occasion shall be, to appear at *Burlington,* or else-where in the said County of *Burlington,* and there to vote and help to elect and chuse Representatives for the said County of *Burlington,* after the same manner as formerly, before the making of this Act, they were accustomed to do; and their said Votes shall be as good, and of the same validity and effect, as if the Persons so Voting were properly Free-holders of the said County of *Burlington,* any Law, Custom or Usage to the contrary thereof notwithstanding.

And be it Enacted by the authority aforesaid, That all Taxes and arrearages of such Taxes, that are already laid by Acts of General Assembly of this Province, which are already assessed or that are hereafter to be assessed, shall be assessed, collected and paid according to the Directions of the said Acts formerly past for that purpose, and that all Persons concerned therein shall be under the same Restrictions and Penalties as are exprest in the said Acts, to all Intents, Constructions and purposes, as if this Act had never been past.

Passed 11 Mar. 1713/14.
Bradford (1714) 84-85.

An Act for Reviving and Continuing the Courts of Sessions and Common Pleas in the County of *Cape-May,* with the Proceedings of the same.

Whereas the General Courts of Sessions of the Peace and Common Pleas in the County of *Cape-May,* have been kept by a late Ordinance, bearing date the fifth Day of *November, Anno Domini* One Thousand Seven Hundred and Eight, on these days following (*viz.*) on the fourth Tuesday in *March,* the first Tuesday in *July,* the first Tuesday in *October,* and the first Tuesday in *January.* And whereas by some Omission, the said Courts have not been duly holden according to said Ordinance. And whereas some Doubts may arise concerning the Discontinuance of Indictments, Actions, Suits and Process depending in the said Courts,

Therefore be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That Every Indictment, Suit, Action or Pro-

cess so Discontinued shall be, and is hereby Revived and Continued, and all and every Person and Persons obliged to make their Appearance at the said last Courts, which were not holden, shall make and enter their Appearance at the next Court of Quarter Sessions and Common Pleas respectively to be holden for the said County, after the Publication hereof, in such manner as they should have done if the said last Courts had been duly kept and holden, any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

Passed 15 Mar. 1713/14.
Bradford (1714) 86.

An Act Enforcing the Observation of the Ordinance for Establishing Fees within this Province.

Whereas his Excellency the Governour hath, by and with the advice and Assistance of her Majestys Council, established an Ordinance for Regulating of Fees in these words following, *viz. An Ordinance for Regulating and Establishing Fees within this her Majestys Province of* Nova Cesarea or New-Jersey. By his Excellency *Robert Hunter,* Esq; Captain General and Governour in Chief in and over the Provinces of *New-Jersey, New-York* and all the Territories and Tracts of Land depending thereon in *America,* and vice Admiral of the same, this tenth Day of *March* in the Thirteenth Year of the Reign of our soveraign Lady *Anne,* by the Grace of God of *Great Britain, France* and *Ireland,* Queen, Defender of the Faith, &c. *Annoq; Domini* One Thousand seven Hundred and Thirteen. His Excellency the Governour, by and with the advice and Assistance of Her Majestys Council for the said Province, and by virtue of the Power and Authority to him given by Her Majestys Letters Patents under the Great Seal of *Great Britain,* by and with the advice and assistance aforesaid, doth hereby Ordain and Declare, That from and after the Publication hereof no Officer or other Person or Persons whatsoever, for any Service or Services by him or them to be done and performed in their respective Office or Offices, or for and in respect of his or their said Office or Offices, for any Fee, Perquisite or other Benefit or Reward, shall exact, demand or ask any greater or other Fee or Fees, Sum or Sums of Money, for the discharge of his or their several and respective Duty or Dutys, in his or their respective Offices, other than what herein after is allowed and established for the same, *viz.*

The Governours Fees in Money according to her Majesties Proclamation.

Every Lisence for Marriage, *Ten Shillings.*

The Seal to every Letter of Administration, or Probate of a Will, *Nine Shillings.*

A Certificate or Register, that a Vessel was built and belongs to her Majesties Subjects, *Ten shillings.*

A Certificate under the Governours Hand and Seal to go beyond sea, *Ten Shillings.*

A Lisence to purchase Lands of the Indians, *Two Pounds ten Shillings.*

A Bill of Health, *Twelve Shillings.*

Fixing the Seal to a Patent for a Town-ship, *One Pound.*

The great Seal for a Confirmation or renewing a Patent, *Twelve Shillings.*

Every Writ of Error for removing a Cause before the Governour in Council, *Three Shillings.*

The first Rule in every Cause in Error, *Eight Shillings.*

Lisencing every Attorney, *One Pound.*

Justices Fees of the Supream Court.

All Civil Causes, to be paid on the first Rule, to the Judge that makes the Rule, *six Shillings.*

All Causes Criminal, *six Shillings.*

The allowance of every *Writ of Error, Certiorari, Habeas Corpus,* or any other Writ, *Three shillings.*

Taking every Affidavit, *One shilling.*

Every *Supersedeas, Six shillings.*

Taking the Acknowledgment of a Deed, *Three shillings.*

Taxing Costs, *Four shillings.*

Taking Bail on a *Writ of Error,* or any other Writ, *Three shillings.*

Attorney Generals Fees.

All Criminal Causes, &c, or Indictment found by the Grand Jury, *Fifteen shillings.*

All Informations preferred by Order of the Governour in Council, if convicted, *Fifteen shillings.*

All Capital Causes, *One Pound Ten shillings.*

Every *non vult ulterius prosequi,* &c. *Ten shillings.*

Secretarys Fees.

A Patent for a Town-ship, *Three Pounds.*

A Patent for Confirmation, wherein no new Grants are contained, *One Pound ten shillings.*

Every Petition to the Governour in Council, and Order, *Four shillings.*

Every Order in Council, and Copy, *two shillings.*

Every Certificate under the Governours Hand and Seal Counter-signed by the Secretary, *Three shillings.*

A Bill of Health, *Four shillings.*

Entring Deeds and other things on Record, the first Sheet containing twenty four Lines, and eight Words to a Line, *One shilling and nine Pence.*

Every sheet more, *One shilling.*

Every Copy of the same, & of all other Papers whatsoever, out of the Office, every sheet containing as aforesaid, *Seven Pence.*

Every Commission for a Place of Profit, *Nine shillings.*

Every Bond taken in the Office, *Two shillings and six pence.*

Fees of the Prerogative Office.

For Engrossing a Will and Probate, to be done in Parchment, for each sheet containing twenty four Lines, and eight Words to a Line, *One Shilling and Six Pence.*

Taking the Depositions to a Will, and Recording the Will, each sheet containing twenty four Lines, and eight Words to a Line, *One Shilling.*

Swearing or Attesting the Witnesses and Executor, for each, *Nine Pence.*

Drawing every *Fiat* or order for Administration, and for Swearing or Attesting the Administrator, *Three Shillings.*

Engrossing the Letters of Administration, each sheet containing Twenty four Lines, and eight Words to a Line, *One Shilling.*

Recording the same, per Sheet, *One Shilling.*

Drawing the Administration Bond, *Two Shillings and six Pence.*

Filing the original Will, *Nine Pence.*

Filing the *Fiat* of Administration, *Nine Pence.*

Recording an Inventory, *per* sheet to contain twenty four Lines, and eight Words to a Line, *One Shilling.*

Filing the Inventory, and swearing the Executor, *One Shilling* and *six Pence.*

Entring a *Caveat, One Shilling.*

Every *Quietus, Nine Pence.*

Recording the same, *Nine Pence.*

Auditing all Accompts of Administrators and Executors, *One Shilling.*

Drawing and setting up Notice, in order to their passing their Accompts, *One Shilling.*

Every Lisence of Marriage, *nine Shillings.*

Clerk of the Supream Court.

Sealing every *Capias* or any other Writ, *One Shilling.*

Filing every Indictment, *Six Pence.*

Entering every Action, *Nine Pence.*

Copying every Indictment, Declaration, Plea, &c. twenty four lines to a Sheet, and Eight words to a line, *Nine Pence.*

Every Copy of a Plea, Replication, or any other Process, *six Pence.*

Entring every Appearance of the Defendant, *six Pence.*

Taking and entring every Verdict, *six Pence.*

Entring every Judgment, *six Pence.*

Reading every Evidence, *six Pence.*
Every Rule of Court, *Nine Pence.* Copy thereof, *six Pence.*
Reading a Petition and Order thereon, *Nine Pence.*
Copy thereof, *six Pence.*
With-drawing an Action, Discontinuance or Entring a *non Prosequi, Nine Pence.*
For every Recognizance, *One Shilling.*
Searching the Records, *Nine Pence.*
Filing the Roll for every Action, *One shilling.*
Swearing every Jury and Constable, *Three Shillings.*
Discharging by Proclamation, *One shilling.*

Sheriffs Fees in all Courts.

Serving a Writ or *Capias,* taking into Custody, without any pretence of Riding, *Ten shillings.*
Returning the Writ, *Nine Pence.*
Taking a Prisoner into Custody by Order of the Court or Justice of the Peace, *Four Shillings.*
Discharging the same, *Nine Pence.*
Serving a *Venire Facias,* and Return, *Four shillings and six Pence.*
Serving every Execution under Fifty Pounds, *six Shillings.*
All above Fifty Pounds, *Three Pence per Pound.*
Every Writ of Possession and Return, *One Pound.*
Every *scire Facias* and Return, *Two shillings and six Pence.*
For taking every Bail Bond, *One shilling.*
Victualing every Prisoner, *per* Day *six Pence.*
Every Writ of Inquiry and Return, *Fifteen shillings.*

Justices Fees in or out of Sessions.

Every Warrant of appearance, *One shilling.*
Taking every Recognizance, *Eighteen Pence.*
A Lisence for Selling Drink, *Four Shillings and six Pence.*
The Justices Clerk, for a Bond for the same, *Eighteen Pence.*
A Pass, *Ten Pence.*
A *Mittimus, One shilling.*
Taking examinations, each Sheet containing twenty four Lines, and Eight words in a line, *One shilling.*
Every Oath or Attestation, *six Pence.*
Actions Tryed in the Sessions, each Action, *three Shillings.*

Judge and Justices Fees in the Court of Common Pleas.

Acknowledging every Deed, and endorsing the same, *Two Shillings.*
All Actions tryed, to the Bench, *Three Shillings.*
Any Action called, where there is a Rule made in the Cause, and not tryed, *Eighteen Pence.*
Taking special Bail, to the Judge, *Eighteen Pence.*

Settling and allowing every Bill of Costs, *One Shilling.*
Allowance of every Writ of Error, *One Shilling and Eight Pence.*

Actions of Forty Shillings or under.

A Summons, *Six Pence.*
A Warrant to take into Custody, *One Shilling.*
A Judgment, *Nine Pence.*
Administring every Oath, *Four Pence.*
A Summons for Evidence, *six Pence.*
Every Execution, *One Shilling.*
Every Evidence subpoena'd, and attending, *Two Shillings per Day,* and so in Proportion for a longer or shorter time.

Fees for the Clerk of Sessions and common Pleas.

Drawing a *Capias,* or any other Writ, *One Shilling.*
Sealing the same, *One Shilling.*
Entring every Action, *six Pence.*
Filing a Declaration, Plea, Rejoynder, &c. *six Pence.*
Copy of a Declaration, or any other Pleadings, for each sheet containing twenty four Lines, and eight Words to a Line, *Nine Pence.*
Every *venire facias, One shilling.*
Sealing every Subpoena, each Writ not exceeding four Names, *Nine Pence.*
Entring the Defendants appearance, *six Pence.*
Entring Plea, *non vult, six Pence.*
Entring every Verdict, *six Pence.*
Entring every Judgment, *One Shilling.*
Entring every Rule or Order of Court, *six Pence.*
Reading every Petition and order thereon, *Nine Pence.*
Entring every *non pros. Retraxit,* Discontinuance, &c. *six Pence.*
Calling and swearing the Jury and Constable, *One Shilling and six Pence.*
Every Evidence sworn or attested, *Four Pence.*
Entring every allowance of *Habeas Corpus, Writ of Error,* &c. *One Shilling.*
Every Recognizance taken in Court, *One Shilling.*
Copy of every Rule of Court, *six Pence.*
Recording every Deed for the first sheet containing tweny four Lines, and eight Words to a Line, *One Shilling and Nine Pence.*
Every sheet more, *nine Pence.*
Copy of the same, each sheet, *Seven Pence.*
Searching the Records, *nine Pence.*
Recording Ear Marks, *six Pence.*
Discharging by Proclamation, *One Shilling.*

Jury Fees.

In all causes tryed, *Twelve Shillings.*
For a Writ of Enquiry. *Twelve Pence per Man.*

Jurys Fees in every cause, when the Jury is summoned and the cause not tryed, half Fees, *six Shillings.*

Cryers Fees.

Calling every Action, every Term not exceeding three Terms, *Eight Pence.*
Calling the Jury in each cause, *Eight Pence.*
Calling every Evidence, *Three Pence.*
Every one discharged by Proclamation, *six Pence.*

Coroners Fees.

Viewing a Dead Body, *Twelve Shillings.*
A Warrant to summon the Inquest, *Two Shillings.*
Swearing or attesting the Jury, *Two Shillings.*
Swearing or attesting every Witness, *Four Pence.*
Drawing and Returning the Inquisition, *six Shillings.*
Executing every Process, *Ten shillings.*
Returning every Writ, *nine Pence.*
Serving every *Venire* and Return, *Four shillings and six Pence.*
Every man on the Inquest, *One shilling.*
Taking every Bail Bond, *One shilling.*

Practitioners of the Law.

Making out every Process, Writ or *Capias, two shillings and six pence.*
Drawing every Declaration, *Five shillings.*
Every Copy of a Declaration served on a Person committed for want of Bail, or in Ejectment, *two shillings.*
Drawing every Affidavit, *One Shilling.*
Every Common Plea, Replication or Rejoynder, &c. *one Shilling.*
Every Term Fee, *Six Shillings.*
Drawing every Special Plea, Replication, Rejoynder, &c. twenty four Lines to a Sheet, and eight words to a Line, *Eighteen Pence* for each sheet.
Entring Declaration, Plea, &c. on the Roll, *per sheet,* as abovesaid, *Eighteen pence.*
Every Warrant of Attorney, *nine pence.*
Drawing every *Breviate, three Shillings.*
Every Continuance of the Cause after Issue, *One Shilling.*
Drawing up the Judgment, and Entring the same on the Roll, *Five Shillings.*
Every special Motion, allowed to be a motion in *Westminster Hall, six Shillings.*
Arguing a Demurrer or special Verdict, *fourteen Shillings.*
Fee upon every Tryal, *Fourteen shillings.*
Copy and Service of every Rule of Court, *Two shillings* and *six pence.*
Drawing every Bail piece, and attending the Judge, *Three shillings and six pence.*
Every Ticket for a Subpoena, *six pence.*

Constables Fees.

Serving every Warrant or Summons, *one shilling.*
Serving every Execution, *Eighteen pence.*

Serjeant at Arms.

Serving every Order, *seven shillings.*
Travelling charges *per Mile, six pence.*
Taking every Person committed into Custody *two shilling and six pence.*
Every Days Attendance on any person after Committment, *two shillings.*

Fees due on the Removal of any Cause out of the Supream Court to the Governour in Council.

To the Chief Justice or second Judge for making the Return, sealing the same, and attending with the Record and transcript and examining the same in Council, and returning the Record into the Supream Court, *three Pounds.*

To the Clerk of the Council.

Making out the *Fiat* for the great Seal, to be affixed to every Writ of Error, filing the same, Sealing the Writ, and finding Wax and Parchment, *three shillings and six pence.*

Entring the Cause on the Council Book, and making out the Docquet for the Governour, *nine pence.*

Transcribing the Record in Parchment, twenty four Lines a Sheet, and Eight Words to a Line, *one shilling* and *six pence.*

Examining the Record in Council, *one shilling.*

Entering the Plantiff and Defendants appearance, *nine pence.*

Every Rule made in the Cause, and Copy, *two shillings.*

Entring Judgment on the Minutes, and Copy, *Two Shillings.*

Entring every *non prosequi, Discontinuance,* &c. *two shillings.*

Filing the Errors, and all other Pleadings or Writs of Error, each *nine pence.*

All other Writs, the same Fees as on a Writ of Error.

Making out Paper Books for the Governour, and the Gentlemen of the Council, each sheet containing twenty four Lines, and eight words to a line, *one shilling.*

The Practitioners of the Laws Fees to be the same as in the Supream Court.

To the Clerk of the Council for Reading every private Bill, each time, *Three shillings.*

Attending the Committee each time, *Three Shillings.*

Engrossing the Bill in Parchment, and affixing the Seal, per Sheet, *Three shillings.*

To the Speaker.

For every Private Bill, *One Pound.*

To the Clerk of the Assembly.

Reading the Petition, and entring the Order or Answer thereof in the Minutes, each time, *one shilling.*

Copy of each Order, *six pence.*

Reading a private Bill, each time, *one shilling.*

Engrossing every Bill in Parchment, *per* sheet, twenty four Lines to a sheet, and Eight Words to a line, *one shilling and six pence.*

The Door-Keeper.

Every Private Petition, *one shilling.*

Tending the House *per Diem, two shillings and six pence.*

For the Collectors of the Customs.

Entring every Ship or other Vessel of Sixty Tuns and upwards, inwards and outwards, *one shilling* and *six pence.*

Lisence to load or unload, *one shilling* and *six pence.*

A Bill of store, *eighteen pence.*

A Certificate of Goods Landing, where Bond is given abroad, *eighteen pence.*

For a Clearing, *six shillings.*

Entring all Vessels under Sixty Tuns, for entring in or out, *nine pence.*

Lisence to load or unload, *Four pence half penny.*

A Bill of store, *nine pence.*

A Certificate, *nine pence.*

Clearing in or out, *two shillings.*

A Cocket after clearing, *one shilling* and a *penny half penny.*

The sight of every Certificate and Bond given, and entring them in the Queens Books, *Nine pence.*

Cancelling a Bond, filing a Certificate, and making it returned in the Queens Books, *nine Pence.*

Registring a Vessel, *six shillings.*

Endorsing the Register, *nine pence.*

Every Bond for Ennumerated Goods, *One shilling* and *six Pence.*

And it is hereby further ordained and Declared by the authority aforesaid, That all and every Officer and Officers, Person and Persons whatsoever that shall at any time hereafter exact, demand or ask any greater or other Fee or Fees for or in respect of any of the Services herein before mentioned, other than such which herein now are, or which at any time hereafter shall by the Authority aforesaid be established and allowed for them, shall be deprived of his or their said Office or Offices, and be liable to such other Fines and Penalties as the utmost Rigour of the Law can inflict.

And it is further Ordained and declared by the Authority aforesaid, That the said Chief Justice and Judges of the Supream Court of this Province, all Justices of the several Courts of Sessions of the Peace, and all Judges of the Inferiour Courts of Common Pleas within the several Counties of this Province,

do tax and allow all Bills of Costs accruing within their several Courts, for Services hereafter to be done, according to the Table of Fees herein before established, and not otherwise, as they will answer the same at their Peril, any Law, usage or Custom in their respective Courts, for Services hereafter to be done, according to the Table of Fees herein before established, and not otherwise, as they will answer the same at their Peril, any Law, Usage or Custom in their respective Courts to the Contrary thereof in any wise Notwithstanding. Given by his Excellency *Robert Hunter,* Esq; Captain General and Governour in Chief in and over the Province of *Nova Cesarea* or *New-Jersey, New-York,* and all the Territories and Tracts of Land depending thereon in America, and vice Admiral of the same, in Council, at the Town of *Burlington* in the said Province, this tenth Day of *March, Anno Domini* One Thousand Seven Hundred and Thirteen, and in the thirteenth Year of her Majestys Reign.

For the better enforcing the Observation of the above recited Ordinance,

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all and every Practiser of the Law, who shall Refuse to serve for or upon account of the Fees mentioned in this Ordinance and Act, shall be and are hereby declared uncapable of practising the Law in any Court of Judicature within this Province.

And be it further Enacted by the authority aforesaid, That all Contracts, Promises and Agreements made contrary to the true intent and meaning of this Ordinance and Act, and all Security thereupon given, shall be Null, void and of none effect.

And be it enacted by the authority aforesaid, That if any Attorneys, or other Person, shall at any time split or divide Causes, and bring several Actions where one might have been sufficient, that then no more Fees be allowed in the said several Causes than ought to have been allowed if one Action only had been brought for the same.

And be it enacted by the authority aforesaid, That if any Practitioner of the Law shall take or exact any more or greater Fees than is limited in this Ordinance and Act, shall forfeit the Sum of *Fifty Pounds,* Money according to Her Majestys Proclamation, and forever be Debarred from Practising in any Court within this Colony, one half of which Forfeiture to Her Majesty, Her Heirs and Successors, towards Support of the Government of this Province, the other half to any Person or Persons that shall sue for the same in any Court of Record within this Colony.

And be it enacted by the Authority aforesaid, That if any Person or Persons Whatsoever shall exact or take any greater Fees of Person or Persons for his or their service, in the Execution of his or their Office respectively, than is ascertained in this Ordinance and Act, for any of the Services mentioned in the said Ordinance and Act, all or any such Person or Persons so offending shall for every such offence forfeit *Fifty Pounds* Money aforesaid, to be recovered and applyed as aforesaid.

Passed 17 Mar. 1713/14.
Disallowed 20 Jan. 1721/22.
Bradford (1714) 86-97; Bradford (1717) 47-55. 89-92 of Bradford (1714) not found.

An Act to Naturalize *Peter Bard,* native of *France.*

Passed 11 Mar. 1713/14.
Bradford (1717) 59, title only. Text not found.

An Act to enable the Executors of *Miles Forster,* late of *Perth-Amboy* in the County of *Middlesex,* Merchant, deceased, to sell Lands to pay Debts and Legacys, according to the last Will and Testament of the said deceased.

An Act to enable *Sarah Edwards* Sole Executrix and late widdow of *Robert Edwards,* deceased, by and with the consent of *William Cuttler,* her present Husband, to make a good and lawful Conveyance of a Tract of Land sold by the said *Robert Edwards* in his Life time to one *Tunis Titus,* by Articles of Agreement, and to receive the Remainder of the Money due for the said Land, according to the last Will and Testament of the said *Robert Edwards,* deceased.

An Act for enabling the Owners of the Meadows adjoyning to the Lands of *Sarah Mickle, John Dole, John*

Kaighn, Tibias Griscomb, &c. adjacent to *Delaware River* in the Township of *Newtown* and County of *Gloucester,* to stop the Tide from overflowing them.

An Act to enable the Owners of the Meadows and Marshes belonging to the Town of *Salem,* to keep out the Tides from overflowing the same.

Passed 15 Mar. 1713/14.
Bradford (1717) 59, titles only. Texts not found.

An Act to Naturalize *Stephen Chalmas* and *Peter Remuer,* Natives of *France.*

An Act to enable *Thomas Lambert* (one of the Principal Creditors of *John Easton*), late of *Nottingham* in the County of *Burlington,* deceased, and Administrator of the Goods, Rights and Credits of the Estate or Estates of Inheritance within the County of *Burlington* and the County of *Salem* in the Province of *Nova Ceasaria,* for and towards the payment of his just Debts.

An Act to enable certain Trustees to Sell and Dispose of a small Estate of Inheritance in the County of *Burlington.*

An Act for Confirmation of a Patent granted by his Excellencys *Robert Hunter,* Esq; Capt. General and Governour in Chief of *New-Jersey,* and *New-York,* and all

the Territories and Tracts of Land depending thereon in *America,* and Vice-Admiral of the same.

An Act to enable the Owners of the Meadows and Marshes adjoyning to and on both sides of *Maneton Creek,* to stop out the Tide from overflowing them.

Passed 17 Mar. 1713/14.
Bradford (1717) 59, titles only. Texts not found.

An Act for confirming of a Patent for the Township of Bergen.

Passed 17 Mar. 1713/14.
Allinson, 35, title only. Text not found.

Laws Enacted

During the Reign of King George I

1714-1727

BY THE SEVENTH AND EIGHTH
GENERAL ASSEMBLIES OF NEW JERSEY

Seventh Assembly, First Session

First Sitting

21 May - 1 June 1716

Perth Amboy

An Act to enforce the Payment of all Publick Taxes.

Passed 1 June 1716.
Allinson, 35, title only. Text not found. No evidence that a session law was published.

Seventh Assembly, First Session

Second Sitting

27 Nov. 1716 - 26 Jan. 1716/17

Crosswicks[1]

An Act to Naturalize *Jacob Arents* and his three Children, to wit, *Nicholas Arents, Mary Arents* and *Margaret Arents.*

Whereas *Jacob Arents* and his three Children, to wit, *Nicholas Arents, Mary Arents,* and *Maragaret Arents* were born under the Allegiance of the Emperor of *Germany,* and being of the *Protestant Religion,* have Transported themselves and Effects unto his Majestys Colony or Plantation of *Nova Caesaria* or *New-Jersey* in *America;* and duly considering the happy Constitution of this Province, being govern'd as near as may be to the Laws of *England;* and the said *Jacob Arents* and his three Children, *Nicholas Arents, Mary Arents,* and *Margaret Arents* being desirous to be made partakers of those Advantages and Priviledges which the natural born Subjects thereof do enjoy, the said *Jacob* has prayed leave by his humble Petition, to bring in a Bill to this Assembly, for Naturalizing himself and his three Children. And whereas the Increase of People is the means of advancing the Wealth and strength of any Government, and the encouragement hereby given to the said *Jacob Arents* and his three Children, *Nicholas Arents, Mary Arents* and *Margaret Arents* may induce others to transport themselves and Estates into this Colony, *Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same,* That the said *Jacob Arents* and his three Children, *Nicholas Arents, Mary Arents* and *Margaret Arents* be made, and are hereby, they and each of them declared to be his Majesties Natural born Subjects; and for all times hereafter shall be deemed, adjudged and taken to be his Majesties Natural born Subjects of this Province, to all intents, constructions and purposes whatsoever, as fully and amply as if they had been born, or were born within this Province of *New-Jersey;* and that the said *Jacob Arents* and his three Children, *Nicholas Arents, Mary Arents* and *Margaret Arents* may take, receive, enjoy and be entituled to all the Rights, Priviledges and Advantages of natural born Subjects, as fully to all intents, constructions and purposes whatsoever, as any of his Majesties Natural born Subjects of this Colony, can, do or ought to enjoy, by virtue of their being his Majesties natural born Subjects of this Province.

Passed 26 Jan. 1716/17.

Bradford (1717) 60.

1. Crosswicks, a village on the northern border of Burlington County, was settled by Quakers in 1681. The assembly met there in the winter of 1716-1717, when a smallpox epidemic struck at Burlington. The village is a part of Chesterfield Township; records of the day used both names interchangeably.

An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province.

To the end that the Publick and necessary Charge in each County within this Province may be duly Defrayed, *Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That the Freeholders and Inhabitants, House-holders of every Town, Division, Precint and District within the several Counties of this Province, shall meet together on the Second Tuesday in *March,* yearly and every Year, and by Plurality of Voices Chuse one Assessor and one Collector for each Town, Division, Precinct or District within this Province, to be Assessor and Collector for the Town, Division, Precinct or District for which they are chosen for the ensuing year, which said Assessors and Collectors shall within Ten Days, after chosen, repair to some Justice of the Peace within the County, and take an Oath, or Attestation, if *Quakers,* for the True performing of their Office. And if it should happen that the Freeholders of any Town, Division, Precinct or District within any of the Counties of this Province should neglect or refuse to meet and chuse one Assessor and one Collector, according to the Intention of this Act, then the Constable or Constables of the Town, Division, Precinct or District so neglecting or refusing shall give notice to the Justices of the Peace of the said Counties, or any three of them, one whereof to be of the *Quorum,* who shall and may and they are hereby Required and Commanded forth-with to nominate and appoint one Assessor and one Collector for the said Town, Division, Precinct or District so neglecting or refusing; which Assessor and Collector so chosen and appointed shall be under the same Regulations and subject to the same Penalties as the Assessors and Collectors, chosen, as aforesaid, are subject to.

And be it further Enacted by the Authority aforesaid, That when a Provincial Tax shall be raised by Act of Assembly of this Province, That every Assessor, chosen as aforesaid, shall go to all the Inhabitants in the Town, Division, Precinct or District for which he is chosen severally and respectively, and take an exact Account of what every Person is possessed of that is Rateable, and shall meet together in the most convenient Place in the several Counties, and assess the Inhabitants Equally, according to the Rateable Estates they hold, to make up the Quota appointed to be raised on every County, severally, by Act of Assembly, within the Time or Times limited by the said Act. And when the Inhabitants are so assessed, the Assessor of every Town, Division, Precinct or District shall make a List of every Persons Tax as Rated, and deliver one to the Collector of the County appointed by Act of General Assembly and one to the Collector of each Town, Division, Precinct or District, which said Collector shall gather in the said Tax and pay it to the Collector of each respective County appointed by Act of Assembly, at such Days and Times as the said Act appoints; which said Collector is also hereby Required to pay the same at

such Days and Times and to such Persons and Uses as is and shall be appointed by Act of General Assembly of this Province. Which said Assessors shall have for their Trouble for assessing the same, *Nine Pence per Pound,* and the Collector for Collecting, gathering and paying to the Collector of the County to be appointed by Act of Assembly, *Six Pence per Pound,* and the Collector of the County for Receiving and paying the same, *Six Pence per Pound.* And if any Person or Persons shall neglect to give an Account, or conceal any of his Rateable Estate from the Assessor, he or they shall forfeit *Two Shillings per Pound* for every such Neglect or Concealment, To be Recovered by any Person who will sue for the same by Action of Debt before any one Justice of the Peace within the County where such Concealment is made, one half to his own use, the other half towards the Support of the Government. And if any Person or Persons shall refuse or neglect to pay his Tax to the Collector or Collectors when demanded, the Collector or Collectors shall make out a List of the Names and Sir-Names of such Delinquents, with what Sums he, she or they are to pay, and make Return thereof to any one Justice of the Peace in said County, who is hereby Impowered and Required to make out his Warrant to the Constable of such Town or Precinct, to make Distress on the Offenders Goods and Chattles, and make Sale of the same at a publick vendue, in any Town or County within the said Province, and pay the Tax or Taxes for which such distress or Distresses is or are made, unto the Collector or Collectors of such Town, Division or Precinct, and after payment made, deducting *One Shilling* for the Warrant, to be paid the Justice of the Peace that makes out the same, if but one Person be named in the Warrant, but if more, *Three Pence* for every other Name mentioned in the said Warrant; and *Eighteen Pence* to the Constable for each Distress, the overplus to be Returned to the Owner, if any be. And where Goods and Chattles cannot be found, the Constable or Constables of such Towns or Precincts are hereby Impowered and Required to take the Body or Bodies of him or them, if to be found in said County, and deliver them to the Sheriff of such County or Counties, who is hereby Impowered and Required to receive and keep them in safe Custody until payment be made and all Charges accrewed thereby defrayed. And if any of the Assessors or Collectors chosen as aforesaid, or Justices, refuse or neglect to perform their services Required by this Act, he or they shall Forfeit the Sum of *Forty Shillings* for each Offence, to be Recovered by any Person who will sue for the same by Action of Debt before any three Justices of the Peace of the said County (*Quorum unus*) one half thereof to his own use, the other half to be applyed towards support of the Government.

And be it further Enacted by the Authority aforesaid, That if any of the Assessors or Collectors chosen as aforesaid happen to dye, remove or refuse to serve, any two Justices of the Peace of said County, one of which being of the *Quorum* are hereby Impowered and Required to appoint others in the Room and Place of them so deceased, removed or refusing, and for their Services shall have the same Fees before allowed by this Act, and upon Refusal or neglect shall Forfeit the Penalties before mentioned in this Act.

And be it further Enacted by the Authority aforesaid, That if any Person or

Persons find or think themselves Wronged by being over assessed, such Person or Persons shall or may make his or their Appeal to the next Court of Quarter-Sessions held in that County; or in case the said Tax be appointed to be paid before the Court of Quarter-Sessions, any Three Justices in the said County, one of which being of the *Quorum;* which said Court of Quarter-Sessions or three Justices aforesaid are hereby Impowered and Required to make such abatement of said Tax as they find to be Equal. And if it be made to appear before such Court of Justices, that any of the Inhabitants be not assessed so high as their Rateable Estate will amount unto, They are hereby Authorized, Impowered and Required to add to the said Tax so much as will make it Equal.

And be it Enacted by the Authority aforesaid, That when a Tax is found necessary to be Raised within any of the Counties within this Province, for Defraying the Publick and necessary Charge of said County, That it shall be assessed and Collected in manner as is before mentioned in this Act and be Paid to the Collector of each County, to be applyed to such services as shall be appointed by the Justices of each County, with the Freeholders chosen by the Inhabitants, according to the Directions of an Act of Assembly of this Province, Entituled, *An Act for Raising of Money for building and Repairing Goals and Court-houses,* &c.

And be it further Enacted by the Authority aforesaid, That the Collector of each County within this Province, appointed or to be appointed by Act of General Assembly, shall keep a fair Account of what Money he shall receive from the several Collectors of the Towns, Divisions, Precincts or Districts within the said County, and shall deliver the said Accounts, with an Account of what Deficiencies are in each Town, Division, District or Precinct, the Quotas of the County in general, and of each Town, Division, District or Precinct in particular, to the Treasurer or Receiver General, for the Time being, for all Money Raised towards support of the Government, and for what Money he shall receive for the Use of the said County, before the Court of Quarter-Sessions once in every Year; and if said Collectors have any publick Money remaining in his or their Hands, over and above the Quota appointed to be paid by said County, it shall Remain in the Hands of the said Collector, to be Imployed to the publick use of said County.

Passed 26 Jan. 1716/17.
Bradford (1717) 61-63.

An Act for laying an Excise on all Strong Liquors Retailed within this Colony of *New-Jersey*.

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same. That there shall be given and granted to his Majesty, his Heirs and Successors, an Excise on all strong Liquors, to wit, for all Rum, Brandy, Wine, and other Spirits, Retailed, or to be Retailed, under the Quantity of Two Gallons, throughout this Province, *Twelve Pence per Gallon,* Proclamation Money, and the Sum of *Four Shillings and six Pence,* Money aforesaid, for every Barrel of Syder so Retailed, by Land or Water, under the Quantity of Five Gallons; And for every Barrel of Beer, Retailed as aforesaid, *Two Shillings,* Money aforesaid; And for every Gallon of Syder-Royal and Metheglin, *Six Pence per Gallon,* Money aforesaid. Which Excise shall be paid yearly, and every year, from the first Day of *March* next, to the first Day of *March* in the Year of our Lord One Thousand Seven Hundred and Twenty One, as herein after mentioned, for and towards the Support of the Government of this Province, to be disposed of as shall be appointed by the Governour, Council and General Assembly.

To the end therefore that the said Duty of Excise may be orderly Collected and managed to the best Advantage, for and towards the Uses aforesaid, *Be it Enacted by the Authority aforesaid,* That the aforesaid Duty of Excise, hereby given and granted to his Majesty, shall be Farmed Out, and the said Duty of Excise is hereby Hired and to Farm-Letten to *David Lyell* and *William Bradford,* Esqrs. Their Heirs, Executors, Administrators or Assigns, for and during the full Term of Five Years, from the aforesaid First Day of *March* next ensuing, To the first Day of *March,* which shall be in the Year of our Lord 1721. To have and to hold to them the said *David Lyell* and *William Bradford,* their Executors, Administrators or Assigns, or the Survivors of them, the said *David Lyell* and *William Bradford,* or either of them, the said Duty of Excise, and all the Fines, Forfeitures, Profits, Benefits and Advantages arising thereon, for and during the aforesaid Term of Five Years, They the said *David Lyell* and *William Bradford,* or either of them, their, or either of their Heirs, Executors, Administrators or Assigns, *Yielding* and *Paying* to his Majesty, his Heirs and Successors, the Sum of Three Hundred Pounds, Proclamation Money, on the Twenty Fifth Day of *March,* yearly and every year, for and during the said Term of Five Years, they also giving sufficient Sureties, living and having Estates within this Province, either by Bond or Recognizance to his Majesty, his Heirs and Successors, to be approved of by his Excellency the Governour, for the due and true Payment of the said Sum of Three Hundred Pounds, Money aforesaid, yearly and every year, to the Receiver General of this Province, who is hereby Required to Receive the same, for the use of his Majesty, his Heirs and Successors, to be disposed of as before directed.

And be it further Enacted by the Authority aforesaid, That in order to Enable the said Farmers of the aforesaid Duty of Excise, their or either of their Heirs, Executors and Administrators or Assigns, to Collect the said Duty, it

shall and may be Lawful for the said Farmers, or either of them, or their Deputies, to enter into all, any or every Retailer or Retailers of strong Liquors aforesaid, their Houses, Ware-houses, Cellars, or any other place, to Gauge and take an Account of all such strong Liquors aforesaid, from time to Time, for and during the aforesaid Term of Five Years, from the aforesaid first Day of *March,* and when such account of the Quantity of the aforesaid strong Liquors is so taken by said Farmers, or either of them, the said Retailer or Retailers of such Liquors shall and are hereby Required to enter into Bond, with sufficient Sureties, to pay said Farmers, or either of them, the said Duty of Excise, given and granted by this Act, within the Term of Three Months from the Day of the Date of such Bond. And if such Retailer or Retailers shall deny, delay or Refuse to enter into or give such Bond, or pay the said Duty, it shall and may be Lawful for the said Farmers, their or either of their Executors, Administrators or Assigns, to seize all such Liquors and condemn the same before any three of his Majesties Justices of the peace (one whereof to be of the *Quorum*) who are hereby Required, Authorized and Impowered to Hear, Try and Finally to Determine the same.

And be it further Enacted by the Authority aforesaid, That all such Retailers of strong Liquors within this Province shall, upon all and every of their Receipts of all such strong Liquors before expressed and Exciseable, come to the said Farmer or Farmers of the said Excise, or such as they shall appoint under their Hands and Seals in each and every County of this Province, and there Enter the Quantity and Quality of all such Liquors as they shall then receive into their Houses, Ware-houses, Cellars, or other Places, without paying any Fee for Entering the same, the Time when Received and by what Conveyance it came, and of whom brought [*sic*] and Purchased, and on Default thereof, all such Liquors as shall be found in any Retailers House, Warehouse, or other Place, he, she or they so offending shall Forfeit all such Liquors and three Times the value thereof, to be Recovered before any Two Justices of the Peace of the County (one whereof to be of the *Quorum*) where said Offence is committed, who are hereby Required and Impowered, summarily, to Hear, Try and Determine, and to issue forth their Warrent for seizing all such Liquors so Forfeited, as aforesaid, and for Committing to the Sheriff of the said County where the said Offence is Committed, all such Retailers of Liquors who have not Entered and Paid, or secured to be paid, the Duties of Excise aforesaid, and shall be so Convicted thereof, there to Remain without Bail or Mainprize until he, she or they shall satisfie and make payment of Three Times the value of such Liquors seized and Forfeited, as aforesaid; which Sheriff is hereby Authorized, Required and Commanded to receive the Body or Bodies of such Retailer or Retailers, and him or them to commit to the common Goal of the said County; and if the said Sheriff shall either willfully or negligently suffer the said Person or Persons so committed to him to escape out of the said Goal, he shall be liable to an Action in the same manner as if the said Person or Persons had been committed to him in Execution, by Process out of any Court of Record within [this] Province.

And be it further Enacted, That if any such Retailer of any the aforesaid

strong Liquors shall deny, delay or refuse to let the said Farmers, or either of them, or their Deputies to have free Recourse into his, her or their House, Out-House, Cellar, or other Place, to Gauge and take an Account of all Liquors Exciseable by this Act that are found in their said Houses, Out-Houses or Cellars, or other Place, and thereof be Convicted, he, she or they so offending shall Forfeit the Sum of *Ten Pounds* for each and every such Refusal, To be Recovered by Action of Debt before any Court of Record in this Province, wherein there shall be no Essoyn, Protection or Wager of Law, or any more than one Imparlance.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within this Province shall presume to dispose of any strong Liquors made Exciseable by this Act, under the notion of Selling, or taking Money or other effects, for Pipes, Tobacco, or any other thing whatsoever, whereby to evade the paying the said Duty of Excise intended by this Act, he, she or they shall for every such Offence Forfeit the Sum of *Five Pounds,* to be Recovered by Action of Debt in manner and form aforesaid.

And be it further Enacted by the Authority aforesaid, That the said Farmer or Farmers of the said Excise, their Heirs, Executors, Administrators or Assigns shall be and are hereby Required, obliged and Commanded, at the Expiration of the said Term of Five Years, to give the Governour, Council and General Assembly, for the Time being, a just and true Account, upon Oath, of all such Sum or Sums of Money he or they shall have annually Received for the said Excise, and from whom they have received the same in each and every County within this Province.

And to prevent the Taking, Exacting or Receiving of Exorbitant Prices for Provisions or Liquors by any publick House-keepers or Retailers of Liquors within this Colony, or selling by less Measures than Ale and Wine Measures, as appointed by the Laws of *Great Britain.*

Be it Enacted by the Authority aforesaid, That the Justices of the Peace in the Quarter-Sessions held in each respective County in this Colony are hereby Authorized and directed, and impowered and commanded to fix the Prices of all strong Liquors Exciseable by this Act, and of all Provisions and Accomodations for Man and Horse, and shall publish the same at the Court of Quarter-Sessions; and every publick House-keeper or Person Lisenced to Retail strong Liquors, Exciseable by this Act, are hereby Required and Commanded to procure a Copy of the Rates of Provisions or Liquors so settled by the Justices in the respective Courts of Quarter-Sessions, signed by the Clerk of the Peace of the respective Courts of Quarter-Sessions, and shall affix the same in some publick Place in his, her or their Houses, that all Persons concerned may see the same; and shall not presume to ask, demand or receive any more or greater Sums of Money for their said Provisions, Liquors or Entertainment of Man or Horse than is expressed in the Rates so settled, under the Penalty of Forfeiting their Recognizance, to be sued for, Recovered and applyed, as aforesaid.

Passed 26 Jan. 1716/17.
Bradford (1717) 63-66.

An Act for the better laying out, Regulating and Preserving Publick Roads and High-ways thro'-out this Province.

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That all the Roads and High-ways of Six and Four Rods broad, which have been laid out and ascertained by virtue of an Act of the General Assembly of this Province, entituled, *An Act for laying out, Regulating, Clearing and Preserving publick Common Roads and High-ways through-out this Province,* are hereby Confirmed to be and remain Common Publick Roads and High-ways, Excepting such Roads and High-ways as have been, are and shall be laid out from the Twentieth Day of *November* last, to the Publication hereof, all which Roads and High-ways in that time laid out are hereby declared void and null, as if they had never been laid out.

And be it further Enacted by the Authority aforesaid, That the Freeholders and Inhabitants of each respective Town, Division and Precinct within this Province shall meet and Assemble together on the second *Tuesday* in *March,* Yearly and every Year, at the most publick Place in each respective Town, Division or Precinct within this Province, and there by Plurality of Voices Elect and chuse four Persons fit for Surveyors of the High-ways, who shall be presented to the next General Court of Quarter-Sessions of the Peace for the said County, out of which said Four Persons the Justices of the said Court shall Nominate such two as they shall think fit to be Surveyors of the High-ways for that Town, District or Precinct for the ensuing year. *Provided always, and it is hereby further Enacted,* That because the County of *Hunterdon* have no Commissioners of the High-ways at present for said County, Therefore *It is hereby Enacted,* That the several Townships of the said County shall and may meet together on the first Day of *March* for this present year, and elect and chuse Four Persons, out of which the Justices of the next Court of Quarter-Sessions shall chuse two Surveyors for each Township, as aforesaid, who shall serve until the usual time of others being elected, chosen and appointed in their Places, as appointed by this Act.

And be it further Enacted by the Authority aforesaid, That upon application made by the Inhabitants of any of the Towns, Divisions or Precincts within this Province to the Surveyors appointed, as aforesaid, for any Road or Roads to be laid out from one Town or Division to another, or to any publick Landing place, or Market, or Mill, or from any Town to the Kings High-way, that then the said Surveyors so applyed to shall call to their assistance the two Surveyors of the two next adjacent Towns, Divisions or Precincts, and lay out all such Roads and High-ways as shall be necessary for the Respective Town, Division or Precinct so making application; which Roads so to be laid out shall be of four Rods broad, and laid out to the best Conveniency of the Inhabitants of the adjacent Towns, Divisions or Precincts, and with as little Disadvantage to the Owner or Owners of the Lands through or by which any

Road shall be laid out, or run through, according as the aforesaid six Surveyors, or the Major part of them, shall agree.

And be it Enacted by the Authority aforesaid, That the Justices of the Peace of each respective County within this Province shall once in every Year, in their Court of Quarter Sessions, in the Months of *February, March* and *April,* nominate and appoint Two Inhabitants in each respective Town, Division or Precinct (Patented Towns only excepted, where provision for the Chusing of Overseers, is already made in the said Patents) to be Overseers for making and keeping in good Repair all publick Roads and High-ways within each respective Town, Division or Precinct for which they are appointed Overseers.

And be it further Enacted by the Authority aforesaid, That the said Overseers of each respective Town, Division or Precinct within this Province shall once in every Year, so often as there shall be occasion, call together so many of the Inhabitants (the Surveyors only excepted) of each respective Town, Precinct or District for the mending and Repairing all such High-ways, Bridges and Cause-ways as have been heretofore laid out by the Commissioners appointed by Law, or shall be hereafter laid out as this Act directs, as they think necessary. And if any Person or Persons so summoned by said Overseers to work on said High-ways do not by themselves or a sufficient Labourer meet at the Time and place appointed and perform such Services as by the said Overseers shall be Required, every such Defaulter shall forfeit *Four Shillings and Six Pence* Proclamation Money, for every Days neglect, to be Levyed on the offenders Goods and Chattles, by Warrant from any one Justice of the Peace, who is hereby required to grant the same, directed to the Constable of the Town or District to make Distress and Sale of said Offenders Goods and Chattles at a publick Vendue, returning the Over-plus, after payment of such Forfeiture, and what Charge accrues thereon, to the Owner. And every Team with Cart or Waggon, and a Man to mannage the same, which the said Overseers, or any of them, shall have occasion to imploy, shall be esteemed in place of two Days Labour of one working Man; and the Forfeiture of a Team and a Man, with Cart or Waggon, not coming and Performing the Service required by the respective Overseers, shall be proportionable, and Recovered from any Defaulter by Warrant from any one Justice of the Peace, in manner aforesaid, all which Forfeitures shall be paid by the said Constables or Defaulters to the said Overseers, and by them applyed to the making and maintaining the publick Highways of said Town, District or Precinct.

And be it Enacted by the Authority aforesaid, That upon the Application of any Person or Persons to the aforesaid Surveyors for a Road to be laid out from or to the said Persons Plantation, or to any other Plantation, the Surveyors of the said Town, Division, Precinct or District where such Road is required, and two Surveyors of the next Town if they judge it necessary, shall lay out the same Road one or two Rod wide, as they or the major part of them shall think fit, in such manner as may be most Commodious for the adjacent Plantations, and with as little Disadvantage as may be to the Owner of the Land through which said Road shall be laid out. All such Roads that are or

shall be laid out pursuant to this Act of one or two Rods wide, shall be Cleared and maintained by the Inhabitants who require the same. And if the Owner of said Land, through which any of the said Roads of one or two Rod wide shall find it for his advantage to hang Swinging Gates in said Road, he may have Liberty to do the same.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall stop, lessen, narrow or incroach on any Road or High-way, laid out by direction of the Laws of this Province, shall forfeit the Sum of *Forty Shillings* for every offence, to be Recovered by Action of Debt by the Overseers of such respective Town, Division or Precinct, before any one Justice of the Peace within the County where such Offence is committed, to be applyed to the Repairing of the High-ways of the said Town, District or Precinct.

And be it further Enacted by the Authority aforesaid, That the Overseers of every Town, Division or Precinct within this Province shall make up their Account of what Money is in their Hands for Forfeitures, by way of Distress, or otherways, to the Overseers for the ensuing Year, and pay the same into their Hands, to be imployed to supporting the High-ways.

And be it Enacted by the Authority aforesaid, That if any of the Surveyors chosen, as aforesaid, shall refuse or neglect to perform their Duty required by this Act, shall Forfeit the Sum of *Forty Shillings* for each Offence, to be Recovered by Action of Debt before any one Justice of the Peace by any Person who will prosecute the same. And if any of the Overseers, so appointed, shall Refuse or neglect to perform their Services herein Required, shall Forfeit *Forty Shillings* for every Offence; to be Recovered by Action of Debt before any Justice of the Peace within the County where the Offence is committed; To be Recovered by any one who will prosecute the same in manner aforesaid. All which Fines and Forfeitures arising by any Person or Persons neglecting to perform their Services required by this Act shall be Imployed one half to the use of the Persons who shall prosecute the same to effect, and the other half to Repairing the High-ways and Bridges, by the Overseers of the Town or Precinct where the Forfeiture becomes due.

And be it Enacted by the Authority aforesaid, That if any of the Surveyors or Overseers chosen and appointed by this Act, shall happen to dye or remove in the Time of their said Service, or neglect, or refuse to perform their respective services aforesaid, any Two Justices of the Peace within the County where it shall or may so happen are impowered and hereby required to appoint Persons instead of such removing, refusing or neglecting, who shall have the same Power and Authority as if chosen and appointed by this Act, and who shall perform the respective Duties required by this Act, under the same Penalties and Forfeitures as aforesaid.

And whereas there is several Sums of Money in the Hands of some of the Constables, or in the Hands of some other Persons who were formerly Constables of several Towns, Divisions or Precincts within this Province, that were taken by Distress, or otherways, from several Persons neglecting to work on the High-ways, *Be it Enacted by the Authority aforesaid,* That all Constables, or any other Person or Persons whatsoever, that have any Money or Goods taken

or received, as aforesaid, shall immediately upon Publication hereof pay the same to the Overseers of the High-ways, for the Time being, of the Town, Division or Precinct where such Money or Goods were taken, as aforesaid. And if any such Constable, or other Person or Persons having such Money or Goods in his or their Hands, shall refuse or neglect to pay in such Money or Goods, taken, as aforesaid, it shall and may be Lawful for the Overseer or Overseers of the High-ways in any Town, Division or Precinct within this Province, to commence an Action of Debt against him or them so neglecting or Refusing, in any Court of Common-Pleas within this Province, if above *Forty Shillings,* and if *Forty Shillings,* or under, before any Justice of the Peace of said County, and Recover all such Money or Goods, and double Costs of suit. And all such Sums of Money so Recovered by the Overseers shall be laid out for making or Repairing the publick Roads in the Town, Division or Precinct for which the said Distresses were made.

And be it Enacted by the Authority aforesaid, That all Roads which are Discommodious to the adjacent Towns or Precincts, or goes through Swamps, or Ground not sufficient for High-Roads, or is over-much Disadvantageous to the Owners of the Lands where said Roads go through, shall be liable to Regulation and Alteration by the Surveyors which shall be Chosen, Elected and appointed, according to the Directions of this Act, to wit, six of the said Surveyors of the said County where the said Alteration is to be made, and six of the Surveyors of the next adjacent County, who are most concerned in the said Alteration, all being agreed, may Alter and Amend Roads of Four Rod Broad, where it is necessary, and Six of the Surveyors of the said County being agreed, may alter Roads of Two or One Rod broad; which said Surveyors are hereby required to alter and lay out the same, when application is to them made by any injured Person, Town, Division or Precinct, where it is required, as will be most Commodious for Travellers and Carriages and the least Disadvantageous to the Owners of the Lands where such Roads will go through. And the Overseers to be appointed by the Directions of this Act are hereby Required to Summons as many of the Inhabitants as they think necessary to Clear and make good and sufficient all Roads so altered, and making Bridges and Cause-wayes where said Overseers shall appoint; which said Overseers are hereby Required to Imploy the Inhabitants equally in their Respective Towns, Divisions or Precincts, both in these and all other Roads; and all Persons who refuse or neglect to do their Duty, as herein required, shall suffer the Penalties and Forfeitures before mentioned in this Act.

And whereas it may happen in some Towns or Precincts, that there may not be occasion to Imploy all the Inhabitants equally in the year, Therefore *Be it further Enacted by the Authority aforesaid,* That the Overseers shall every year give an Account to the succeeding Overseers of all such Persons that have not wrought their equal part on the High-ways the preceeding year, and the new Overseers shall first imploy those Persons on the High-ways.

And whereas the Counties of *Sommerset* and *Cape-May* are not divided into Townships, *Be it therefore Enacted by the Authority aforesaid,* That the

Inhabitants of each of the Counties of *Sommerset* and *Cape-May,* (until they shall be divided into Townships or Districts, and then to chuse as is otherways directed in this Act) shall meet at the most convenient places in each of their Counties, at the times before mentioned in this Act, yearly, and shall chuse, by plurality of Voices, Twelve Persons fit for Surveyors of the High-ways, for each of the said Counties, who shall be presented to the next General Court of Quarter-Sessions for each of the said Counties, out of whom the Justices of each of the said Courts shall nominate and appoint Six Persons for their respective Counties, to lay out, alter and amend Roads within their Counties, according to the Directions of this Act, who are Required to Act accordingly when application is to them made. And all Overseers of the High-ways which shall be appointed are hereby required to Summons so many of the Inhabitants as they think needful, to clear, make good, build Bridges and make Cause-ways, where they are necessary in any of the Roads and High-ways so laid out or altered; and all Persons refusing or neglecting to perform their Duties hereby required shall be under the same Penalties before mentioned in this Act.

And whereas the Road to *Cape-May,* as it is now used, either by *Egg-Harbour* or *Prince-Maurice-River,* by reason of the many Swamps and Creeks it passeth through is at some Seasons altogether Impassible, and the said Inhabitants having found out a more convenient Road, which they desire they may have liberty to lay out and clear, *Be it further Enacted by the Authority aforesaid,* That the Inhabitants of the said County of *Cape-May* be and are hereby authorized and impowered to meet together at such time and place as they shall think fit, and by plurality of Voices chuse six Surveyors, who are hereby authorized, impowered and appointed to lay out the said Road or High-way from *Cedar Swamp Bridge* to *Tuckahoe,* and so (the most convenient way) to the Town of *Gloucester,* and direct the said Road to be Cleared, and convenient Bridges to be made, for the ease and benefit of the said Inhabitants. Which Road, when made, shall be Maintained and Repaired, and subject to the same Regulations as all other Publick Roads in this Province are appointed to be by this Act, any Law, Custom or Usage to the contrary in any wise notwithstanding.

And forasmuch as the Bridge in *Salem* Road, over *Gloucester-River,* is now very much out of repair, and almost impassible, and that the Charges of Amending, Repairing and Maintaining the same are very great, and too heavy to be born by the Towns in which the said Bridge is, *Therefore be it Enacted by the Authority aforesaid,* That the said Bridge be forth-with amended and repaired, and that the said Bridge over *Gloucester-River* shall at all times after the Publication hereof, as need shall require, be Re-builded, Amended and Repaired at the publick and general Charge of the said County of *Gloucester,* and that the Money for defraying the Expence and Charge thereof shall, from time to time, be assessed, levyed and raised on the Inhabitants of the said County after such manner, and by the same Assessors and Collectors appointed in and by an Act of Assembly made *Anno 1713* entituled, *An Act for raising of Money for building and repairing of Goals and Court-houses within each respective County of this Province, &c.* and that the respective Officers for asses-

sing, levying and collecting of the said Charges be subject to the Fines, Forfeitures and Penalties in the said Act mentioned, and that the said Fines and Forfeitures becoming due by reason of any Delinquency or Default, be levyed as the said Act directs, and applyed towards Repairing and Amending the Bridge aforesaid.

And whereas the Bridge over *South-River,* in the great High-Road between *Amboy* and *Burlington,* is too great a Charge to be born by the Towns of *Amboy* and *Piscattaway* adjoyning thereto, *Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid,* That the said Bridge over *South-River* on the said great High-Road between *Amboy* and *Burlington,* shall be maintained, repaired, kept up and re-built, as occasion requires, at the general Cost and Charges of the County of *Middlesex,* after the same way and manner as is above-mentioned, expressed and appointed for the said Bridge over *Gloucester-River,* as aforesaid.

And be it further Enacted by the Authority aforesaid, That all Persons who are desirous to have Swinging Gates on any Drift-ways and other Roads going through their Plantations, to other Plantations, or to the High-Road, may apply themselves to any two of the Surveyors of the High-ways of the County where they live, by whose consent and approbation they may make, maintain and keep in good repair, at their own cost and charge, such Swinging Gates as they desire.

And whereas several Persons in Clearing of their Lands, through which the Publick High-ways run, have only killed the Trees, and left them standing, which Trees, so killed, on every high Wind are subject to fall across the Roads, and are thereby Dangerous to both Man and Beasts, that are travelling and feeding in the said Roads, *Be it therefore Enacted by the Authority aforesaid,* That if any Person within this Province shall kill any Tree or Trees within one Chain of any publick Road or High-way, and not fall the same within one year after it be killed, shall Forfeit the Sum of *Five Shillings* for every Tree so killed, to be recovered before any one Justice of the Peace, the one half to be applyed towards Repairing the High-ways, and the other half to the Prosecutor.

And be it further Enacted by the Authority aforesaid, That a former Act, entituled, *An Act for laying out, regulating, clearing and preserving publick common High-ways through out this Province,* be and is hereby Repealed to all intents and purposes whatsoever.

Passed 26 Jan. 1716/17.
Bradford (1717) 66-72.

An Act to Prevent Unseasonable Burning the Woods.

Whereas by continual Experience, Firing the Woods in the Fall and Winter is found very Prejudicial and Dangerous to the Inhabitants of this Province, *Be it therefore Enacted by the Governour, Council and Representatives in General Assembly met and convened, and by the Authority of the same,* That if any Person shall Fire the Woods at any time whatsoever, excepting between the Fourteenth Day of *February* and the Fourteenth Day of *April* next following, of every year, shall Forfeit the Sum of *Forty Shillings,* Proclamation Money, for every such Offence, To be recovered by Action of Debt by any Person who will sue for the same, to his own use, before any one Justice of the Peace of the County where the Fact is committed.

And be it further Enacted by the Authority aforesaid, That if any Person shall presume to fire the Woods at any other time than as aforesaid, whereby any Person or Persons are Damnified, the Person so firing the Woods shall pay all Damages done unto any Person or Persons so Injured, if under *Forty Shillings,* to be Recovered by Action of Debt before any one Justice of the Peace, and if above *Forty Shillings,* to be Recovered by Action of Debt in any Court of Common-Pleas within this Province, with Cost of Suit.

And be it further Enacted by the Authority aforesaid, That neither this Act, nor any thing therein contained, shall be taken or construed to hinder any Person from firing the Woods upon his own Land, Provided such Person do not suffer the said Fire to run off the same, upon Pain and Penalty of Paying the Damage aforesaid.

Passed 26 Jan. 1716/1717.
Bradford (1717) 72.

An Act to Repeal part of an Act of General Assembly of this Province, entituled, *An Act for preventing the waste of Timber, Pine and Cedar Trees and Poles within this Province of* New-Jersey, *and to lay a Duty upon all Pipe and Hogshead staves Exported out of the same to any of the Neighbouring Colonies.*

Whereas there was an Act passed in the Twelfth and Thirteenth Year of her late Majesty, entituled, *An Act for preventing the waste of Timber, Pine and Cedar Trees, &c.* and that part of the said Act which relates to Hogshead Staves being found by Experience to be Prejudicial to the Inhabitants of this Province, *Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same,* That so much of the said Act as relates to Hogshead Staves, shall be, and is hereby Repealed, Anulled and made Void, and so much of every Article and Clause in said Act as relates in any manner of way to Hogshead Staves or laying a Duty thereon is hereby Repealed accordingly, any Act, Law or Custom to the contrary thereof in any wise notwithstanding.

Passed 25 Jan. 1716/17.
Bradford (1717) 72-73.

An Act for the better Enforcing an Ordinance of his Excellency *Robert Hunter,* Esq; Captain General and Governour in Chief of the Provinces of *New-Jersey, New-York, &c.* Entituled, *An Ordinance for the further establishing of Fees and Ferriages.*

Whereas his Excellency, by and with the Advice and Consent of his Majesty's Council for this Province, hath established an Ordinance for the Regulating of Fees and Ferriages in the words following, *viz.*

By His Excellency *Robert Hunter,* Esq; Captain General and Governour in Chief in and over the Provinces of *New-Jersey* and *New-York,* and all the Territories and Tracts of Land depending thereon in *America,* and Vice-

Admiral of the same, this 16*th* Day of *January,* in the Third year of the Reign of our Soveraign Lord *George,* King of *Great Britain, France* and *Ireland,* Defender of the Faith, &c. *An Ordinance for further Regulation of Fees and Ferriages.*

Whereas several Fees are omitted in the former Ordinance. For Remedy whereof, and for Regulation of Ferriages, &c. His Excellency the Governour, by virtue of the Power and Authority to him given by his Majestys Letters Patents under the Great Seal of *Great Britain,* and by and with the Advice and Assistance of his Majestys Council for said Province of *New-Jersey,* Doth Declare and Ordain, and it is hereby Declared and Ordained, That no Officer, Boatman or other Person whatsoever shall ask, demand or receive any other Fees or Ferriages for the Services herein after-mentioned, but according to what hereafter is expressed.

Fees when Titles of Land are concerned.

To the Practitioners of the Law, for drawing every Declaration in Ejectment, Ten Shillings.
Retaining Fee, Ten Shillings. Fee on the Tryal, Twenty Shillings.
Jurors coming out of their County, &c. sworn, for every Day of their Attendance, Four Shillings.
For every Juror not Sworn, *per Diem* Three Shillings.
Every Evidence that comes out of their County, shall have *per Diem* Three Shillings.

***Rates of the Ferry to and from* Amboy *and* New-York.**

Passage-Boat Hire from *Amboy* to *New-York,* Twelve Shillings.
Passenger in Company, Man and Horse, if above two, Five Shillings.
Common Passenger, Fourteen Pence.
Flower per Barrel, Five Pence.
Beer, Syder, and other Liquors per Barrel, Ten Pence.
Rum, Mallosses, &c. per Hogshead, Four Shillings and six Pence.
Wine per Pipe, Five Shillings and six Pence.
Every thing per Bushel, Two Pence.
Iron per hundred Weight, Four Pence half Penny.
Beef per quarter, Nine Pence.
Hogs, Sheep, &c. per Head, Nine Pence.
Dry Goods per Ton, Eight Shillings.
And so in Proportion for greater or smaller Quantities.

Redford's* Ferry to and from *Amboy,* and to & from Capt. *Billops.

Man and Horse, Neat Cattle, &c. to *Amboy,* One Shilling.
Single Person, Four Pence.
Man and Horse, Neat Cattle, &c. to Capt. *Billops,* One Shilling & 9 Pence.
Single Persons, Eight Pence.
Sheep, Hogs, &c. to *Amboy,* per head, Three Pence.

All Barrels and half Barrels of Flower, Two Pence.
Pipes and Hogsheads of Liquor or Mallosses, Eighteen Pence.
Sheep, &c., to *Billops,* Six Pence.
Barrels, &c. Four Pence. Pipes, &c. Three Shillings.
From *Amboy* to *Billops* the same as from *Redfords* to *Amboy.*

Weehauk Ferry.

Man and Horse to or from *New-York,* Eighteen Pence.
Single Person, One Shilling.
If above Three Persons, *per piece* Three Pence.
Every thing per Bushel, One Penny.
Hogs, Sheep, &c. per head Two Pence.
Beef *per* Quarter, Three Pence. Barrels, Four Pence.
Hogsheads, One Shilling. Pipes, Eighteen Pence.

Inian's Ferry.

Horse and Man, Four Pence.
Single Person, Two Pence.

Burlington, &c.

From the Falls to *Burlington* for Freight of Wheat and Flower, &c. *per Bushel,* Three half Pence.
Casks of Flower from the Falls to *Burlington, per* Ton, Six Shill. 8 Pence.
From *Farnsworth's* to *Burlington,* for Wheat Meal, &c. *per* Bush. 3 half Pence.
Casks of Flower from *Farnsworth* to *Burlington, per* Ton, Four Shill. 6 Pence.
Barrels of Pork, Syder, &c. Nine Pence.

Ferry to and from *Philadelphia* and *Burlington.*

Hire of a Boat in the Winter, (from *Michaelmas* to *Lady Day,*) for a single Passenger, Five Shillings and Nine Pence.
Single Passenger in Company, One Shilling.
In the Summer, Four Shillings and Six Pence.
Single Passenger in Company, Nine Pence.
Flower *per* Ton, Six Shillings and Eight Pence.
Bread *per* Ton, Five Shillings and Nine Pence.
Rum *per* Hogshead, Two Shillings and Three Pence.
Flower *per* Ton from *Farnsworths* to *Philadelphia,* Ten Shillings.
Wine *per* Pipe, Three Shillings and Nine Pence.
Every thing *per* Barrel, Nine Pence.
Iron *per* Hundred Weight, Four Pence half Penny.
Beef *per* Quarter, Seven Pence half Penny.
Hogs, Sheep, &c. *per* head, Seven Pence half Penny.
Meal, Salt, &c. *per* Bushel, Two Pence.

All the above Fees and Ferriages to be paid in Proclamation Money.

And his said Excellency, by virtue of the Power and Authority, and by and with the Advice and Assistance aforesaid, Hath Ordained, and Doth hereby Ordain, All keepers of the said Ferrys, Wherries or Passage Boats, immediately after the Publication hereof, to repair to the Secretarys Office of the said Province, and there give in Bond to his said Excellency for the due Observance of their parts of the said Ordinance. And thereupon to obtain a Lisence from the said Office for Plying the said Ferrys. And a Copy of such part of this Ordinance as concerns them, under the Hand of the said Secretary, they are hereby Ordained always to keep affixt in one of the most publick Places in their House, or near the said Ferrying-Place.

Ro. Hunter.

By His Excellency's Command
Ja. Alexander

Be it therefore Enacted by the Governour, Council and General Assembly, met and Assembled, and by the Authority of the same, That if any Person shall pretend to carry Goods or Passengers for Hire, to or from any of the Places mentioned in the said Ordinance, without first having obtained a Lisence for the same from the Governour of this Province, for the time being, and giving such Security as by the said Ordinance is Required, he, she or they shall Forfeit the Sum of *Forty Shillings,* Money according to her late Majesty's Proclamation.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall take or exact greater Fees or Rewards for his or their Services than is ascertained in the Ordinance and Act, for any of the Services mentioned in the said Ordinance and Act, all and every Person and Persons so Offending shall, for every such Offence, Forfeit the Sum of *Ten Pounds,* to be Recovered by Action of Debt in any Court of Record in this Province, and be forever hereafter barr'd from following the said Practice.

And whereas the Security appointed to be given by Persons not Resident in this Province, who shall take out a Writ or *Capias,* or file any Declaration in Ejectment, against any person within this Province, are not sufficient to pay the Costs of the Defendant, if the said plaintiff should be Cast, Non-suited, Discontinue or with-draw his Suit, without the Consent of the Defendant, *Be it therefore Enacted by the Authority aforesaid,* That if any non-Resident of this Province hath already, or hereafter shall take out a Writ or *Capias,* or file any Bill or Declaration in Ejectment against any Person within this Province, in the Supream Court of this Province, he shall, if the Action be already commenced, before he brings the same on Tryal, or if hereafter to be Commenced, before the taking of the said Writ or *Capias,* or filling [*sic*] the said Bill or Declaration in Ejectment, give Bond unto the Defendant, with Security dwell-

ing in the Province, in the Penalty of *Fifty Pounds,* upon Condition to pay the Costs of Court, if Cast, non-suited, Discontinue or with-draw his Suit, without the Consent of the Defendant; which Bond shall be left with the Clerk of the Court in which the Action is Commenced; and any Clerk neglecting to take such Security, shall pay the Defendants Costs, to be Recovered as aforesaid. *And be it further Enacted,* That so much of the Eighth Enacted Clause, in the Act, entituled, *An Act for shortening Law-suits, and Regulating the practice of the Law,* as relates to that part of it, is hereby Repealed and made void.

Passed 26 Jan. 1716/17.
Bradford (1717) 73-76.

An Act for Repealing a Law, entituled, *An Act to Lay a Duty upon Wheat Exported out of the* Eastern Division *of this Province to any of her Majesties Colonies on the Continent of* America.

Whereas there was an Act passed in the Year One Thousand Seven Hundred and Thirteen, Entituled, *An Act to lay a Duty upon Wheat Exported out of the* Eastern Division *of this Province, to any of her Majesties Colonies on the Continent of* America, which Act being found Prejudicial to the Inhabitants of said Division,

Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That the said Act be Repealed, and it is hereby Repealed, to all Intents, Constructions and Purposes whatsoever, any Law, Custom or Usage to the Contrary in any wise notwithstanding.

Passed 25 Jan. 1716/17.
Bradford (1717) 76.

An Act to Repeal a former Act of General Assembly of this Province, entituled, *An Act for the ascertaining the Place of the sitting of the Representatives to meet in General Assembly.*

Whereas by an Act, entituled, *An Act for the ascertaining the Place of the sitting of the Representatives to meet in General Assembly,* made and Enacted in the Eighth Year of the Reign of Our late Soveraign Lady *Anne,* Queen of *Great Britain, &c. Annoq; Dom. One Thousand Seven Hundred and Nine.* It was enacted, That from thence forward all succeeding Assemblyes should sit at *Burlington,* untill it should be otherways settled by Act of Assembly, which is Contrary to the Royal Instructions, and hath been found to be Highly prejudicial to the *Eastern Division* of this Province, *Be it therefore Enacted by the Governour, Council and General Assembly now met and assembled, and it is hereby Enacted by the Authority of the same,* That the abovesaid Act, entituled, *An Act for the ascertaining the Place of the sitting of the Representatives to meet in General Assembly,* shall be and is hereby repealed, and declared null, void and of none Effect, to all Intents, Constructions and purposes whatsoever.

Passed 25 Jan. 1716/17.
Bradford (1717) 76-77.

An Act for Regulating Stone-Horses or Stallions that run at large in this Province.

Whereas by long Experience it hath been found, that small Stallions runing at large in the Woods have been, and still are very hurtful to the Breed of Horses in this her Majesties Province of *New-Jersey,* by causing the Breed to be small and so rendring them less useful to the Inhabitants thereof, *Be it therefore Enacted by the Lieut. Governour, Council and Representatives now met in General Assembly, and by the Authority of the same,* That from and after the 15*th* of *May* next, any Person or Persons who shall find any Stone Horse or Horses runing at large in the Woods, of the Age of Eighteen Months, or more, and not of the full height, from the lowest part of the Hoof unto the highest part of the Wither, of Fourteen Hands (Four Inches to each Hand) it

shall and may be lawful for any such Person or Persons to take up such Horse or Horses, being under the size aforesaid, and to geld, or cause them to be gelded, who shall receive from the Owner or Owners of every such Horse the Sum of *Twenty Shillings,* current Money of this Province, within a Month after gelding, as aforesaid; and upon neglect or refusal of such Payment, it shall be deemed and esteemed a Due and just Debt to the Person or Persons aforesaid, and to be recovered from the Owner or Owners of such Horse or Horses, as a Debt under *Fourty Shillings Always provided,* That if any Horse so gelded, as aforesaid, happen to dye within one Month, that then and in that case the Owner or Owners shall be free and clear from the payment of *Twenty Shillings,* as aforesaid.

Date of passage undetermined; no record of this act in Assembly Journal for 1716.
Bradford (1717) 78.

An Act for the Currency of Bills of Credit, for Eleven Thousand Six Hundred and Seventy-five Ounces of Plate in the Province of *New-Jersey.*

Whereas the Act of Assembly, entituled, *An Act for the Support of her Majesties Government, &c.* Expired by its own Limitation the Three and Twentieth Day of *September,* One Thousand Seven Hundred and Fifteen, and since that Time no Provision being made for the support of the Government, by which means the Officers of the Government are in Arrear near Seventeen Months, and also by reason of the Taxes no[t yet] come in, there is about Seventeen hundred Ninty Four Pounds & [ ] Shillings in Bills of Credit not yet come in, and the Time of their Curren[cy] between Man and Man being Expired, by which means the Credit of [the] Province is Impaired, and the necessities of his Majesties Government Requiring a more Speedy Supply than can come in by the Taxes and Dut[ies] given and granted to his Majesty, his Heirs and Successors, by two Acts passed this present Session of Assembly, the one Entituled, *An Act for sup[port]ing the Government of his Majesties Province of Nova-Caesa[rea or] New-Jersey,* &c., The other Entituled, *An Act for laying an Exc[ise on all] strong Liquors Retailed within this Colony, Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That Bills of

Credit to the [ ] of Eleven Thousand Six hundred and Seventy Five Ounces of Plate [be] forth-with printed, that is to say, Five hundred and Fifty Bills of Five Ounce of Plate each, Five Hundred Bills of Three Ounces Fifte[en] Penny weight of Plate each, Eleven hundred and Seventy Bi[lls of] Ounces Ten Penny weight of Plate each, Five hundred Bills of Tw[Ounces of] Plate each, One Thousand Bills of one Ounce five penny weight [of] Plate each, Five hundred Bills of one Ounce of Plate each, One Thousand Bills of Twelve penny weight and Twelve Grains of Plate each, [ ] Bills of Ten Penny weight of Plate each, one Thousand Bills of [Penny] weight of Plate each, and one Thousand Bills of five penny weight of [Plate] each, making in the whole Seven Thousand Two Hundred and Twenty [Bills] of Credit. On which Bills shall be Impressed on the Right side of the Bills towards the bottom of every of said Bills, the Arms of Great Bri[tain] and the said Bills shall be in form following, *viz.*

This Indented Bill of [ ] Ounces of Plate due from the Province of *New-Jersey* to the Possessor thereof, shall be in value equal to Money, and shall be accepted accordingly by the Treasurer of th[is Province] for the Time being in all publick Payments and for any Fund at any [ ] on the Treasury. Dated in *New-Jersey* the Four and Twentieth Day of January 1716 by order of the Governour, Council and General Assembly.

Which Bills shall be signed, numbred and Indented on the [ ] by *David Lyell, John Kinsey, John Kay* and *John Harrison,* Esqrs. or any three of [them.] And the same Bills of Credit, so to be made and issued, by virtue of this [Act] shall be and continue Current until the first Day of *December,* in [the Year] of our Lord 1718 between Man and Man, but shall be received [by the] Treasurer until the first Day of *April* then next following, & no lo[nger] shall be received and paid for the same Value, and be equal to the Current Coyn passing in this Colony at *Eight Shillings the Ounce,* for goods or any other Things bought and sold by all persons whatsoever Residing in & pas[sing] through this Colony, according to the said Rates; and the Tender of the said Bills of Credit for payment or Discharging of any Debt or Debts, Bargain, Sale of land, or other things, Bills, Bonds, Mortgages, Specialities & Contracts whatsoever, shall be as effectual in the Law, to all Intents & Pu[rposes] Silver Coyn passing in this Colony had been offered and tendred [ ] Discharge of the same, or any part thereof.

And be it further Enacted by the Authority aforesaid, That if [any] Person or Persons, Creditor or Creditors, Obligee or Obligees, and party [or parties to] any Contract, Covenant, Bargain or Agreement whatsoever, [ ] or hereafter to be made, at any Time during the Currency of the [said Bills] shall upon the Tender of all or any of their Debts, Dues and Demands wha[tso]ever, or any part of them, in the Bills of Credit made current by this Act, Refuse to accept or receive the said Bills of Credit in Discharge of the said [Debts,] Dues or Demands, or any part of them, according to their Values and Rates, [he,] she or they so Refusing to accept the said Bills of Credit, in Discharge as aforesaid, shall loose the said Debt or Debts, Sum or Sums of Money, or such of the same so Refused, and they and every of them, they and

every [of their] Heirs, Executors or Administrators shall forever be barr'd from br[inging] his, her or their Action or Actions for the Recovery of the said Debt or D[ebts,] Sum or Sums of Money so Refused, as aforesaid; and the Defendants m[ay not] plead this Act in Bar to any Action or Actions that shall be so comenced.

And be it further Enacted by the Authority afore'd, That if any Person or Persons whatsoever within this Colony shall at any time, during the Currency of the said Bills of Credit, offer to sell, or Expose to sale [any] Goods or Chattles, Lands or Tenements whatsoever, and deny or Refuse [ ] or ask a greater value for the same, unless payment be made in Curr[ent] Silver Coyn, Gold, Plate, Dollars, or other specie whatsoever, and not [in the] said Bills of Credit (whereby the said Bills of Credit may be Impaired) [ ] and in such Case, the person so Exposing to sale, and Refusing as aforesaid shall, if the Goods and Chattles Exposed to sale be under the value of *Five Po[unds,]* Forfeit the sum of *Forty Shillings* for each offence, to be recovered by Action of Debt before any one Justice of the Peace, upon the Oath, or Affirmation if Quaker, of any Credible witness. And if the value of the Goods or Chattles, Lands or Tenements be above *Five Pounds,* and under *Fifty Pounds,* the [exposer to] sale shall Forfeit the Sum of *Five Pounds.* And if the Goods or Chattles, [Lands or] Tenements be above the value of *Fifty Pounds,* and under *One Hundred* [*Pounds*] the Exposer to sale shall Forfeit the Sum of *Ten Pounds.* And if the value of the Goods, Land or Tenements be above *One Hundred Pounds* [the] Exposer to sale shall Forfeit the Sum of *Fifty Pounds* to be Recovered, [by Action] of Debt in any Court of Record within this Colony, with Cost of such [ ] Forfeiture to be to the use of any person that shall sue for the same [ ] three Forfeitures, the one half thereof to the use of such Person as shall sue [or] prosecute the same to effect, the other half to the use of his Majesty, his H[eirs] and Successors, to be applyed towards the Support of the Government of this P[ro]vince, any Law, Custom or Usage to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That [ ] appointed for the signing of the said Bills of Credit shall take an Oath, or Affirmation if *Quakers,* before any Justice of the Peace of this Province, for the said Signing and delivering of the said Bills of Credit, and no mo[re] than what is mentioned in this Act, to the Treasurer of this Colony, accordi[ng] to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That the [ ] of Plate that each Bill shall be Current for, and the value of the same, [shall] be printed on the Top of each Bill so made Current.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to Counterfeit any of the said Bills, he or they being Convicted thereof, shall incur the Pains and Penalties of Felony, without the benefit of Clergy, and shall suffer accordingly.

And be it further Enacted by the Authority aforesaid, That in case the said *David Lyell, John Kinsey, John Kay* and *John Harrison,* or any of them shall happen to dye, or refuse to act, or remove beyond [the] Sea before the

Services hereby Required of him or them be performed [ ] accomplished, that then and in such case the Governour, for the tim[e being] with the advice and consent of his Majesties Council, shall nomin[ate and] appoint another Person or Persons to Execute all and every the Po[wers here]by given to the aforesaid *David Lyell, John Kinsey, John Kay* and *John H[arrison,]* which persons, so appointed by the Governour, shall continue in the like manner to Execute the same, and receive the same Reward for their Services herein, in the same proportion as is hereafter directed in this Act to be paid to the said *David Lyell, John Kinsey, John Kay* and *John Harrison,* Esqrs.

And be it further Enacted by the Authority aforesaid, That *David Ly-[ell,] John Kinsey, John Kay* and *John Harrison,* hereby appointed to sign the said Bills of Credit, made current by this Act, shall for such their Service have paid unto each of them, or each of their Executors, Administrators or Assigns, by the Treasurer of this Province, in Bills of Credit made current by this Act the [ ] Twenty Ounces of Plate, as a Reward for their Trouble in Signing, [Numbering and] Indenting the Bills aforesaid, and the Treasurer of this Province is her[eby] to pay the same accordingly, any thing in this Act to the contrary in any [wise] notwithstanding.

And be it further Enacted by the Authority aforesaid, That as soon [as] the said Signees shall have signed, numbred and Indented the said Bills of C[redit] they shall deliver the same to the Treasurer & Receiver General of this Pro[vince.]

And be it further Enacted by the Authority aforesaid, [That when the] said Treasurer shall receive the said Bills of Credit from [ ] he shall deliver out and Exchange the same for the old Bills [of Credit] made Current in this Province, to such Person or Persons as shall bring said old Bills of Credit to be Exchanged, and that without any Fee, R[eward or] Discount. And also, the said Treasurer of this Province shall from time [to time] Pay the said Bills of Credit to such Person or Persons in such manner as he [shall] from Time to Time be directed by Warrant or Warrants to be paid [ ] under the hand and Seal of the Governour, Council [ ] for the Time being, by and with the advice and consent of the said Coun[cil,] which aforesaid old Bills of Credit, received by the said Treasurer, with a Receipt from the person he receives them from, for the said new Bills [ ] delivers in Exchange, and the aforesaid Warrants, endorsed by the Persons [to] whom they are made payable, shall be sufficient Vouchers and Dischar[ge] the said Treasurer for so much.

And be it further Enacted, That the Treasurer of this Pro[vince] shall likewise pay in said Bills of Credit, hereby made Current, to all [and] every the Members of the Assembly of this Province, *Five Shillings [per] Day,* in Proclamation Money, for so many Days they have served, [ ] Certificate to be produced to him by each and every of the said Memb[ers,] Signed by the Speaker of said Assembly, for the Time being [ ] -sing the number of days that each Member has attended [ ] the General Assembly since the Twenty Ninth Day of *March* last [

] and the Receipt of each of the said Members endorsed on his Certific[ate] shall be a sufficient Discharge to said Treasurer for so much. And a [Cer]tificate for the Speakers Service in the Assembly, shall be signed [by] any two members of the house, which Certificate so signed, and [ ] Receipt endorsed on the same, shall likewise be to the said Treasur[er] sufficient Discharge for so much.

And that the said Bills may be well and truly sunk, as th[ ] arising (by the aforesaid Act, entituled *An Act for the Support of the Gov[ern]ment of his Majesties Province of* Nova-Caesaira *or* New-Jersey, past this present Session of Assembly, and by one other Act, entituled, *An Act for laying an Excise on all strong Liquors Retailed in this Colony,* are paid unto the Treasurer of this Colony, for the Time being, *Be it Enacted by the Authority aforesaid,* That the said Treasurer shall receive the [ ] Duty of Excise, and the said Taxes raised for the Support of the Government, in the said Bills of Credit made Current by this Act, and [ ] other Specie whatsoever. And the said Bills of Credit so received [by the] said Treasurer, he shall keep in his hands and render an Acco[unt] thereof to the Governour, Coun[cil and General Assembly as] Required.

Passed 25 Jan. 1716/17.
PRO-Ms.

An Act for the Support of the Government of his Majesties Province of *New-Jersey* in *America* for three years.

Whereas the act entitled *An Act for the Support of this his Majesties Government of* Nova-Caesarea *or* New-Jersey *for two years* passed in the month of *March* in the year of our Lord 1713 expired by its own Limitation on the twenty third day of *September* which was in the year of our Lord 1715 and there having been since that time no provision made for the Support of the Government of the said Province.

Be it therefore Enacted by the Governour, Councill and General Assembly, now met and assembled, and by the authority of the same, that there be assessed, levyed and raised in the manner hereafter mentioned within this Colony for and towards the Support of his Majesties Government in the same for three years to Commence from the 23d day of *September* in the year of our Lord

1717 and to continue until the 23d day of *September* which shall be in the year of our Lord 1718. The Sum of two thousand five hundred and four pounds in money as appointed by her late Majesties Proclamation and since Enforced by act of Parliament in the Sixth year of her late Majestys Reign Intituled *An Act for ascertaining the rates of Foreign Coins in her Majesties Plantations in* America, which is hereby given and granted to his majesty, his heirs and Successors, for and towards the uses aforesaid. *And be it further Enacted by the authority aforesaid,* that there be likewise assessed, levyed & raised in manner hereafter mentioned within this Province the Sum of one thousand pounds in money as aforesaid, which is hereby given to his majesty, his heirs and Successors, for and towards the Defraying the Expenses of the Gentlemen of his majesties Councill at five shillings a day to each of them for Every day During the time of their attendance Since the 29th day of *March* last, to the End of this present Sitting of Assembly, and to the Representatives of the Province at the rate of five shillings for every day to Each Representative for their Service from the 29th day of *March* last to the End of this present Session of General Assembly, and for paying the Clerk of the Assembly, Door keepers of the Assembly and Sergeant at arms.

And be it further Enacted by the authority aforesaid, that in case his Excellency Brigadier *Hunter,* our present Governour, shall be death or otherwise Cease to be Governour of this Province at any time after the passing of this act and before the said 23d day of *September* which shall be in the year of our Lord 1718, that then it shall and may be Lawful to and for the Treasurer or Treasurers of this Province, for the time being, and he or they are hereby directed, authorized, impowered, Required and Commanded to pay unto his Excellency Brigadier *Hunter,* his Executors, Administrators or assigns on his or their order, out of the said Sum or Sums of money hereafter to be assessed, Levyed & raised for the Support of the Government as aforesaid for three years, all such Sum & Sums of money as at the time of his Ceasing to be Governour as aforesaid, shall then remain to be Due and unpaid to him for his Salary and Incidental charges in proportion to the sums of money he shall have Received, or shall be payable to him out of the said Sum and Sums of money to be assessed, Levyed and Raised by virtue of this act for the Support of the Government from the 23d of *September* 1715 to the 23d of *September* 1718.

And be it further Enacted by the authority aforesaid, that all the other officers of the Government shall likewise be allowed and the Treasurer or Treasurers, for the time being, is and are hereby Impowered and Directed to pay unto them respectively the Sum & Sums of money which at the time of his said Excellency's Ceasing to be Governour as aforesaid shall be due and unpaid to them for Salary in proportion to the Sums of money they shall have received, or shall be payable to them respectively for those or the like Services out of the said Sum or Sums of money to be raised by virtue of this act for the Support of the Government for three years as aforesaid. And that the Treasurer or Treasurers, for the time being, shall keep and he or they are hereby required and Commanded to keep and Detain in his or their hands the remainder of all such Sum or Sums of money not Disposed of by virtue of this act as he or they

shall Receive by virtue of this act to be Disposed of by the Governour, Councill and General Assembly & not otherwise.

And be it further Enacted by the authority aforesaid, that whereas Eighteen months of the said three years to Commence from the day and year aforesaid will Expire on the twenty third day of *March* next Ensuing, that there shall be rated, assessed and Levyed upon the Persons, Estates, goods & chattels aftermentioned, the sum of one thousand Seven hundred and fifty four pounds one shilling and Eight pence money aforesaid for the first Eighteen months and the same in proportion for the Second Eighteen months, being for the Salaries, incidents and Services for the said times, *viz:* Every single man who works for hire & is not a bound Servant shall pay for the said first Eighteen months for and towards the Support of the Government Six shillings money aforesaid. The Ferry at *Weehauk* in the County of *Bergen,* shall pay for the said first Eighteen months one pound ten shillings. The Ferry at *Perth Amboy* three pounds for said first Eighteen months. The Ferry above *Delaware Falls* shall pay twenty shillings for said first Eighteen months. The Ferry near the falls of *Delaware* shall pay for said first Eighteen months fifteen shillings. The Ferry below *Burlington* at the Ferry point shall pay for said first Eighteen months two pounds. The Ferry from *Burlington* to *Bristol* shall pay for the said first Eighteen months fifteen shillings. The Ferry at *Rancocas Creek* alias *Northampton River* shall pay for the said first Eighteen months each tide fifteen shillings. The Ferry from *William Coopers* to *Philadelphia* shall pay for said first Eighteen months fifteen shillings. The Ferry from *Gloucester* to *Philadelphia* shall pay for said first Eighteen months fourty five shillings. The Ferry at *Inian's* over *Rariton River* shall pay for said first Eighteen months one pound ten shillings. Every wherry that carries passengers or Goods for hire shall pay for the said first Eighteen Months one pound ten shillings. Every Flatt that carries Goods or passengers for hire shall pay for the said first Eighteen months ten shillings. Every wood boat that Carries Six-Cord and upwards shall pay for the first Eighteen months one pound ten shillings. Every wood boat that carries under Six to four Cord shall pay for the first Eighteen months one pound. Every Wood boat that Carries under Four Cord shall pay for the first Eighteen months nine shillings. The Saw-mill at *David Ackerman's* shall pay for the first Eighteen months ten shillings. The Saw-mill of *Robert Hays & Company* shall pay for the first Eighteen months ten shillings. The Saw-mill of *Eleazar Lambsone & Company* shall pay for the first 18 months twenty shillings. The Saw-mill of *Benjamin Pane* [*?*] shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *John Blanchard* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *William Looker* shall pay for the first Eighteen months ten shillings. The Saw-mill of *John Lee & Company* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Johnthan Miller* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Samuel Oliver and Company* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Henry Ralph* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *John Harryman & Company* shall pay for the first Eighteen months ten shillings.

Middlesex.
The Saw-mill of *Ezekiel Bloomfield and Company* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of [ ] *Courtland and Company* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *William Bun* [*?*] *& Company* shall pay for the first Eighteen months ten shillings. The Saw-mill of *Richard Cutter* shall pay for the first Eighteen months ten shillings. The Saw-mill of *Thomas Leonard and Company* shall pay for the first Eighteen months thirty five shillings. The Saw-mill of *Samuel Leonard* shall pay for the first Eighteen months fifteen shillings.

Monmouth.
The Saw-mill of *Lewis Morris,* Esqr. shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Samuel Dennis Junior* shall pay for the first Eighteen months fifteen shillings. The Saw-mill of *John Bond and Company* shall pay for the first Eighteen months thirty five shillings.

Burlington.
The Saw-mill of *Richard Kirby and Company* shall pay for the first Eighteen months ten shillings. The Saw-mill of *Richard Ayres* shall pay for the first Eighteen months thirty shillings. The Saw-mills of *John Burrodell & Company* shall pay for the first Eighteen months thirty five shillings. The Saw-mill of *John Haines & Company* shall pay for the first Eighteen months ten shillings. The Saw-Mill of *John Engle & Company* shall pay for the first Eighteen months fifteen shillings. The Saw-mill of *Abraham Hewlings & Company* shall pay for the first Eighteen months fifteen shillings.

Gloucester.
The Saw-mill of *John Kay* shall pay for the first Eighteen months five shillings. The Saw-mills of *Abraham Porter* shall pay for the first Eighteen months thirty shillings.

Salem.
The Saw-mill of *Peter Carmick & Company* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Daniel England* shall pay for the first Eighteen months twenty five shillings. The Saw-mill of *Michael Laralier* [*?*] *& Company* shall pay for the first Eighteen months twenty five shillings.

Cape May.
The Grist Mill of *John Townsend* shall pay for the first Eighteen months five shillings. The Grist Mill of *Cornelius Shillingsworth* shall pay for the first Eighteen months five shillings.

Salem.
The Grist mill of *John Ogden* shall pay for the first Eighteen months ten shillings. The Grist Mill of *Ephraim Seely* shall pay for the first Eighteen months twenty shillings. The Grist Mill of *John Mason* shall pay for the first Eighteen months ten shillings. The Grist Mill of *John Powell* and *Company* shall pay for the first Eighteen months twenty shillings. The Grist Mill of *Sarah* []¹ shall pay for the first Eighteen months twenty shillings.

Gloucester.
The Grist mill of *John English* shall pay for the first Eighteen months ten shillings. The Grist mill of *George Ward* shall pay for the first Eighteen months

twenty shillings. The Grist Mill of *Abraham Porter* shall pay for the first Eighteen months ten shillings. The Grist mill of *John Kay* shall pay for the first Eighteen months ten shillings.

Burlington.

The Grist Mill of *Judah Allen* shall pay for the first Eighteen months ten shillings. The Grist Mill of *Richard Ayres* shall pay for the first Eighteen months twenty shillings. The Grist Mill of *John Mills* shall pay for the first Eighteen months five shillings. The Grist mill of *Samuel Lippincot* shall pay for the first Eighteen months seven shillings and Six pence. The Grist Mill of *Daniel Farnsworth* shall pay for the first Eighteen months twenty shillings. The Grist mill of *John Allen* shall pay for the first Eighteen months twenty shillings. The Grist Mill of *Joseph Reckless* shall pay for the first Eighteen months twenty shillings. The Grist mill of *Robert Chapman* shall pay for the first Eighteen months twenty shillings. The Grist Mill of *William Trent* shall pay for the first Eighteen months four pounds.

Hunterdon.

The Grist mill of *Henry Lane* shall pay for the first Eighteen months five shillings.

Monmouth.

The Grist mill of *James Lawrence* shall pay for the first Eighteen months fifteen shillings. The Grist Mill of *Nathan Allen* shall pay for the first Eighteen months twenty shillings. The Grist mill of *Thomas Boell* shall pay for the first Eighteen months ten shillings. The Grist mill of *Ary Borum* shall pay for the first Eighteen months fifteen shillings. The Grist mill of *Peter Tilton* shall pay for the first Eighteen months twenty shillings. The Grist mill of *Thomas Tilton* shall pay for the first Eighteen months Seven shillings and Six pence. The Grist Mill of *Lewis Morris,* Esqr. shall pay for the first Eighteen months twenty shillings. The Grist mill formerly of *John Eaton* in *Shrewsbury* shall pay for the first Eighteen months five shillings. The Grist Mill of *William Lawrence* shall pay for the first Eighteen months twenty five shillings. The Grist Mill of *Henry Van Gelder* shall pay for the first Eighteen months ten shillings. The Grist mill of *Daniel Tilton* shall pay for the first Eighteen months fifteen shillings. The Grist Mill of *Thomas Kearny* shall pay for the first Eighteen months fifty shillings. The Grist mill of *John Harrison* shall pay for the first Eighteen months fifteen shillings.

Somerset.

The Grist mill of *Peter Van Ness* shall pay for the first Eighteen months five shillings. The Grist mill of *Joseph Neville* shall pay for the first Eighteen months ten shillings. The Grist mill of *Cornelius Longfield* shall pay for the first Eighteen months fourty shillings. The Grist mill of *John Burrow* shall pay for the first Eighteen months five shillings. The Grist mill of *Samuel Walker* shall pay for the first Eighteen months five shillings. The Grist mill of *William Palding* shall pay for the first Eighteen months ten shillings. The Grist Mill of *Hickson and Company* shall pay for the first Eighteen months ten shillings. The Grist mill of *Richard Sooper* shall pay for the first Eighteen months five shillings. The Grist mill of *John Luffburrow* shall pay for the first Eighteen

months twenty five shillings. The Grist Mill of *Richard Cutter* shall pay for the first Eighteen months five shillings. The Grist Mill of *Elisha Parker* Esqr. shall pay for the first Eighteen months twenty five shillings. The Grist Mill of *John Lewis* shall pay for the first Eighteen months twenty shillings. The Grist Mill of [ ] *Courtland and Company* shall pay for the first Eighteen months twenty shillings. The Grist mill of *John Harriman* shall pay for the first Eighteen months twenty five shillings. The Grist mill of *Benjamin Griffen* shall pay for the first Eighteen months Eighteen shillings. The Grist Mill of *Joseph Meaker* shall pay for the first Eighteen months Eighteen shillings. The Grist mill of *William Looker* shall pay for the first Eighteen months five shillings. The Grist mill of *John Blanchard* shall pay for the first Eighteen months Eight shillings. The Grist Mill of *Widow Enres* [?] shall pay for the first Eighteen months five shillings. The Grist mill of *John Medliss* shall pay for the first Eighteen months five shillings. The Grist mill of *D Sloates & Company* shall pay for the first Eighteen months fifty shillings. The Grist Mill of *Widow Luyken* shall pay for the first Eighteen months fourty shillings. The Grist mills of *John Broadberry* shall pay for the first Eighteen months thirty shillings.

Bergen.

The Grist Mills of *Brocholst* shall pay for the first Eighteen months five shillings. The Grist mills of *John De Marres* shall pay for the first Eighteen months ten shillings. The Grist mill of *David Ackerman* shall pay for the first Eighteen months five shillings. The Grist Mill of [ ] *Earle* shall pay for the first Eighteen months ten shillings. The Grist mill of *Abraham Andries* shall pay for the first Eighteen months ten shillings. The Grist mill of *Peter Van Buskirk* shall pay for the first Eighteen months fourty shillings. The Grist mill of *John Tilton* shall pay for the first Eighteen months five shillings.

All merchants, shopkeepers, Indian Traders and other Traders to be rated at the Direction of the assessors not under thirty shillings nor above five pounds. Every person not Residing in the Province that brings Goods to Sell by Retail Except in Publick fairs shall pay four pounds a year. The owners and Possessors of houses & Lots in any of the towns of this Province the tax of whose rateable Estate in the said town doth not amount to Eight shillings shall pay for the said houses or Lots at the Direction of the Assessors not under three shillings nor above twenty shillings Each. Every white male Servant and Every Indian, Negro or Mulatto Slave being male from 16 years & upwards Except such slaves as are not able to work, the Sum of twelve pence for every head. All cattle, horses and Mares of three years old and upwards shall be valued at fourty shillings Each. All sheep of one year old and upwards shall be valued at four shillings Each. All improved Meadows and Land within fence shall be valued at ten pounds the hundred akers. All wherrys, boats and flatts that come into this Province to trade or bring or fetch any passengers, Goods or Merchandise shall pay the same as Wherrys, boats and flatts that belong to the inhabitants of this Province. And for the more orderly Collecting the same, *Be it Enacted by the authority aforesaid,* that the owners or masters of such boats, flatts or Wherries shall upon their first arrival Enter their boats, wherrys

or flatts with the Collector of his Majesties Customs of the *Eastern* or *Western Division* or with some one Justice of the Peace of the County where there is no Collector and pay the Duties prescribed by this act, which Collector or Justice of the Peace shall give to the persons a Certificate of their haveing paid the True Duty, which shall be a Sufficient Clearance from the said Duty Laid on them for the time mentioned in the said Certificate. *And Be it further Enacted by the authority aforesaid,* that the said Sums of Seventeen hundred and fifty four pound one shilling & eight pence for the first Eighteen months and the said Sum of Seventeen hundred and fifty four pounds one shilling and Eight pence for the second Eighteen months, Being in all the Sum of three thousand five hundred and Eight pounds three shillings and four pence, be assessed, Levyed and Raised for the first Eighteen months in the proportion following:

By the County of *Bergen* one hundred fourty four pounds twelve & Six pence.
By the County of *Essex* two hundred and fourty pounds twelve & Six pence.
By the County of *Somerset* fifty four pounds Seventeen shillings.
By the County of *Middlesex* two hundred and four pounds Seventeen shillings.
By the County of *Monmouth* two hundred & twenty nine pounds two shillings and Eight pence.
By the County of *Hunterdon* and County of *Burlington* three hundred and fifty one pound sixteen shilling and ten pence.
By the County of *Gloucester* one hundred and fifty pounds twelve & Six pence.
By the County of *Salem* two hundred & fifty two pounds Eight & four pence.
By the County of *Cape May* fifty five pound two & four pence.

And be it further Enacted by the authority aforesaid, that the said Sum of Seventeen hundred fifty four pounds three shillings & Eight pence for the Second Eighteen months be assessed, Levyed and raised in the proportion following, *viz:*

By the County of *Bergen* one hundred fourty four pounds twelve shillings & Six pence.
By the County of *Essex* two hundred and fourty pounds twelve shillings & Six pence.
By the County of *Middlesex* two hundred & four pounds Seventeen shillings.
By the County of *Somerset* fifty four pounds Seventeen shillings.
By the County of *Monmouth* two hundred & ninety nine pounds two shillings & Eight pence.
By the County of *Hunterdon* and County of *Burlington* three hundred fifty one pounds Sixteen shillings and a penny.
By the County of *Gloucester* one hundred & fifty pounds twelve & Six pence.
By the County of *Salem* two hundred & fifty two pounds Eight shillings & four pence.
By the County of *Cape May* fifty five pound two shillings & four pence.

And be it further Enacted by the authority aforesaid, that the assessors for the assessing the Several & Respective Sums aforesaid shall be and are hereby appointed to be chosen by the Several towns, Divisions, Districts & precincts According to the Directions of an act passed this Sitting of this present Assembly intitled, *An Act for the more regular Chusing & Electing assessors and collectors*

in the Respective towns & Countys in this Province.

And Be it further Enacted by the authority aforesaid, that for the Collecting and Receiving the Several and Respective Levys aforesaid there be appointed for Each County within this Province the Collectors hereafter named, *viz:*

For the County of *Bergen David Akerman.*
For the County of *Essex Robert Ogden.*
For the County of *Middlesex William Eyres.*
For the County of *Somerset Peter Van Ness.*
For the County of *Monmouth Henry Leonard.*
For the County of *Hunterdon Ralph Hunt.*
For the County of *Burlington Jeremiah Bass.*
For the County of *Gloucester John Kay.*
For the County of *Salem John Ralph.*
For the County of *Cape May Jacob Spicer.*

And be it further Enacted by the Authority aforesaid, That all and every the Inhabitants & Householders of each of the respective Counties within this Province, shall on or before the first *Tuesday* of *May* next which shall be in the year of our Lord 1717 give in a true and perfect List of all their Names and Sir-names, and an Account in writing of all their Estates that are Rated or made Rateable by this Act, to the Assessors chosen & elected by virtue of an Act, entituled, *An Act for the more Regular Chusing and Electing Assessors & Collectors in the respective Towns & Counties in this Province,* for the Time being, of the Town, Division, Precinct or District they reside in; and in case of their neglect or Refusal, shall be Lyable to the Penalties and Forfeitures mentioned in the said Act.

And be it further Enacted by the Authority aforesaid, That all and every the Inhabitants and Householders of each respective County within this Province, shall on or before the first *Tuesday* of *May,* which shall be in the year of our Lord 1718, give a true and perfect List of all their names and Sir-names, and an Account in writing of all their Estates, that are to be Rated or made Rateable by this Act, to the Assessors Chosen & elected by virtue of an Act, entituled, *An Act for the more Regular Chusing & Electing Assessors & Collectors in the respective Towns and Counties in this Province,* for the Town, Division, District or Precinct they Reside in, which Assessors of the several Towns, Divisions, Precincts or Districts of each and every County in this Province, are hereby directed and required on or before the first *Tuesday* of *June* next, for the first Eighteen Months, and on or before the first *Tuesday* of *June,* which shall be in the year of our Lord 1718, for the last Eighteen Months, to meet at the most publick and convenient place in each respective County in this Province, and shall then and there Compute what the Sum Total of all the Certainties, as laid by this Act, in the said County shall amount unto, and shall then and there likewise Compute the value of all the Estates, Real and Personal, given in unto the said Assessors, within each of the said Towns, Divisions, Precincts or Districts in each and every County of this Province, at the value in this Act mentioned and expressed, and then cast-up what the Sum Total of the

said Estates amounts unto, and then assess what shall be wanting of the Quota of their respective Counties, the Certainties being deducted, together with the Collectors & their own Fees, for the first Eighteen Months, equally on the Pound value, of the Sum Total of the Real and Personal Estates last mentioned. And the said Assessors are also hereby required and Commanded, for the last Eighteen Months, to add to the Quota of their several Towns, Divisions, Precincts or Districts, all such Deficiencies as shall have happened in the first Eighteen Months by Persons being either dead, insolvent, Run away, or otherwise; and shall likewise do and perform all things required of them, according to the Directions & appointment of the said Act of General Assembly, entituled, *An Act for the more Regular chusing & electing Assessors and Collectors in each respective Town and County in this Province,* and be subjected to the same Pains, Penalties and Forfeitures, as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That every Person Taxed, as aforesaid, shall on or before the Second *Tuesday* of *November,* which shall be in the year of our Lord One Thousand Seven hundred and Seventeen, for the first Eighteen Months, and on or before the Second *Tuesday* of *November,* which shall be in the year of our Lord One Thousand Seven hundred and Eighteen, for the last Eighteen Months, Pay unto the Collector, chosen by virtue of the aforesaid Act, entituled, *An Act for the more regular Chusing & Electing Assessors and Collectors in each respective Town and County in this Province,* the Several Sums of Money they are assessed at, on the Pains & Penalties mentioned & Recited in the said Act.

And be it further Enacted by the Authority aforesaid, That the Collectors of the several Towns, Divisions, Districts and Precincts, Chosen by virtue of the aforesaid Act, passed this Sitting of General Assembly, Entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* shall pay the Sum or Sums of Money he shall receive, unto the Collector of the County, appointed by this Act, for the first Eighteen Months, at or before the Second *Tuesday* of *December* which shall be next, and for the last Eighteen Months, at or before the Second *Tuesday* of *December,* which shall be in the year of our Lord 1718, under the pains and Penalties mentioned in the afore-mentioned and Recited Act.

And be it Enacted by the Authority aforesaid, That the Collectors appointed by virtue of this Act, shall and are hereby directed and commanded to do the Duties required of them by virtue of the said before-mentioned Act of General Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province,* and be subject to the same Pains, Penalties and Forfeitures, as in the said Act is mentioned & expressed.

And be it further Enacted by the Authority aforesaid, That every Non-Resident having brought any Goods, Wares or Merchandises, by Land or Water, into this Province to sell, except in publick Fairs, shall forth-with repair to the Collector of the Customs, or his Deputy, if any such there be, or if there be no Collector, to some one Justice of the Peace, and give an Account of the Quantity and value of the Goods he, she or they have brought to sell, and pay

the Sum of *Four Pounds per annum* appointed by this Act; which said Sum, the said Justice of the Peace or Collector, are Required forth-with to pay into the hands of the Collector of the said County appointed by this Act, and shall also give a Certificate to the Person that hath paid the said Sum, under his hand and Seal, which Certificate shall be a sufficient Permit for that Person to sell all the Goods therein mentioned, at any Time or place within this Province for one year. And the said Justice or Collector shall receive for the said Certificate the Sum of Two shillings and six Pence, to be paid by the owner of such Goods.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, not Residents within this Province, shall Expose to sale any Goods, Wares or Merchandises contrary to the true intent and meaning of this Act, the Collector of the Customs, or in his absence, the Justice of the Peace, or Constable of the Town, Division, Precinct or District, in which any such Goods are exposed to sale, shall forth-with seize and take into his Custody all the Goods, Wares and Merchandises belonging to any person or persons so offending; and if the owner or owners shall not redeem the same within Twenty four hours, by paying as is by this Act directed, and all the Charges accruing by the said seizure, then and in that case the said Justice, Collector or Constable shall Expose the said Goods to publick sale, by way of vendue or out-cry, to the highest bidder, and pay the Sum or Sums, as directed by this Act, to the Collector of that County, & himself for all Charges and Trouble for making the said Distress & sale, and Return the over-plus, if any be, to the owner.

And be it further Enacted by the Authority aforesaid, That the Treasurer of this Province shall give Security with sufficient Suretys within this Province, to the value of Eight Thousand Pounds, for the True & Faithful performance of his office.

And be it further Enacted by the Authority aforesaid, That the Assessors within each respective County, Town, Division, District or Precinct in any County in this Province, shall assess, over and above the Sums herein mentioned, in each County, so much as will pay themselves and the Collectors, for assessing and Collecting, and gathering the same, as is allowed by an Act passed this Session of Assembly, Entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province.*

And be it further Enacted by the Authority aforesaid, That all the Assessors of the Counties of *Burlington* and *Hunterdon* shall meet together att the house of *Thomas Faulks* at *Crosswicks-Bridge* on the first *Tuesday* of *June,* in the year of our Lord 1717, and then and there Compute what the Sum Total of all the Certainties, as laid in this Act, in the said Counties shall amount unto, and shall then and there also Compute the value of all the Estates, Real and Personal, given unto the said Assessors, within each of the said Counties, and upon a Computation thereof, settle the Quota of each of said Counties, according to the aforesaid Directions of this Act.

And be it further Enacted by the Authority aforesaid, That the Collector of each Respective County within this Province shall on or before the second *Tuesday* of *February,* which shall be in the year of our Lord 1717, pay all such

Sum and Sums of Money by him received by virtue of this Act, to the Treasurer and Receiver General of this Province, for the first Eighteen Months; and shall also deliver in to the said Treasurer and Receiver General, an exact Duplicate of the Assessments of each Town, Division, Precinct and District; and an exact Account of all the Deficiencies within each Town, Division, Precinct and District within his said County, for the said first Eighteen Months. And the said Collector of each respective County aforesaid, shall also on or before the second *Tuesday* of *February,* which shall be in the year of our Lord One Thousand seven hundred and Eighteen, pay all such Sum and Sums of Money as he shall then have received by virtue of this Act, to the said Treasurer and Receiver General of this Province, for the second Eighteen Months, for and towards the Support of his Majesties Government of this Province. And said Collector shall also at the same time deliver to the said Receiver General, an Exact Duplicate of the Assessments of each Town, Division, Precincts and Districts within his said County, for the second Eighteen Months, on pain & penalty of Fifty Pounds for each default therein.

Passed 25 Jan. 1716/17.
PRO-Ms.

1. The surname is omitted in the manuscript.

An Act to Enforce the Payment of Three hundred and Forty Ounces Two Penny Weight and Sixteen Grains of Plate due from the Inhabitants of the Townships of Chesterfield, Mansfield, Town & Township of Burlington, Springfield, Northampton, Wellenborough, Chester and Eversham, all in the County of Burlington, being their part of the five Thousand Pound Tax for the year one Thousand seven hundred and Fourteen.

Whereas that part of the five Thousand Pound Tax amounting to Three hundred and Forty Ounces Two penny weight and sixteen Grains of Plate w[hi]ch should have been paid by the Townships of Chesterfield, Mansfield, Town & Township of Burlington, Springfield, Northampton, Wellenborough,

Chester and Eversham, all in the County of *Burlington,* in the year One Thousand seven hundred and Fourteen, still remains unpaid for want of the Assessment being delivered to the Collector of the said County in that time the Law appointed. And whereas it appears by a Duplicate made by the Assessor appointed by Law and delivered to *Thomas Wetherill,* one of the Collectors for *Burlington* County after the Time the said Act limits for assessing the same, that the Townships above-mentioned are indebted for their shares of the Tax above-said the Sum of Three hundred and Forty Ounces Two penny weight and Sixteen Grains of Plate, excepting one Ounce eight penny weight and Eight Grains, which was paid by *Matthew Watson* for his Assessment of said Tax, and that the said Tax may be duly paid by all the Inhabitants of the aforesaid Towns severally and respectively according as every person is Rated in the said Duplicate (excepting the aforesaid *Matthew Watson.*) *Be it Enacted by the Governour, Council and Assembly and it is Enacted by the Authority of the same,* That all and every Person and Persons assessed as aforesaid shall pay in their respective Taxes assessed as aforesaid (except what is before Excepted) unto *Thomas Wetherill* who is hereby Authorized & appointed to be Collector for Collecting and Receiving the same at or before the first Day of *March* next ensuing. And if any Person or Persons neglect to pay in the same to the said Collector at or before the said first Day of *March* next that then the said Collector shall make a List of the Names and Sir-names of all such Delinquents with the Sum or Sums he, she or they is or are to pay and Return the same unto any one Justice of the Peace within the said County who is hereby Required to make out his Warrant to the Constable of said Town or Precinct to make Distress on the Offender's Goods and Chattles, and make Sale of the same at a publick Vendue in any place of the said County or else-where in the said Province and pay the same Rate to the Collector at or before the Twentieth Day of the said Month of *March* next, and after payment made and deducting Twelve pence for the Warrant and Eighteen Pence for each Distress, the over-plus to be Returned to the Owner if any be; and for want of finding such Goods and Chattles the Constable or Constables of such Town or Precinct are hereby Required to take the Body of such Person or Persons so offending and deliver the same to the Sheriff of the said County who is hereby Required and Impowered to receive the Body or Bodys of him or them, and keep the same in safe Custody until payment be made, and all Costs and Charges defrayed that shall accrew thereby, and the Collector to pay the same to the Receiver General on or before the first Day of *April* next, to be applyed to the service which the Act for raising the Sum of five Thousand Pounds directs, which said Collector or Collectors and Constables shall have for their Services the Fees allowed them by said Act.

And be it Enacted by the Authority aforesaid, That if any Person or Persons Taxed as aforesaid within any of the before-mention'd Towns be Deceased since the Time of such Assessment the Executors or Administrators of such deceased Person or Persons, shall pay the same, and upon Refusal or neglect to pay the said Tax shall be liable to the penalties before-mentioned in this Act.

And be it Enacted by the Authority aforesaid, That if any Person or Persons assessed as aforesaid be departed out of this Province or deceased and not left Estate to pay the same, That all such Insolvents shall be added to the next Tax to be raised in said County, and [the] Assessors of said County are hereby Required to add the same and assess it accordingly.

And be it Enacted by the Authority aforesaid, That if any Constable or Constables refuse or neglect to do their Duties required by this Act [, he or they] shall forfeit the Sum of Forty Shillings for every Person or Persons he or they neglect to Distrain on, To be Recovered by Action of Debt before any one Justice of the Peace within the said County by the Collector of the said County one half thereof to his own use and the other half to his Majesty to be paid to the Receiver General towards the support of Government. And if the Assessor or Collector appointed as aforesaid, shall neglect or refuse to perform their services hereby Required, shall Forfeit the Sum of *Fifty Pounds,* To be Recovered by Action of Debt in any Court of Record within the said County the one half to be disposed of to support of Government and the other half to any that shall prosecute the same to effect.

And be it further Enacted by the Authority aforesaid, That the aforesaid Collector shall deliver to the Constable of each of the aforesaid Townships a Duplicate of the Assessment of each Township. And the said respective Constables are hereby Required forth-with to give notice to each and every of the Inhabitants assessed, how much each Person is assessed and the Time when the said Tax is to be paid in to the said Collector.

Passed 25 Jan. 1716/17.
PRO-Ms.

An Act to enable some Persons in every County of this Province to inspect the Rolls of the Assessors of the said County, which lie in the Hands of the Collectors since the year 1708.

An Act for explaining and amending an Act, entituled, An Act for enabling the Owners of the Meadows and Marshes adjoining to and on both Sides of the Creek that surrounds the Island of Burlington, to stop out the Tide from overflowing them.

An Act for vesting the Lands late the Estate and Inheritance of William Hall, Esqr. late of Salem in the County of Salem, in Trustees to be sold and disposed of for the Payment of Debts &c.

An Act to enable John Pittinger and Sycha Pittinger to sell and dispose of the Real Estate of Richard Pittinger deceased for the Payment of Debts &c.

All acts passed 26 Jan. 1716/17.
Allinson, 42, titles only. Texts not found.

Seventh Assembly, First Session

Third Sitting

8-12 Apr. 1718

Perth Amboy

No acts passed.

Seventh Assembly, Second Session
13 Jan. - 28 Mar. 1718/19
Perth Amboy

No acts passed.

An Act for the Support of the Government of His Majesties Province of New-Jersey *for two Years. to commence from the 23d of* September *last past, and to end the 23d of* September *One Thousand Seven Hundred and Twenty.*

Whereas the Act, entituled, *An Act for the Support of the Government of his Majesties Province of* New-Jersey *in* America, *for three Years,* Passed in the Month of *January* in the Year of our Lord, One Thousand Seven Hundred and Sixteen, expired by its own Limitation on the Twenty-third Day of *September,* One Thousand Seven Hundred and Eighteen; and there having since that Time been no Provision made for the further Support and defraying the necessary Charges and Sallaries of the respective Officers of the said Province. *Be it therefore Enacted by the Governour, Council and General Assembly now met and assembled, and it is hereby Enacted by the Authority of the same,* That there be Assessed, Levyed and Raised in manner hereafter mentioned within this Collony, for and towards the Support of His Majesties Government in the same, for two Years, to commence from the Twenty third Day of *September,* last past, and to continue until the Twenty third Day of *September* which shall be in the Year of our Lord One thousand Seven hundred and Twenty, the Sum of Sixteen Hundred and Seventy two Pounds, in Money appointed by her late Majesty's Proclamation, and since enforced by Act of Parliament, in the sixth Year of her late Majesties Reign, entituled, *An Act for Ascertaining the Rates of Forreign Coyns in Her Majesty's Plantations in* America, Which is hereby Given to his Majesty, his Heirs and Successors, for and towards the Uses aforesaid.

And be it further Enacted by the Authority aforesaid, That there be likewise Levyed and Raised in manner hereafter mentioned, within this Province, the Sum of Eight Hundred and Fourteen Pounds, in Money aforesaid, which is hereby given to his Majesty, his Heirs and Successors, for and towards the Defraying the Expences of the Gentlemen of his Majesty's Council, at Five Shillings by the Day to each of them, during the Time of their Attendance, since the Eighth of *April* last past, to the End of this present Sitting of Assembly, and to the Representatives of the Province at the Rate of Five Shillings by the Day to each Representative, from the said Eighth Day of *April* to the end of this present Sitting of the General Assembly, and for paying, for Printing the Acts, Clerk of the Assembly, Door-keeper of the Assembly and Serjant at Arms, and for the Expresses,

And be it further Enacted by the Authority aforesaid, That in case His Excellency Brigadier *Hunter,* our present Governour shall by Death, or otherwise cease to be Governour of this Province, at any time after the Passing this Act, and before the said twenty third Day of *September,* which shall be in the

Year of our Lord One Thousand Seven Hundred and Twenty, That then it shall and may be Lawful to and for the Treasurer or Treasurers of this Province, for the Time being, and he or they are hereby directed, authorized, impowered, required and commanded to pay unto his Excellency Brigadier *Hunter,* his Executors, Administrators or Assigns, or his or their Order out of the said Sum or Sums of Money hereafter to be assessed, levyed and raised for the Support of the Government, as aforesaid, for two Years, all such Sum and Sums of Money as at the time of his ceasing to be Governour, as aforesaid, shall then Remain to be due and unpaid to him for his Sallary, and incidental Charges, in proportion to the Sums of Money he shall have received, or shall be payable to him out of the said Sum or Sums of Money to be assessed and raised by Virtue of this Act, for the Support of the Government from the Twenty third Day of *September* One Thousand Seven Hundred and nineteen, to the Twenty third Day of *September,* One Thousand Seven Hundred and Twenty.

And be it further Enacted by the Authority aforesaid, That all other Officers of the Government shall likewise be allowed, and the Treasurer or Treasurers, for the time being, is and are hereby Impowered and directed to pay unto them, respectively, the Sum and Sums of Money which at the time of his said Excellency's ceasing to be Governour, as aforesaid, shall be due and unpaid to them for Sallary, in proportion to the Sums of Money they shall have received, or shall be payable to them, respectively, for those or the like Services, out of the said Sum or Sums of Money to be raised by Virtue of this Act for the support of the Government for two Years, as aforesaid; and that the Treasurer or Treasurers for the time being shall keep and he or they are hereby required and strictly commanded, under the Penalty of Forfeiting his or their Bonds and Securities given for the true performance of his or their Offices to keep or detain in his or their Hands the Remainder of all such Sum or Sums of Money not disposed of by Virtue of this Act, to be disposed by the Governour Council and Assembly, and not otherwise.

And be it further Enacted by the Authority aforesaid, That there shall be raised, assessed and levyed on the Persons, Real and Personal Estates Goods and Chattles herein after mentioned, the Sum of thirteen Hundred and fifty Pounds, Money aforesaid, for the first Year, being for the Sallaries, Incidents and Services for the said Time *viz.* Every single Man that Works for Hire, and is not a Bound Servant, shall pay for each Year, for and towards the Support of Government the Sum of Four Shillings.

The Ferry or Ferries at *Perth-Amboy* shall pay for each Year the Sum of Forty Shillings.

The Ferry above *Delaware Falls* shall pay for each Year the Sum of Ten shillings.

The Ferry near *Delaware Falls* shall pay for each Year the Sum of Ten shillings.

The Ferry from *Burlington* to *Bristol* shall pay for Each Year the Sum of Ten shillings.

The Ferry below *Burlington* at the *Ferry Point* shall pay for each Year the Sum of Twenty shillings.

The Ferry at *Rancocas,* alias *Northampton River,* shall pay for each side, by the Year, the Sum of Ten Shillings.

The Ferry from *William Cooper* to *Philadelphia* shall pay for each Year the Sum of Ten shillings.

The Ferry from *Gloucester* to *Philadelphia* shall pay for each Year the Sum of Thirty Shillings.

The Ferry at *Inians* over *Rariton River* shall pay for each Year the Sum of Ten shillings.

Every Wherry that carries Goods or Passengers for Hire, shall pay for each Year the Sum of Ten shillings.

Every Float that carries Goods or Passengers for Hire, shall pay for each Year the Sum of Six shillings.

Every Wood Boat that carries six Coard, and upwards, shall pay for each Year the Sum of Twelve Shillings.

Every Wood Boat that carries under six to Four Coard shall pay for each Year the Sum of Eight shillings.

Every Wood Boat that carries under four Coards, shall pay for each Year the Sum of Four Shillings.

All Boats Flats and Wherries comeing from the Neighbouring Provinces into this Province, shall pay at the same Rate as is laid on Boats or Wherries of Persons Inhabiting in this Province.

All Saw-Mills and Grist-Mills shall be assesst at the Discretion of the Assessors, of each Town, Division, Precinct or District wherein they lie, provided they do not exceed the Sum of Three Pounds, nor are rated at under the Sum of Five Shillings the Year each.

All Merchants or Shop keepers shall be Rated at the Discretion of the Assessor, not under Fifteen Shillings, nor above four Pounds for each Year.

All Indian Traders shall be Rated at the Discretion of the Assessors, not under Forty Shillings, nor above Ten Pounds for each year.

Every Person not residing in this Province, that shall bring Goods to Sell by Retail, except in publick Fairs, shall pay for each Year the Sum of Three Pounds.

The owners or Possessors of any Houses or Lots of Land in any of the Towns of this Province, the Tax of whose Rateable Estate doth not amount to Eight Shillings, shall pay for the said Houses or Lots at the discretion of the Assessors not under Two nor above Twenty Shillings.

All Cattle, Horses and Mares of one Year Old and upwards, shall be valued at Twenty Shillings.

All Sheep of one Year old and upwards shall be valued at Three Shillings.

Every White Male Servant, and every Indian, Negro and Mullatto Slave, from Sixteen Years and upwards, except such Slaves as are not able to Work, shall be rated at Twelve Pence the Head, for each Year.

All Lands and Meadows held by Pattents, Deeds or Surveys, belonging to any Person Inhabiting within this Province, settled, improved, or Inclosed Artificially or Naturally, shall be Valued at Seven Pounds the Hundred Acres.

And Be it Further Enacted by the Authority aforesaid, That the said Sum

of Thirteen hundred and Fifty Pounds, Money aforesaid, for the Year One Thousand Seven hundred and Nineteen, and the Sum of Five Hundred and Thirty Six Pounds, Money aforesaid, for the Year One thousand Seven hundred and Twenty shall be assessed, levyed and Raised for the first Year in the proportion following, *viz.* By the County of *Bergen,* the Sum of One Hundred and Eleven Pounds twelve Shillings.

By the County of *Essex,* the Sum of One hundred and Eighty five Pounds five Shillings.

By the County of *Middlesex,* the Sum of One hundred and Fifty Seven Pounds Sixteen Shillings.

By the County of *Summerset,* the Sum of Fifty two Pounds Six Shillings.

By the County of *Monmouth,* the Sum of Two Hundred and Thirty Pounds two Shillings.

By the Counties of *Burlington,* and *Hunterdon,* the Sum of Two Hundred and Seventy Pounds Eighteen Shillings.

By the County of *Gloucester,* the Sum of one Hundred and Sixteen Pounds Nineteen Shillings.

By the County of *Salem,* the Sum of one Hundred and Ninety Four Pounds Fourteen Shillings.

By the County of *Cape-May,* the Sum of Forty two Pounds Eight Shillings, which together with the Sum of Three Hundred Pounds, Money according to Her late Majesty's Proclamation, due and payable by the Farmers of the Excise for the Year One Thousand Seven Hundred and Eighteen, on the Twenty fifth Day of *March* One thousand Seven Hundred and Nineteen, which is hereby directed to be paid, by the Treasurer of the Province, who shall receive the same, towards the Sallaries and Incidents aforesaid, makes up the Sum of Sixteen Hundred and Fifty Pounds, Money aforesaid.

And be it further Enacted by the Authority aforesaid, That the said Sum of Five Hundred and Thirty Six Pounds, Money aforesaid, for the Year One Thousand Seven Hundred and Twenty, be assessed, levyed and raised in the Proportion following, *viz.*

By the County of *Bergen,* the Sum of Forty five Pounds Nine Shillings, and Four Pence.

By the County of *Essex,* the Sum of Seventy Five Pounds Eleven Shillings and Four Pence.

By the County of *Middlesex,* the Sum of Sixty four Pounds Six Shillings.

By the County of *Summerset,* the Sum of Seventeen Pounds Four Shillings.

By the County of *Monmouth,* the Sum of Ninety three Pounds Fifteen Shillings.

By the Counties of *Burlington* and *Hunterdon,* the Sum of one Hundred and Ten Pounds Seven Shillings.

By the County of *Gloucester,* the Sum of Forty seven Pounds Eighteen Shillings.

By the County of *Salem,* the Sum of Seventy nine Pounds one Shilling.

By the County of *Cape-May,* the Sum of Seventeen Pounds Six Shillings. Which together with the Sum of Three Hundred Pounds, due from the Farmers

of the Duty of Excise on the Twenty fifth Day of *March,* which will be in the Year of our Lord One Thousand Seven Hundred and Twenty, and which is hereby directed to be paid by the Treasurer of the Province, who shall receive the same, towards the Sallaries and Incidents aforesaid, making in all the Sum of Eight Hundred Thirty six Pounds, Money aforesaid, both which said Sums amounting to Six Hundred Pounds, Money aforesaid, arising from the said Duty of Excise, and payable by the Farmers of the said Excise for the said years One Thousand Seven Hundred and Eighteen and one Thousand Seven Hundred and Nineteen, are hereby directed to be applyed for and towards the Support of the Government for the said Two Years, and to no other use whatsoever.

And be it further Enacted by the Authority aforesaid, That the Assessors for the Assessing the several and respective Sums aforesaid shall be, and are, such as are already Chosen, or hereafter shall be Chosen by the several Towns, Divisions, Districts and Precincts, according to the Directions of an Act passed the last Session of this present Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province.*

And be it further Enacted by the Authority aforesaid, That for Collecting and Receiving the several and respective Sums aforesaid, there shall be appointed for each County within this Province, the Collectors hereafter named, *viz.*

For the County of *Bergen,* Mr. *Richard Edsall.*
For the County of *Essex,* Mr. *Robert Ogden.*
For the County of *Middlesex,* Mr. *William Eirs.*
For the County of *Somerset,* Mr. *Michael Van Veighty.*
For the County of *Monmouth,* Mr. *Henry Leonard.*
For the County of *Hunterdon,* Mr. *Ralph Hunt.*
For the County of *Burlington,* Mr. *Richard Smith.*
For the County of *Gloucester,* Mr. *Thomas Sharp.*
For the County of *Salem,* Maj. *John Ralph.*
For the County of *Cape-May,* Lieut. Coll. *Jacob Spicer.*

And be it further Enacted by the Authority aforesaid, That all and every the Inhabitants and Housholders of each of the respective Counties within this Province shall on or before the first Tuesday in *May* next, which shall be in the Year of our Lord One Thousand Seven Hundred and Nineteen, give in a true and perfect List of all their Names and Sir-Names, and an Account in Writing of all their Estate Real and Personal, that are Rated or made Rateable by this Act, to the Assessors chosen or to be chosen and elected by Virtue of *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province,* for the time being, of the Town, Division, Precinct or District they shall reside in, and in Case of their Neglect or Refusal, shall be liable to the Penalties and Forfeitures mentioned in the said Act.

And be it further Enacted by the Authority aforesaid, That all and every the Inhabitants and Housholders of each respective County within this Province

shall at or before the first Tuesday in *May,* which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty, give a true and perfect List of all their Names and Sir-Names, and an Account in Writing of all their Estates, Real and Personal, That are to be Rated or made Rateable by this Act, to the Assessor chosen and elected by Virtue of an Act, Entituled, *An Act for the more Regular chusing and electing Assessors and Collectors in the Respective Towns and Counties in this Province,* for the Time being, for the Town, Division, District or Precinct they reside in, which Assessors of the several Towns, Divisions, Precincts or Districts of each and every County in this Province, are hereby directed and required, on or before the first Tuesday in *June,* in the Year One Thousand Seven Hundred and Nineteen, and on or before the first Tuesday in *June,* which shall be in the Year One Thousand Seven Hundred and Twenty, to meet at the most Publick and Convenient Place in each respective County of this Province, (except the Counties of *Burlington* and *Hunterdon,* who are to meet as is in this Act hereafter directed) and shall then and there Compute what the Sum Total of all the Certainties, as laid by this Act in the said County shall amount unto, and shall then and there likewise Compute the Value of all the Estates Real and Personal given in unto the said Assessors, within each of the said Towns, Divisions, Precincts or Districts in each and every County of this Province, at the Value in this Act mentioned and Expressed, and then Cast up what the Sum Total of the said Estates Real and Personal amounts unto, and then Assess what shall be wanting of the Quota of their respective County, the certainties being deducted, together with the Collectors and their own Fees, and the Insolvants for the preceeding three Years, equally on the Pound Value of the Sum Total of the Real and Personal Estates last mentioned. And the said Assessors are also hereby Required and Commanded, for the Year One Thousand Seven Hundred and Twenty, to add to the Quota of their several Towns, Divisions, Precincts or Districts, all such Deficiencies as shall have happened in the Year One Thousand Seven Hundred and Nineteen, by Persons being Dead, Insolvant or Run away, or otherwise, and shall likewise do and perform all things required of them according to the Directions and Appointment of the said Act of Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* and be Subject to the same Pains, Penalties and Forfeitures as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That every Person Taxed, as aforesaid, shall on or before the second Tuesday of *November,* which shall be in the Year of our Lord One Thousand Seven Hundred and Nineteen, for the first Year, and on or before the second Tuesday in *November,* which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty, for the second Year, pay unto the Collector chosen by Virtue of the aforesaid Act, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* the several Sums of Money they are Assessed at on the Pains and Penalties mentioned and Recited in this said Act.

And be it further Enacted by the Authority aforesaid, That the Collectors

of the several Towns, Divisions, Districts and Precincts, chosen by Virtue of the aforesaid Act, passed at the last sitting of this present Assembly, Entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each Respective Town and County in this Province,* shall pay the Sum or Sums of Money he shall receive, unto the Collector of the County appointed by this Act, for the Year one Thousand Seven Hundred and Nineteen, on or before the second Tuesday in *December* next, and for the Year One Thousand Seven Hundred and Twenty at or before the second Tuesday of *December* in that Year, under the Pains and Penalties mentioned in the before-mentioned and Recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors appointed by Virtue of this Act shall and are hereby directed and commanded to do the Duties required of them by Virtue of the before mentioned Act of General Assembly, entituled, *An Act for the more regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province,* and be Subject to the same Pains, Penalties and Forfeitures, as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That every Non-Resident having brought any Goods, Wares or Merchandises, by Land or by Water, to sell by Retail, except in Publick Fairs, shall forthwith repair to the Collector of the County, for the Time being, and give an Account of the Value of Goods he, she or they have brought to sell, and pay the Sum of Three Pounds by the Year, as appointed by this Act, who shall give a Certificate to the Person that hath paid the said Sum, under his Hand and Seal, which Certificate shall be a sufficient Permit for that Person to Sell Goods by Retail at any Time or Place, within this Province for one Year; and the said Collector shall receive for the said Certificate the Sum of Two Shillings and Six Pence to be paid by the Owners of the said Goods.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons not residing within this Province shall Expose to Sale any Goods, Wares or Merchandises contrary to the true Intent and Meaning of this Act, the Collector of the County in which such Goods are exposed to Sale shall forthwith Seize and take into his Custody so much of the Goods, Wares and Merchandises belonging to any Person or Persons so Offending, and if the Owner or Owners shall not Redeem the same within Twenty Four Hours by paying as is by this Act directed, and all the Charges accruing by the said Seizure, then and in such Case the said Collector shall expose the said Goods to publick Sale, by Way of Vendue or Out-cry, to the highest Bidder and take the Sum or Sums as directed by this Act to be paid, and also the Sum of Ten Shillings for all Charges and Trouble for making the said Distress and Sale, and return the overplus, if any be, to the Owner.

And be it further Enacted by the Authority aforesaid, That the Treasurer of the Eastern or Western Division of this Province shall give Bond with Sufficient Sureties Dwelling within this Province, to the Value of Two Thousand Pounds each, for the true performance of his or their Office.

And be it further Enacted by the Authority aforesaid, That the Assessors

within each Respective Town, Division, District or Precinct in any County of this Province, shall assess over and above the Sums herein mentioned, in each County, so much as will pay themselves and the Collectors for Assessing Collecting and Gathering the same as is allowed by an Act, entituled, *An Act for the more Regular Electing and Chusing Assessors and Collectors in each respective Town and County of this Province.*

And be it further Enacted by the Authority aforesaid, That the Collector of each respective County within this Province, shall on or before the second Tuesday in *February,* for the Year one Thousand Seven Hundred and Nineteen, and on or before the second Tuesday in *February* Which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty, pay all such Sum and Sums of Money, by him received by Virtue of this Act, to the Treasurer of the Division he belongs unto and shall likewise deliver unto the said Treasurer an exact Copy of the Duplicate of the Assessments of each Town, Division, Precinct or District, and an exact Account of all the Deficiencies within each Town, Division, Precinct and District within this County, to the Treasurer of the Division to which he belongs, on the Pain and Penalty of Fifty Pounds for each Default therein, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, and in which no Essoyn Protection or Wager of Law shall be allowed, nor any more than one Imparlance one half to the Person who shall prosecute the same to effect, the other half to his Majesty, towards the Support of his Majesties Government in the Province of *New-Jersey,* with double Costs of Suit.

And Whereas in an Act passed the last sitting of the Assembly of this Province, entituled, *An Act for the Currency of Bills of Credit for the Sum of Eleven Thousand Six Hundred and Ninety five Ounces of Plate in the Province of New-Jersey,* it is Enacted That the Treasurer shall receive the Duty of Excise in the said Bills of Credit made Current by the said Act, and in no other Specie whatsoever, and the Currency of the said Bills of Credit, being sometime since Expired by their own Limitation, and not again made Current, excepting for the Payment of the Arrearages of Taxes formerly raised for the Support of the Government, and other emergent Occasions of this Province, *Be it further Enacted by the Authority aforesaid,* That the Treasurers of the Eastern or Western Division of this Province shall not receive the said Duty of Excise from the Farmers of the said Duty, their Heirs, Executors or Administrators in the said Bills of Credit formerly made Current in this Province, but in Gold at the Rate of Five Shillings and Six Pence the Penny Weight, or in Silver as the Rate prescribed in Her late Majesties Proclamation, ascertaining the Rate of Foreign Coyn in Her said Majesties Plantations, any thing in the said Act to the Contrary in any wise notwithstanding.

And whereas there remains due and unpaid from the several Counties of this Province, for Arrearages of the former Taxes, laid by several *Acts of Assembly of this Province,* the following Sums of Money, *viz.*

From the County of *Bergen,* the Sum of Seven Pounds Nineteen Shillings and Four Pence.

From the County of *Essex,* the Sum of Fifteen Pounds, Twelve Shillings

and five Pence.

From the County of *Middlesex,* the Sum of Ninety Four Pounds, Fifteen Shillings.

From the County of *Summerset,* the Sum of Eleven Pounds Six Shillings and Four Pence.

From the County of *Monmouth,* the Sum of Seventy three Pounds one Shilling and Nine pence.

From the County of *Hunterdon,* the Sum of One Hundred and Eighty Pounds Eight Shillings.

From the County of *Burlington,* the Sum of Two Hundred and Sixty Eight Pounds Four Shillings.

From the County of *Gloucester,* the Sum of one Hundred and Five Pounds Nineteen Shillings and Five Pence.

From the County of *Salem,* the Sum of Fourty Nine Pounds Three Shillings.

From the County of *Cape-May,* the Sum of Four Pounds One Shilling, and three Pence, which with Interest for the same, at the Rate of Two Shillings in the Pound, amounts in all to the Sum of Eight Hundred Ninety one Pounds, Nine Shillings and Five Pence.

Be it therefore Enacted by the Authority aforesaid, That there be assessed, levyed and raised, for the Payment of the said Arrearages and Interest due from the said Counties the Sums following, *viz.*

From the County of *Bergen,* the Sum of Eight Pounds Fifteen Shillings.

From the County of *Essex,* the Sum of Seventeen Pounds two Shillings and Six Pence.

From the County of *Middlesex,* the Sum of One hundred and four Pounds four Shillings and six Pence.

From the County of *Summerset,* the Sum of Twelve Pounds nine Shillings.

From the County of *Monmouth,* the Sum of Eighty pounds Seven Shillings and Nine Pence.

From the County of *Burlington,* the Sum of Two Hundred and Ninety five Pounds and four Pence.

From the County of *Hunterdon,* the Sum of One Hundred and Ninety eight Pounds, Eight Shillings and Seven Pence.

From the County of *Gloucester,* the Sum of One Hundred and Sixteen Pounds Eleven Shillings and Five Pence.

From the County of *Salem,* the Sum of Fifty four Pounds, One Shilling.

From the County of *Cape-May,* the Sum of Four Pounds Nine Shillings and four Pence.

And be it further Enacted by the Authority aforesaid, That the Assessors for the Assessing the several and respective Sums aforesaid, shall be, and are hereby appointed to be, the same Assessors as are already chosen or hereafter shall be chosen by the several Towns, Divisions, Districts and precincts according to the Directions of an Act, passed at the last sitting of the Assembly, Entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties of this Province,* which said

Assessors are hereby directed, required and commanded to add above and besides the Quota appointed by this Act to be Rated for and towards the Support of the Government of this his Majesties Province of *New-Jersey* for two Years, on their several Towns, Divisions, Precincts or Districts the several and respective Sums due as Arrearages from the said Counties, as before in this Act is mentioned and Expressed, and in Case of Failure therein shall be subject to the same Pains and Penalties, as in the aforesaid Act is mentioned and expressed. And that the said Arrearages may be Speedily Collected, and the Bills of Credit formerly made current in this Province called in and sunk, and the People in whose Hands they are duely paid and satisfied for the same, *Be it further Enacted by the Authority aforesaid,* That the Assessors Chosen or to be Chosen according to an Act past [*sic*] the last Sitting of this present Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province,* are hereby required on or before the first Tuesday in *June* next, to meet at the most Publick and convenient Place in each respective County (except the Counties of *Burlington* and *Hunterdon,* who are ordered to meet as hereafter is directed) and shall then and there Assess the aforesaid Arrearages in the same manner, on the Certainty Real and Personal Estates, as they are given into them to be rated, or are Rated in the former part of this Act, for the raising a Support for this his Majesty's Government of the Province of *New-Jersey,* for two Years Equally and Impartially, according to the Best of their Knowledge and Understanding.

And be it further Enacted by the Authority aforesaid, That the Assessors of the Counties of *Burlington* and *Hunterdon* shall meet together at the House of *Thomas Henlocke* in *Burlington,* on the first Tuesday in *June* next, which will be in the Year of our Lord One Thousand Seven Hundred and Nineteen, and then and there Compute the Value of all the Estates Real and Personal given unto the Assessors of the said Counties, and upon a Computation thereof Settle the Quota of each County and the Arrearages.

And be it further Enacted by the Authority aforesaid, That every Person taxed for Arrearages, as aforesaid, shall on or before the first Tuesday in *July,* now next ensuing, pay unto the Collector, chosen by Virtue of the aforesaid Act, Entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each Respective Town and County in this Province,* the several Sums they are Assessed at for the said Arrearages, on the Pains and Penalties mentioned and recited in the said Act.

And be it further Enacted by the Authority aforesaid, That the Collectors of the several Towns, Divisions, Districts and Precincts, chosen by Virtue of the aforesaid Act, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* shall pay unto the Collector of the County appointed by this Act, at or before the third Tuesday in *July* next, all such Sum or Sums of Money as he shall receive for the said Arrearages, under the Pains and Penalties mentioned in the before-recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors of each respective County within this Province, shall on or before the second

Tuesday in *August* next, pay all such Sum or Sums of Money, by him Received for Arrearages by Virtue of this Act, to the Treasurer or Receiver General of the Division he appertains unto, for and towards the Sinking and Paying all the outstanding Bills of Credit, formerly made Current in this Province under Pain and Penalty of Fifty Pounds to be sued for and Recovered as is in this Act before directed. *Provided always, and it is the true Intent and Meaning of this Act,* That whereas the Treasurer of the Eastern or Western Division of this Province, is hereafter in this Act Authorized and Impowered to sue for and recover all such Sum or Sums of Money, that are or may be in the Hands of the Receiver of the Three Thousand and Five Thousand Pound Taxes, in the Western Division of this Province, or in the Hands of any of the Collectors, Constables or any other Persons whatsoever, That what Moneys shall be by them or either of them Recovered and Received, from any Persons in any of the Counties of this Province, that it shall and is hereby directed to be deducted out of the Quota appointed by this Act to be payed by the said County, which Account the Treasurer of the Eastern or Western Division of this Province, is hereby required immediately on the Recovery of any Sum of Money to give to the Assessors of the said County, or some one of them, under his Hand that the same be deducted and allowed accordingly.

And Whereas the Treasurer of this Province, by an Act passed the last Sitting of the Assembly, entituled, *An Act for the Currency of Bills of Credit for Eleven Thousand Six Hundred and Seventy Five Ounces of Plate in the Province of* New-Jersey, was directed to Receive the said Bills of Credit made Current by that Act until the first Day of *April,* now next ensuing, and no longer, at which Time the Arrearages laid on the several Counties in this Province, will be unpayed and consequently the said Bills of Credit will be yet remaining un-Sunk in private Hands, *Be it further Enacted by the Authority aforesaid,* That the said Bills of Credit, formerly made Current in this Province shall be received by the Treasurer of the Eastern or Western Division of this Province in Payment for all Taxes, Raised for the Payment of Arrearages, until the said Arrearages shall be fully Received and Payed.

And That no Persons who at Present may have any of the said Bills of Credit, formerly made Current, in their Hands may suffer any Loss by the same, *Be it Enacted by the Authority aforesaid,* That the Sum of Two Shillings in the Pound, that is by this Act directed to be Assessed, Collected and Levyed in the several Counties of this Province, from whom Arrearages of the former Taxes are due, be allowed by the Treasurer of the said Province or either of them, or any of the Collectors of the Counties, appointed by this Act, besides the Sum specified in the said Bills, unto all and every Person or Persons who shall bring the said Bills of Credit, formerly made Current in this Province, to them to be exchanged, and shall exchange the said Bills at the Rate specified therein, if they have any Money, in Hands without any Fee or Reward or defalcation on any Pretence whatsoever, on Penalty of Forfeiting of Ten Pounds for every Offence, to be recovered by Action of Debt, before any two Justices of the Peace, *Quorum unus,* in the County where the said Treasurer or Collector shall reside.

And whereas there are several Sums of Money of the Arrearages mentioned in this Act, and herein appointed to be raised, remaining in the Hands of Private Persons, or in the Hands of Constables, Collectors of the Counties, or of the Treasurer of the Western Division, for the Three Thousand and Five Thousand Pound Taxes, to the very great Damage of those who have truly and faithfully paid their Proportion of the Taxes Rated by the several Acts of Assembly of this province, in Order to recover the same out of their Hands, *Be it Enacted by the Authority aforesaid,* That the Treasurer of the Eastern or Western Division of this Province, are hereby Impowered, Required and Commanded speedily, in the Division they are Treasurer of, to enquire what Money is due on any of the Taxes formerly raised, for the Support of this His Majesties Government of *New-Jersey,* or for any of the Expeditions against *Canada,* may be remaining either in the Hands of the Treasurer of the Western Division or in the Hands of any Collectors, Constables or Private Persons, in any of the Counties of this Province, and shall on the Obtaining an Account thereof be impowered, and he is hereby impowered, to Summon the said Treasurer of the Western Division, or the said Collector or Collectors, Constable or Constables, or any other Person or Persons, who have any Publick Money in their Hands before any three Justices of the Peace in the County where such Persons shall reside, one whereof to be one of the Judges of the Court of Common Pleas for the said County, for the time being, which Summons the said Judge of the Court of Common Pleas, on Complaint to them made by the Treasurer, either of the Eastern or Western Division, within their respective Division, is hereby Impowered and required forthwith to grant, under his Hand and Seal, specifying therein the Cause of Complaint and the Time and Place when and where the Person or Persons complained against shall appear and shall at the same Time and Place call to his Assistance other two Justices of the Peace of the said County, at which Time and Place the Treasurer of the Eastern or Western Division of this Province, in their respective Divisions, shall exhibit the Complaint against the said Treasurer of the Western Division, or against any Collector or Collectors, Constable or Constables, or any other Person, in Writing, in his Majesty's Name, in the Nature of an Action of Debt, to which complaint the said Treasurer of the Western Division, Collector or Collectors, Constable or Constables, or any other Persons, are required and commanded forthwith to put in their Answer, before the said Judge and Justices, who are hereby Authorized and Impowered, sumarily to hear, try and determine the same, and to give Judgment for the Monies that shall appear to them, or to any two of them, the said Judge of the Court of Common Pleas being one, to be due from the said Treasurer of the Western Division, Collector or Collectors, Constable or Constables, or any other Person or Persons that are so Indebted, and to award Execution for the same against the Goods and Chattles of the said Person or Persons that are so Indebted, and if no Goods or Chattles can be found then to commit the Person or Persons, so Indebted, to the Sheriff of the County, when the said Judgment is given who is hereby required and commanded to receive the said Person or Persons so committed, and them in safe Custody to keep, until the Debt and Charges are payed and satisfyed, and two Shillings in the

Pound above the Debt and Charges of the Prosecution, which said two Shillings in the Pound is hereby given to the said Treasurer who shall prosecute the same to Effect, as a Reward for that Service.

And be it further Enacted by the Authority aforesaid, That the Treasurer of the Eastern and Western Division of this Province, and each of them are hereby required and commanded to keep a just and fair Account, of what Monies they or either of them shall Receive on Account, of the Monies raised for the Support of the Government, and of the Arrearages Received either in Bills of Credit, formerly made current in this Province, or in Gold or Silver, with an Exact Account of the Time when, and the Persons from whom he received, and from what County, and shall take in and carefully preserve the said Bills of Credit he shall receive, to be Exhibited to the Governour, Council and Assembly of this Province, when they are pleased to require the same.

And be it further Enacted by the Authority aforesaid, That the Judge and Justices who are hereby Authorized and Impowered to hear and determine the Complaints before-mentioned, and to adjust the Accounts of Arrearages, brought before them as aforesaid, shall be allowed Six shillings for every Account adjusted, and every Action that is brought before them, and Judgment given on the same. And the Treasurer shall be payed his Costs for prosecuting the said Persons so Indebted in proportion to the Fees already appointed, for such and the like Services in an Ordinance already made, for the Establishing Fees for the respective Offices of this Province.

Provided always, That nothing in this Act shall be construed to oblidge [*sic*] any Persons to pay any Fees or Costs of Suit, if it shall appear on the Auditory of their Accounts, that the Persons are not found to be Indebted on any of the Taxes or Arrearages aforesaid.

Passed 27 Mar. 1719.
Bradford (1719) 79-91.

An Act for Runing and Ascertaining the Line of Partition or Division between the Eastern and Western Divisions[1] of the Province of *New-Jersey,* and for preventing Disputes for the Future concerning the same; and for securing to the general Proprietors of the Soil of each of the Divisions, and Persons claiming under them their several and respective Possessions, Rights and just Claims.

Whereas many Doubts, Debates and Controversies have arisen concerning the Boundaries or Line of Partition between that part of this Province of *New-Jersey* now commonly called and known by the Name of the *Western-Division* of the Province of *New-Jersey,* and that part of said Province now commonly called and known by the Name of the *Eastern-Division* of the Province of *New-Jersey,* which have proved a great Obstruction to the Settlement and Improvement of the said Province, and will, if they continue, prove a very great hindrance to the further Settling and Improving thereof, and of dangerous Consequence to the Peace and Tranquility of the Government and Inhabitants of the same. AND whereas nothing can be more effectual to prevent Debates and Controversies that may otherwise hereafter arise concerning the same, and for settling and quieting the Minds of all Persons concerned, than the Fixing the said Line of Partititon on a just, solid and lasting Foundation. And whereas a certain Line mentioned in an Indenture *Quinti Partite,* dated the first Day of *July,* in the year 1676 in the 28th year of the Reign of King Charles the 2d. made and executed by and between Sir *George Carteret* of *Salt*[*r*]*um*[2] in the County of *Sarum,* Knight and Barronet, of the first part, *William Penn* of *Rickmansworth,* in the County of *Hartford,* Esqr. of the second part, *Gawen Lawrie* of *London,* Merchant, of the third part; *Nicholas Lucas* of *Hartford,* in the County of *Hartford,* Master, of the fourth part, and *Edward Billinge* of *Westminster,* in the County of *Middlesex,* Gent. (in whom the Inheritance and Fee simple of that undivided Part, Share and Moyety of the Province of *New-Jersey,* which did formerly belong to the Right Honorable *John* Lord *Berekley,* Barron of *Stratton,* was by good and sufficient Conveyances in the Law then vested) of the Fifth part, was by the Persons here before mentioned, Parties to the aforesaid Indenture *Quinti Partite,* then sole Owners of the whole Province of *New-Jersey,* meant, intended and agreed to be the Line of Partition or Division of the *Eastern part* of this Province from the *Western part* thereof; Which said Line was meant, intended and understood by all the Persons before mentioned, Parties to the said Indenture *Quinti Partite,* to be a straight and direct Line run from the most Northerly Point or Boundary of the Province of *New-Jersey* on the Northermost Branch of the River *Delaware,* unto the most Southerly Point of the East-side of a certain Inlet, Harbour or Bay on the Sea-Coast of the Province of *New-Jersey,* commonly called and known by the Name of *Little-Egg-Harbour,*

Be it therefore Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted and Declared by the Authority of the same, That the said Line, that is to say, a straight and direct Line from the most Northerly Point or Boundary of this Province of *New-Jersey* on the Northermost Branch on the River *Delaware,* unto the most Southerly Point of a certain Beach or Island of Sand, lying next to and adjoyning to the main Sea, on the North-side of the Mouth or Entrance of a certain Inlet, Bay or Harbour, commonly called and known by the Name of *Little-Egg-Harbour,* Is, and shall forever hereafter remain and be the Line of Partition and Division betwixt the *Eastern* and *Western Division* of this Province: And all the Lands, Islands and Waters within this Province, lying and being to the Eastward of the said Line,

is, and shall be, and forever hereafter shall remain and be the *Eastern* Part, Share and Division of this Province: And all the Lands, Islands and Waters within this Province, lying and being to the Westward of the said Line before mentioned and described, is, and shall be, and forever hereafter shall remain and be the *Western* Part, Share and Division of this Province.

AND Whereas the said Line of Partition so agreed on, as aforesaid, has (notwithstanding such Agreement) not been, as yet, really and indeed Run, nor the places through which it ought to pass discovered or made known, although Attempts have been made by Persons appointed by Agreement between some of the Proprietors of the Soil of each of the said Divisions, and Lines have been run for that purpose in some parts of this Province, which Lines have been sometimes supposed to run through such parts of this Province as the said Line, agreed on by the Parties to the *Indenture Quinti Partite* aforesaid, should or ought to have run; and which nevertheless, there is great reason to believe, have been Variant and Different from the true Line of Partition agreed on, as aforesaid, by reason of which several Tracts, Parcels and Quantities of Land have been taken up by the general Proprietors of the Soil of the *Eastern Division* of this Province on the Westerly side of the true *Partition Line* agreed on, as aforesaid; and several Tracts, Parcels and Quantities of Land have been taken up by the general Proprietors of the Soil of the *Western Division* of this Province on the Easterly side of the said Line of Partition, many of which Tracts, Parcels and Quantities of land have been conveyed away and disposed, as well by the General Proprietors of the Soil of the *Eastern Division* of this Province, as by the said General Proprietors of the Soil of the *Western Division* of this Province, and which are now by sufficient Conveyances in the Law vested in the present Possessors thereof, who have made several Settlements and great Improvements upon the same. In order therefore that the present Possessors may be secured in the Enjoyment of the Fruits of their Labour and Industry, and that equal and impartial Justice may be done to the General Proprietors of each of the said Divisions, as far as the present Circumstances of things will admit, *Be it Enacted by the Authority aforesaid,* That when the Line Enacted and Declared by this Act to be the Line of Partition between the Eastern and Western Divisions of the Province, shall be actually Run straight and direct from any one of the Terms, Limits or Ends of the said Line, unto the other Term, Limit or End of the same, and the several places within this Province, through which it shall pass, be discovered and made known, that then there shall be, as near as conveniently may be, a Survey or Computation made of the whole and full Amount of all such Tracts, Parcels and Quantities of Land as have been taken up, patented, surveyed, held or possessed by the Proprietors of the *Eastern Division* of *New-Jersey,* or in their Right by persons Claiming under them to the Westward of the said Line hereby Enacted and Declared to be the *Line of Partition* aforesaid, so as the utmost Limits and Boundaries of all or any the said Tracts and Parcels of Land do not extend farther to the Westward of the herein and hereby Enacted and Declared *Line of Division* than to a certain Line heretofore Run and Markt out in the year of our Lord 1687 by *George Keith,* then Surveyor General of that part of this Province formerly called and known by the

Name of *The Province of East-New-Jersey,* beginning at the most Southerly Point of a certain Beach or Island lying next and adjoyning to the main Sea, to the Northward of a certain Bay, Inlet or Harbour lying on the Sea-Coast of this Province, commonly called or known by the Name of *Little-Egg-Harbour,* and running thence according to the natural Position on a Nor. Nor. West Fifty Minutes more Westerly Course to the South Westerly Corner of a certain Tract of Land lying to the Westward of the South Branch of *Rariton River,* heretofore granted by the Proprietors of the *Eastern-Division* of this Province to *John Dobie,* and commonly called and known by the Name of *Dobies Plantation,* Thence along the Rear of the said *Dobies Plantation,* and along the Rear of the other Tracts of Land and Plantations, as they were here-to-fore Patented or Surveyed in Right of the Proprietors of the *Eastern-Division* of this Province, until it Intersects that part of the North Branch of *Rariton-River* which descends from a Fall of Water, commonly called and known by the *Indian* Name of *Allamitung;* Then running from that Point of Intersection up the Branch or Stream to the Fall of *Allamitung.* All which said Tracts, Parcels and Quantities of Land, Plantations and Settlements, so taken up, patented, surveyed, possest, settled or improved, lying and being to the Westward of the Line of Partition herein before Enacted and Declared to be the *Line of Partition* and *Division* between the *Eastern* and *Western Divisions of this Province,* and not extending farther to the Westward of the said Line of Partition than is herein before limited and expressed, shall be and remain to the Patentees, Vendees, Possessors or Claimers of the same, their Heirs and Assigns forever, without any Let, Hinderance, Molestation or Eviction by any of the General Proprietors of the *Western-Division* of this Province, their Heirs or Assigns forever. And the said Patentees, Vendees, Possessors or Claimers of any the said Tracts, Parcels or Quantities of Land aforesaid, their Heirs and Assigns forever shall have, hold, occupy, possess and enjoy all and any the said Tracts, Parcels and Quantities of Land as fully, to all Intents, Constructions and Purposes whatsoever, as if all or any the said Tracts, Parcels or Quantities of Land had been so taken up, patented, surveyed, bought, claimed or possessed in the *Eastern Division* of the Province of *New-Jersey,* on the East side of the said Line herein before Enacted to be the Line of Partition between the *Eastern* and *Western Divisions* of this Province, and not otherwise, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it Enacted by the Authority aforesaid, That there shall, as near as conveniently may be done, a Survey or Computation be made of the whole and full Amount of all such Tracts, Parcels and Quantities of Land as have been taken up to the Eastward of the herein and hereby Enacted Line of Partition, by or in Right of the Proprietors of the *Western-Division* of this Province, and a Survey or Computation be made of the whole and full Amount of all such Tracts, Parcels and Quantities of Land as have been taken up to the Westward of the herein and hereby Enacted Line of Partition, by or in Right of the Proprietors of the *Eastern-Division* of this Province; and in case such Quantity or Number of Acres of the said Land so Surveyed or taken up by or in Right of the Proprietors of both Divisions, as aforesaid, be Equal, the same is hereby

Enacted and Declared to be Vested in the Possessors or Claimers of the same, their Heirs and Assigns forever, without any Let, Hinderance, Molestation or Eviction by any of the General Proprietors of the *Western-Division* of this Province, their Heirs or Assigns forever. And the said Patentees, Vendees, Possessors or Claimers of any the said Tracts, Parcels or Quantities of Land aforesaid, their Heirs and Assigns forever shall have, hold, occupy, possess and enjoy all and any the said Tracts, Parcels and Quantities of Land as fully, to all Intents, Constructions and Purposes whatsoever, as if all or any the said Tracts, Parcels or Quantities of Land had been so taken up, patented, surveyed, bought, claimed or possessed in the *Eastern-Division* of the Province of *New-Jersey,* on the East side of the said Line herein before Enacted to be the Line of Partition between the *Eastern* and *Western Divisions* of this Province, and not otherwise, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it Enacted by the Authority aforesaid, That there shall, as near as conveniently may be done, a Survey or Computation be made of the whole and full Amount of all such Tracts, Parcels and Quantities of Land as have been taken up to the Eastward of the herein and hereby Enacted Line of Partition, by or in Right of the Proprietors of the *Western-Division* of this Province, and a Survey or Computation be made of the whole and full Amount of all such Tracts, Parcels and Quantities of Land as have been taken up to the Westward of the herein and hereby Enacted Line of Partition, by or in Right of the Proprietors of the *Eastern-Division* of this Province; and in case such Quantity or Number of Acres of the said Land so Surveyed or taken up by or in Right of the Proprietors of both Divisions, as aforesaid, be Equal, the same is hereby Enacted and Declared to be Vested in the several Possessors, Takers up or Claimers of the same, their Heirs and Assigns forever, as fully and amply, to all Intents and Purposes whatsoever, as if the same had been so taken up, possessed or claimed in the respective Divisions of this Province for which the same was taken up, and not otherwise. But in case it shall so happen that upon the aforesaid Computations, the Total Sum or Amount of all the Tracts, Parcels and Quantities of Land taken up by or in Right of the Proprietors of the *Eastern-Division,* to the Westward of the Line of Partition herein and hereby Established and Declared, shall be found to exceed the Quantity or Number of Acres contained within that Tract herein before described and allowed to have been taken up by or in Right of the Proprietors of the *Western-Division,* to the Eastward of the said Line of Partition, Then and in such Case there shall be Cut off from all or any of those Tracts and Parcels of Land which have been surveyed or taken up by or in Right of the Proprietors of the *Eastern-Division,* either on the West or East side of the said Line of Partition (Excepting such as have been taken up in Right or on account of a first Dividend, or the proportion of Ten Thousand Acres to one Propriety, or Twenty Fourth Part of said Division and Quit-Rent Lands) or out of any Unsurveyed Lands in the said *Eastern-Division,* in such Tracts as shall be thought fit, the full Quantity of such Exceeding, in the most Just and Equal Manner; Which Lands, so taken, shall be an Equivalent to the Proprietors of the *Western-Division,* and shall be held

by them, or such of them as shall take up the same, and by their Heirs and Assigns forever, notwithstanding any Survey formerly made thereon, and notwithstanding the said Lands, or some of them, may prove to be scituate on the Eastern side of the Partition Line herein Enacted and Declared, as fully and amply, to all intents and purposes, as if the same had never before been Surveyed to any other person, or were scituate on the Western side of the Partition Line herein before Enacted, any Law, Usage or Custom to the contrary in any wise notwithstanding. But in case it shall so happen, that, upon the aforesaid Computation, the Total Sum or Amount of all the Tracts, Parcels and Quantities of Land taken up by or in Right of the Proprietors of the *Western-Division* to the Eastward of the Line of Partition herein and hereby established and declared, shall be found to exceed the Quantity or Number of Acres contained within that Tract herein before described and allowed to have been taken up by or in Right of the Proprietors of the *Eastern-Division* to the Westward of their said Line of Partition, Then and in such case there shall be taken and cut off from all or any of those Tracts and Parcels of Land which have been surveyed or taken up by or in Right of the Proprietors of the *Western-Division,* either on the East or West side of the said Line of Partition, in Right or on account of a Fourth Dividend, or a Fourth taking up, the proportion of Five Thousand Acres for each whole Propriety or Hundredth part of the *Western-Division,* or out of any Unsurveyed Lands within the said *Western-Division,* in such Tracts as shall be thought fit, the full Quantity of such Exceeding, in the most just and equal manner; which Lands, so taken, shall be an Equivalent to the Proprietors of the *Eastern-Division,* and shall be held by them, or such of them as shall take up the same, and by their Heirs and Assigns forever, notwithstanding any Survey formerly made thereon, and notwithstanding the said Lands, or some of them, may prove to be scituate on the Western side of the Partition Line herein Enacted and Declared, as fully and amply, to all Intents and Purposes, as if the same had never before been Surveyed to any other Person, or were scituate on the Eastern side of the Partition Line herein before Enacted, any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That no Tract or Tracts of Land on which any Settlement and Improvement hath been made, shall be taken as aforesaid, or applyed to make good such Exceeding, or any part thereof, but that all and every such Tract and Tracts, or parcels of Land taken up by any of the Proprietors of the *Western-Division* on the East side of the aforesaid Line of Partition, on which Tract or Tracts any Settlement or Improvement is made, shall be held by the Possessors or Owners thereof, their Heirs and Assigns, as fully and amply, to all intents and purposes whatsoever, as if such Tract and Tracts had been taken up on the West side of the said Line of Partition, and not otherwise. And all and every such Tract and Tracts or Parcels of Land taken up by any of the Proprietors of the *Eastern-Division* on the West side of the aforesaid Line of Partition, on which Tract or Tracts any Settlement or Improvement is made, shall be held by the Possessors or Owners thereof, their Heirs and Assigns, as fully and amply, to all intents

and purposes whatsoever, as if such Tracts had been taken up on the East side of the said Line of Partition, and not otherwise.

Provided also, That if any Proprietor of the *Eastern-Division,* from whom any Lands are taken to make good the Equivalent to the Proprietors of the *Western-Division,* as aforesaid, have, or shall procure within two years after the same are taken, to make good the Equivalent aforesaid, a Proprietary Right to any unsurveyed Lands within the *Western-Division* of this Province, such Proprietor of the *Eastern-Division* may retain and keep to himself such Lands as otherwise he might by this Act have been obliged to surrender to the Western Proprietors, by laying on the same a good Proprietary Right to the same Quantity of Land in the *Western-Division* of this Province, any thing herein contained to the contrary notwithstanding.

Provided also, That if any Proprietor of the *Western-Division,* from whom any Lands are taken up to make good an Equivalent to the Proprietors of the *Eastern-Division,* as aforesaid, have, or shall procure within two years after the same are taken to make good the Equivalent aforesaid, a Proprietary Right to any unsurveyed Lands within the *Eastern-Division* of this Province, such Proprietor of the *Western-Division* may retain and keep to himself such Lands as otherwise he might by this Act have been obliged to surrender to the Eastern Proprietors, by laying on the same a good Proprietary Right to the same Quantity of Land in the *Eastern-Division* of this Province, any thing herein contained to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That upon the Computation made, in case it shall happen that the Quantity of Lands taken up by or in Right of the Proprietors of the *Western-Division* on the East side of the herein and hereby Enacted Line of Partition does exceed the Quantity of Lands taken up by or in Right of the Proprietors of the *Eastern-Division,* on the West side of the herein and hereby Enacted Line of Partition, the Surveyor General of the *Eastern-Division,* or his Deputy, and Commissioners or Mannagers for the same, herein after appointed, or the major part or Survivor of them, shall forthwith survey, allot, take up and ascertain such Exceeding on the Lands out of which the same is by this Act directed to be taken, and shall cause to be Recorded a Certificate under their hands how and in what manner they have done the same, in the Secretary's Office of this Province, and Surveyor General's Office of the *Eastern-Division,* there to be in publick View, and shall send a true Copy thereof to the Council of Proprietors of the *Western-Division* of this Province. And upon the Computation made, in case it shall happen that the Quantity of Lands taken up by or in Right of the Proprietors of the *Eastern-Division* on the West-side of the herein and hereby Enacted Line of Partition, does exceed the Quantity of Lands taken up by or in Right of the Proprietors of the *Western-Division,* on the East side of the herein and hereby Enacted Line of Partition, the Surveyor General of the *Western-Division,* or his Deputy, and Commissioners or Mannagers for the same, herein after appointed, or the major part or Survivor of them, shall forth-with survey, allot, take up and ascertain such Exceeding on the Lands out of which the same is by this Act directed to be taken, and shall cause to be Recorded a Certificate, under their hands, how and

in what manner they have done the same, in the Secretary's Office of this Province, and in the Surveyor General's Office of the *Western-Division,* there to be in publick View, and shall send a true Copy thereof to the Proprietors of the *Eastern-Division* of this Province. After which Certificate Recorded and Returned, as aforesaid, the respective Proprietors who had Right to take up such Exceeding, shall be and are hereby forever Barr'd of claiming any other Lands in Right of such Exceeding, any thing herein contained to the Contrary notwithstanding.

And the more Equally to preserve to each Division the same Quantity of Land which falls to it by the Line of Division or Partition between the *Eastern* and *Western Divisions* of this Province, *Be it Enacted by the Authority aforesaid,* That all the Tracts of Land which have been formerly Patented or Surveyed to the Proprietors of the *Eastern-Division,* & to others claiming under them, to the Westward of the said Line of Partition, as also all such Lands as shall or may fall to them as an Equivalent out of the *Western-Division,* and to the Westward of the said *Partition Line,* shall be taken, construed and forever hereafter deemed to be a part, share and portion of the *Eastern-Division* of this Province. And all the Tracts and Parcels of Land which the Proprietors of the *Western-Division,* or persons claiming under them, shall, in pursuance of this Act, and according to the true intent and meaning thereof, fall on the East side of the said Line of Partition, (excepting any small parcels which shall be Remote, and wholly severed from the Body of the said Division) shall be taken, construed and forever hereafter deemed to be a part, share and portion of the *Western-Division* of this Province; Of which all Bodies Corporate and Politick, and all other Persons, are to take Notice, and govern themselves accordingly, any thing herein contained to the contrary notwithstanding.

And for the more Effectual doing of Justice to such Proprietors who shall be entituled to take up any Lands either in the *Eastern* or *Western Divisions* of this Province, for or by reason of any Deficiency or Exceeding of the Lands mentioned to be taken up within the *Eastern-Division* of this Province, by or in Right of the Proprietors of the *Western-Division* of the same, *It is further Enacted by the Authority aforesaid,* That from and after the Publication of this Act, until such time as it shall be determined in the manner before in this Act directed, of what Number of Acres such Defect or Exceeding of the Quantities of Land herein before mentioned does consist, No Land shall be surveyed or taken up (above the Quantity of one hundred Acres in one Tract, and by one Person, and this only among the Inhabitants and Settlements) within either of the Divisions of this Province. And in case any person or persons whatsoever shall survey or take up any Land contrary to the true intent and meaning hereof, All and every such Survey and Surveys, and Taking up, is, and are hereby declared to be so far void, that any of the persons entituled to take up any Lands in either of the Divisions aforesaid, as his part and share of the Equivalent, before mentioned, due to him, may survey and take up any such Land, and shall thereupon be as fully and absolutely entituled to hold the same, to him, his Heirs and Assigns forever, as if no such former Survey had been made thereon.

And Whereas the Surveys of Lands, and the Quantities held thereby, in

this Province, have frequently been Uncertain, and difficult to be discovered, by reason of the Office of Surveyor General has not been duly established and regularly kept within the respective Divisions,

Be it therefore Enacted by the Authority aforesaid, That the Surveyor General of the *Eastern-Division,* shall, by himself or his lawful Deputy, hold a publick Office in the City of *Perth-Amboy* for all the *Eastern-Division* of this Province; and the Surveyor General of the *Western-Division* shall, by himself or his lawful Deputy, hold a publick Office in the Town of *Burlington* for the *Western-Division* of this Province, in which Offices, respectively, shall be carefully entered and kept the Surveys of all Lands which shall hereafter be made within this Province; and such Entries shall be of Record, and may be pleaded as Evidence in any of his Majesties Courts of Judicature within this Province. And the said Surveyor and Surveyors General is and are hereby Authorized and Impowered to collect, demand, receive, sue for and recover from all Persons whatsoever within this Province, all Books of Surveys, general Charts, Maps and Draughts of Lands heretofore made by any publick Surveyor or Surveyors for the Lands within his or their District or Districts, which may be of general Use for proving the Rights of the Proprietors, or of persons claiming under them, to any Tracts or Parcels of Land surveyed and taken up within this Province; and the same shall be safely lodged and kept in the said respective Offices within the Division within which the Lands, whereunto such Books, Charts, Maps and Draughts do belong, are respectively scituate (excepting such Books of Surveys as he shall recover belonging to the *Eastern-Division,* which upon Recovery he shall forth-with deliver into the Recorders Office of the said Division, there to be kept for publick Use and View) *Providing always,* That he Re-deliver, with all convenient speed, such of them as are the Property of any particular person, to the person whose Property they are, after he or they the Surveyor or Surveyors aforesaid have either taken Authentick Copies thereof, or Recorded them in their Books. And the said Surveyor or Surveyors General shall give Security to his Excellency Brigadier *Hunter,* our present Governour, or to the Governour or Commander in Chief, for the time being, for the use of the Proprietors of each respective Division, and their Successors, in the Sum of *One Thousand Pounds* of lawful Money of *Great Britain,* for his and their delivering up to his and their respective Successor and Successors therein all Books of Surveys, general Charts, Maps and Draughts, which he shall have received and recovered, as aforesaid, and which have not otherwise been directed to be delivered, as aforesaid, and the Books he or they shall have kept during the Execution of his or their respective Offices.

And Whereas great Inconveniencies have happened by the making and not recording of Surveys, whereby many have not only got Lands Survey'd, which have been formerly surveyed, not knowing of any former Survey, but have settled and made great Improvement of the same, and have been afterwards Ousted thereof. For the Remedying whereof for the Future, *It is hereby Enacted and Declared by the Authority aforesaid,* That all Surveys heretofore made, the Certificates whereof are in the hands of any of the Inhabitants of this Province, or any of the Neighbouring Provinces, which are not within two

years, and that all Surveys heretofore made, the Certificates whereof are in the hands of People living beyond Seas, which are not within three years after the Publication hereof, duely Recorded, either in the Recorders Office, or in the Surveyor General's Record of the respective Division in which such Lands are surveyed, be forever hereafter Void and of none Effect; and any succeeding Survey, duely made thereof, and Recorded, shall be as good and sufficient as if no former Survey had been made.[3]

And to the end that the good Intention and Design as well of a certain Act or Law passed this present Session of Assembly, entituled, *An Act for Running and Ascertaining the Division Line betwixt this Province and the Province of* New-York, may the more speedily have the desired effect, *Be it Enacted by the Authority aforesaid,* That there shall be raised by the General Proprietors of the *Eastern-Division* of this Province, or out of their Estates therein, in proportion to their respective Shares, such Sum or Sums of Money as may be judged necessary for defraying their part or proportion of the Charges of Running or procuring to be Run the Division Line between the *Eastern-Division* of this Province and the Province of *New-York,* and of Running the several Lines and discovering the several Quantities of Land herein before mentioned, as the same are by this Act directed. And there shall also be raised by the General Proprietors of the *Western-Division* of this Province, or out of their Estates therein, in proportion to their respective Shares, such Sum or Sums of Money as may be judged necessary for defraying their part or proportion of the Charge of finding or procuring to be found the *North Point of Partition* upon *Delaware-River,* and of Running the several Lines and discovering the several Quantities of Land herein before mentioned, as the same are by this Act directed. And for the more speedy and effectual Running of the said Lines, there shall be Commissioners and Mannagers appointed, and accordingly *John Hamilton, David Lyell, George Willocks* and *John Harrison,* Esqrs. all of the said *Eastern-Division,* are hereby appointed to be Commissioners or Mannagers for raising, collecting and receiving such Sum or Sums of Money as is or are to be raised out of the *Eastern-Division* as aforesaid. And *Isaac Sharp, James Logan, Tho*[*mas*] *Lambert* and *John Reading,* Esqrs. all of the said *Western-Division,* are hereby appointed to be the Commissioners or Managers for raising, collecting and receiving such Sum or Sums of Money as is or are to be raised out of the *Western-Division,* as aforesaid. In order whereunto the said *John Hamilton, David Lyell, George Willocks* and *John Harrison,* or the major part of them, shall, on the second Tuesday of *May* next, meet with the General Proprietors of the *Eastern-Division* at *Perth-Amboy,* to advise and consult with them what Sum or Sums of Money may be necessary to be raised by the said General Proprietors for the purposes aforesaid, not exceeding *Six Hundred and Fifty Pounds,* and in what manner the same may best be done. And the said *Isaac Sharp, James Logan, Thomas Lambert* and *John Reading,* or the major part of them, shall, in like manner, on the first Tuesday of *May* next, or such other Day or Days, (Twenty Days before the said Day) to be prefixed, meet with the Council of Proprietors of the *Western-Division,* to advise and consult with them what Sum or Sums of Money may be necessary to be

raised by the said General Proprietors of the *Western-Division* for the aforesaid purposes respectively, not exceeding *Five Hundred Pounds,* and in what manner the same may best be done. And the said *John Hamilton, David Lyell, George Willocks* and *John Harrison,* Commissioners or Mannagers for the *Eastern-Division,* or the major part or Survivor of them; and the said *Isaac Sharp, James Logan, Thomas Lambert* and *John Reading,* Commissioners or Mannagers for the *Western-Division,* or the major part or Survivor of them, after the said respective Sums, and the manner of raising them are agreed on, may and shall proceed, respectively, to raise, collect and receive every such Sum and Sums of Money, and in such manner as aforesaid. To which end they the said Commissioners or Mannagers, respectively, or the major part or Survivor of them, are declared to be vested with full Power and Authority, in their own Names, but in behalf of all the other General Proprietors of each respective Division whom (as there may be Occasion) they shall represent, to appear in Courts, Implead and Prosecute, Sell and Convey Lands, and to do every other lawful Act and Thing whatsoever, which shall be found necessary to the raising of such Money, as aforesaid, and Recovering the same out of the Estate or Estates of the General Proprietors, all or any of them respectively, but not otherwise. *Providing always,* That the Mannagers of the *Eastern-Division* aforesaid, do not sell, for the Purpose aforesaid, above *Four Thousand Acres,* and that to be in one Tract, out of the Unappropriated Lands. And in case it be found necessary to make Sale of any of the said General Proprietors Lands in either Division, for raising such Sum or Sums respectively, as aforesaid, or any part of the same, Every such Sale and Conveyance made by the said Commissioners or Mannagers, or by the Major part or Survivor of them respectively, in each Division, shall be as absolute, vallid and unquestionable a Title for such Lands, to the Vendees or Purchasers thereof, their Heirs and Assigns, as if the same had been made by all and every one, or any of the General Proprietors of such respective Division, any Law, Usage or Custom to the contrary notwithstanding. And the said Commissioners or Mannagers are hereby Required, in the first place, to pay out of such Sum and Sums of Money as they shall receive, the respective parts, shares and proportions of Money which are respectively to be advanced for defraying the Charges of Running, or procuring to be run, the Line of Division between the *Eastern-Division* of this Province and the Province of *New-York,* to such Person or Persons as are or shall be appointed by virtue of the herein before recited Act or Law passed for that purpose. And the said Commissioners or Mannagers of the *Eastern-Division,* or the Major part or Survivor of them, by and with the Consent and Approbation of the other General Proprietors of the *Eastern-Division,* their Agents or Attornies, or the Majority of those that can be advised with; And the said Commissioners and Mannagers of the *Western-Division,* or the Major part or Survivor of them, by and with the Advice and Consent of those called the *Council of Proprietors* in the *Western-Division,* are hereby respectively Authorized and Impowered to appoint the Surveyor General, and such other Surveyors and fit able Persons as shall be judged necessary for running the Lines, making the Divisions and Discovering the Quantities of Land herein before mentioned, which are to be

done by virtue of this Act, and to do and Transact all other Matters whatsoever necessary for the same; and out of the said Sum or Sums of Money raised as aforesaid, to defray the Charges thereof; For their Trouble in all which, they shall take to themselves, respectively, after the Rate of *Ten per Cent.* or *Two Shillings in the Pound,* out of all they shall receive. And for the Balance, if any should remain, they shall be respectively accountable to the General Proprietors of that Division out of which the Money left was raised. And for their more effectually being accountable, the Commissioners or Mannagers aforesaid, shall yearly, and every year, fairly state their Accounts, and deliver them in to the Secretary's Office of this Province, upon Oath, or Affirmation, if *Quakers,* there to remain and be seen by the Proprietors of the respective Divisions, each of which Proprietors are hereby entituled to their share of the remainder, in proportion to their Right, after all the Services aforesaid are performed, and their reasonable Charges deducted, over and above the *Ten per Cent.* aforesaid.

Providing always, That in case any of the Commissioners or Mannagers aforesaid, before named, shall dye, or refuse to accept, then and in that case, if he be of the *Eastern-Division,* his Excellency the Governour, for the time being, and if of the *Western-Division,* those called the Council of Proprietors, are hereby impowered to appoint one in the place of such dying or refusing to accept, who is hereby vested with the same Powers, and subjected to the same Directions as herein is set down to the Mannagers herein named.

Passed 27 Mar. 1719.
Bradford (1719) 95-105.

1. East Jersey and West Jersey were created by the division of the proprietary colony into two separate provinces in 1676 when Sir George Carteret, one of the two lords proprietors, agreed to divide the colony. The partition extented from the upper Delaware to Little Egg Harbour.

2. Appears as *Sarum* in Bradford (1732) 80.

3. "Notwithstanding the extensive import of these Words, it has been held, that such Survey shall only be *void and of none Effect* against such Persons who, by Reason of the Non-Record thereof, were ignorant of it; and therefore no Person who knew of the Survey shall avail himself of it's not being recorded, such not coming within the Mischief or Remedy of the Act."—**Allinson, 51.**

An Act for Running and Ascertaining the Division Line betwixt this Province and the Province of *New-York.*

Whereas many Disputes and Controversies have of late happened betwixt the Proprietors and Owners of Land in this Province of *New-Jersey,* and the Owners of Land in the Province of *New-York,* which lie near to or adjoyning upon the *Division Line,* as well as between the Officers of the Government, and Number of Lawless Men there, who Elude the Laws of both Provinces, and pay Taxes and Obedience to neither, pretending to be scituate in each of them, to serve their evil purpose of Disobedience to the lawful Commands and Demands of the Officers of the Government. To prevent which for the Future, and in order that such of the Inhabitants of this Colony, whose Estates or Habitations are adjacent to and border on the said Partition Line, may Peaceably, and without Molestation, enjoy the Fruits of their Labour, and the Government may not be defrauded of the publick Taxes that are or may arise and become due from the said Inhabitants, by their pretending that they do not dwell within this Colony,

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted and Declared by the Authority of the same, That there shall be two or more Commissioners, with the Surveyor General, appointed by his Excellency the Governour of this Province, or the Governour or Commander in Chief of this Province, for the time being, by and with the Consent of the Council, who shall be Impowered by a Commission under the Great Seal of this Province, to joyn with such Commissioners and Surveyors as shall be appointed on the part and behalf of the Province of *New-York.* Which said Commissioners and Surveyors so Appointed and Commissionated, as aforesaid, shall, on the part and behalf of this Province of *New-Jersey,* Run, Survey, Agree and Ascertain the said Line, Limits and Boundaries betwixt this Province of *New-Jersey,* and the said Province of *New-York,* according to the true Limits thereof, as near as conveniently can be done.

And be it further Enacted by the Authority aforesaid, That when such Commissioners as shall be appointed by his Excellency the Governour, or the Governour or Commander in Chief for the time being, by and with the Advice and Consent of the Council, with the Surveyor General of this Province, have joyned with such Commissioners and Surveyors as shall be appointed for and on the behalf of the Province of *New-York,* and have Ascertained, Run and Agreed on the *Line of Partition* or *Division* betwixt this Province and the Province of *New-York,* they shall make Return of the same, under their Hands & Seals, to his Excellency the Governour, or the Governour or Commander in Chief of this Province, for the time being, which Return shall be Filed and Recorded in the Secretary's Office of this Province. Which said Line of Division or Partition betwixt this Province and the Province of *New-York,* being Ascertained, Run and Agreed on, and Recorded, as aforesaid, shall forever hereafter be Deemed, Taken, Be, Remain and Continue the *Partition Line, Limit* and *Boundary* betwixt this Province and the Province of *New-York,* and all Bodies Politick and Corporate, and all other Persons whatsoever within this Province, or

Claiming any Right and Property therein, shall be Concluded by the same, any Law, Usage or Custom or Pretence to the contrary in any wise notwithstanding.

Passed 27 Mar. 1719.
Bradford (1719) 105-106.

An Act to prevent Clandestine Marriages.

Whereas of late years several Young Persons have been by the Wicked Practices of evil disposed Persons, and their Confederates, inticed, inveigled and deluded, led away and Clandestinely Marryed, which has often been to the Ruin of the Parties so marryed, as well as the great Grief of their Parents and Relations. In order therefore to prevent the like, as much as may be, for the future, *Be it Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same,* That from and after the Publication of this Act, no Lisence shall be given to Marry any Person under the Age of One and Twenty years, until such Person have had the Consent of his or her Parent or Parents, Guardian or Guardians, or Person or Persons under whose Care and Government he or she shall be, signified by a Certificate in Writing, under the hand of the Parent or Parents, Guardian or Guardians of him and her intended to be Married; or in case any the said Persons intending to be Married have no Parent or Guardian, then by a Certificate in Writing under the Hand of the Person or Persons under whose Care and Government the said person intending to be Married, at that time, shall be; which Certificate shall be filed in the Secretary's Office of this Province, and Registred in a Book to be kept for that purpose, for doing of which it shall be lawful for the Secretary of this Province, or his lawful Deputy, to receive the Sum of three Shillings as a Fee or Reward.

And be it further Enacted by the Authority aforesaid, That any Person or Officer that now is, or hereafter shall be appointed by the Governour or Commander in Chief, for the time being, to give out Lisence of Marriage within this Province, who shall give or issue the same to any person or persons contrary to the directions, true intent and meaning of this Act, or any part thereof, shall Forfeit the Sum of *Five Hundred Pounds* lawful Money of his Majestys Plantations in *America,* to be recovered by Action of Debt, with cost of Suit, by the Parent, Guardian or of (or person under whose care) any person married by virtue of such Lisence, shall be, in the Supreme Court within this Province, in which there shall be no Essoyn, Protection or Wager of Law, or any more

than one Imparlance. And any Minister or pretended Minister of the Gospel, Justice of the Peace or other Person, having or pretending to have, Authority to joyn Persons together in the holy Bands of Matrimony, who shall joyn any Persons together in Marriage, not having a Lisence mentioning such Certificate had, as by this Act is directed and Intended, or without having been Published, as in and by this Act is appointed and intended, or contrary to the true Intent and Meaning of this Act, or any Part thereof, every such Minister or pretended Minister of the Gospel, Justice of the Peace or other Person, having or pretending to have Authority to joyn Persons together in the holy Bands of Matrimony, shall for every such Offence forfeit the Sum of two Hundred pounds, Lawful Money of his Majesty's Colonies and plantations in *America,* the one half thereof to His Majesty, His Heirs and Successors, the other half thereof to the Parents or Guardian of such Person who shall be so joyned in Marriage as aforesaid, or to such other Person or Persons who shall prosecute the same to Effect, to be recovered by Action of Debt, Bill, Plaint or Information in any of his Majesties Courts of Record within this Province.

And for the more effectual preventing Frauds in the Obtaining Lisences for Marriage, *Be it Enacted by the Authority aforesaid,* that every Person under the Age of Twenty one Years, as aforesaid, praying a Lisence to be married, and producing a Certificate as by this Act is directed, shall, before he or she obtaines such Lisence, take an Oath upon the Four Holy Evangelists of Almighty God, or if really of tender Conscience, shall make a Solemn Affirmation and Declaration in such Form and Manner, as in and by the Act or Acts of the General Assembly of this Province is or shall be prescribed and directed, That the Certificate by him or her produced is true and genuine, and truly and *bona fide* signed by the Person or Persons said to sign the same; which Oath, Affirmation or Declaration, the Person or Officer impowered to give out Lisences, as aforesaid, is hereby Impowered, Directed and Required to administer. And the Person or Persons, so Praying a Lisence as aforesaid, shall also before the Obtaining such Lisence, enter into Bond to his Excellency Brigadier *Robert Hunter,* Esq. now Governour of this Province, or to the Governour or Commander in Chief of this Province for the time being, with two Sufficient Sureties, dwelling and having Real Estates within this Province, in the Poenal Sum of five Hundred Pounds Lawful Money of His Majesties Colonies and Plantations in *America,* on the Conditions following, *viz.*

> The Condition of this Obligation is such, That whereas there is a mutual Contract of Marriage between A.B. of on the one Party, and C.D. of on the other Party, and Certificates having been produc'd and sworn to, or have taken a Solemn Affirmation, according to one Act of General Assembly of this Province, made in the fifth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God King of *Great Britain, France and Ireland,* and the Territories and Dominions thereunto belonging, entituled, *An Act to prevent Clandestine Marriages.* Now if it shall hereafter appear that the said Certificates, or either of them, have been fraudulent, or that either the aforesaid A.B.

of or the aforesaid C.D. of had not the Consent of their Parents, Guardians, or Persons under whose care they were, signing the said Certificates, or that the said A.B. and C.D. or either of them, had some Lawful Let or Impediment of pre-contract, Affinity or Consanguinity, to hinder their being joyned in the Holy Bands of Matrimony, and afterwards of Living together as Man and Wife, Then this Obligation to stand and remain in full Force and Virtue, otherwise to be Void and of none Effect.

Which Bond shall be and remain in the Secretaries Office of this Province to be produced as Occasion shall require.

And be it Enacted by the Authority aforesaid, That in Case it shall so happen that any Person under the Age of Twenty one Years aforesaid, shall be deluded and married, contrary to the true Intent and Meaning of this Act, that then, and in such Case, it shall and may be lawful for the Parent or Guardian of such Person, under the Age of Twenty one Years, so married by Virtue of such Lisence, as aforesaid, or the Person under whose Care and Government such Person so married as aforesaid, shall have been, to put the Bond, before in this Act mentioned, in Suit, in the Superiour Court of this Province, and recover to his, her or their Use the Sum therein mentioned, the said Parent or Parents, Guardian or Guardians or other Person or Persons, by this Act impowered to put the said Bond in Suit, first giving sufficient Security with two sufficient Sureties, dwelling in this Province, in the Sum of Twenty Pounds to pay the Costs of Suit in case they become Non-Suit, Discontinue, or Verdict be given against them, or Judgment be given against them, on Demurrer, any thing in this or in any other Act to the contrary hereof in any wise notwithstanding.

And for the better and more effectually Preventing Private and Clandestine Marriages to be made contrary to, and to defeat and elude the true Intent and Meaning of this Act, or any Part thereof by fraudulent and deceitful Practices in the Publications of the Intentions of Marriage between any Persons, hereafter to be married within this Province, *Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That every Person and Persons under the Age before-mentioned, not taking a Lisence, but intending to publish their Intentions of Marriage, in Order to their being lawfully joyned together in the holy Bands of Matrimony, shall, before any such Publication be made, repair to the Clerk of the Peace, or County-Clerk of such County within this Province in which the Parent or Parents, Guardian or Guardians, Person or Persons under whose Care or Government each Person, so intending to be married, does usually dwell and reside, and shall produce to such Clerk of the Peace such Certificate, as is herein before directed, and make Oath or Affirmation, to be administred by the said Clerk, and enter into Bond accordingly, with Sureties, in the Sum and Manner directed, which Bond shall be carefully kept in the Clerks Office of the said County, and the Certificate enregistered in a Book to be kept for that purpose, upon which the said Clerk, within Fourteen Days thereafter, shall affix a Writing in a fair legible Hand, in the *English* Tongue, at Three the most publick Places in the said County, setting forth the Persons Names, places of abode

and Intentions of Marriage, to be between them, for all which Certificate, Bond and Publication the said Clerk shall receive as a Fee or Reward, from the Person desiring such Publication, the Sum of Twelve Shillings, Money aforesaid; And if the said Writing so affixed stand and remain Publick, for and during the Space of One and Twenty Days, from the Time of Setting up the same, and no Objections made to it, and signified by Writing to the Clerk aforesaid, by the Parent or Parents, Guardian or Guardians, of either of the said Persons mentioned in the said Publication, or Person or Persons under whose Care and Government the said Persons, or either of them, so intending to be married, shall be, then upon Certificate thereof made by the said Clerk, it shall and may be Lawful for any Person, having Authority so to do, to joyn the said Persons together in the holy Bands of Matrimony, and not otherwise. And in Case it shall so happen that the Parent or Parents, Guardian or Guardians of any such Person under Age and published as aforesaid, or that the Person or Persons under whose Care, Tuition or Government any such Person under Age shall be, at any time, during the Space of One and Twenty Days, after the time of such Publication set up, as before is Directed, signify his, her or their Dislike or Disapprobation of such Marriage so intended to be consumated, by Writing under his, her or their Hands, to the Clerk of the Peace aforesaid, that then and in such case the said Clerk shall not give them the Certificate before-mentioned, of their being lawfully published, nor shall any Person Presume, without such Certificate, to joyn the said Persons together in the holy Bands of Matrimony, unless the said Persons, so Intending to be married and published as beforesaid, produce a Lisence legally obtained, as by this Act is directed; and every Clerk of the Peace offending contrary to the Directions, true Intent and Meaning of this Act, or any Part thereof, shall, for every such Offence, forfeit the Sum of Five Hundred Pounds, lawful Money aforesaid, any thing in this or any other Act to the contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Persons published as before directed, shall be joyned together in the Bands of Matrimony without first having had the Consent of their Parents or Guardians or Persons under whose Care they at that Time shall be, it shall and may be lawful for the Parent or Parents, Guardian or Guardians or Person or Persons under whose Care such Minor shall at that time be, to put the said Bond in Suit in the Supream Court of this Province, or in any the Inferiour Courts of Common Pleas in any County within the same, where the Cause of Action shall arise, and recover to the use of such Parent, Guardian or other Person beforementioned, empowered, by this Act, to sue for the same, the Penalties in such Bond contained, such Parent, Guardian or other Person having first given Security for the Paying the Costs of Suit, as in and by this Act is before directed and appointed,

Provided always, And it is hereby further Enacted, That neither this Act, nor any Part thereof, shall be construed to be meant and intended to prohibit the Marrying within any Degrees of Affinity or Consanguinity, but such only as by the Laws and Statutes now in Force, or hereafter to be in Force, within his Majesties Kingdom of *Great Britain,* are or shall be prohibited.

Provided always, That it shall and may be Lawful for all or any Religious Societies in this Province, to joyn together in the Holy Bands of Matrimony, such Persons as are of the said Society, according to the Rules and Customs of the Society they appertain to, provided they have the Consent of Parents, Guardians or of such Person under whose Care and Tuition they are, signified in Writing, under the Hand or Hands of such Parent or Parents, Guardian or Guardians, or such Person or Persons under whose Care and Tuition the said Persons so to be Married are, any thing in this Act to the contrary, in any wise notwithstanding.

Passed 27 Mar. 1719.
Bradford (1719) 106-110.

An Act for the Building, Rebuilding, Repairing or Amending of Bridges in the respective Towns and Precincts within this Province.

Whereas there are many large Bridges within this Province, which belong to particular Towns and Precincts to amend and repair, which cannot sufficiently be repaired by Day Labour, without the Assistance of particular Handicrafts Men,

Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That where there are any large Bridges in any the Towns, Precincts, Districts or Divisions of this Province, which cannot well be Repaired by Day Labourers, that the Overseers of the High-ways, from time to time, shall give notice to two Justices of the Peace of the County (one whereof being of the *Quorum*) and the two Freeholders chosen by said Town, Precinct or Division by virtue of an Act, entituled, *An Act for raising of Money for building and repairing of Goals and Court-houses,* &c. in which said Bridge or Bridges do lie, together with the Surveyors of the High-ways of the said Town, Precinct or Division in which said Bridge or Bridges do lie, to assemble and meet together at such time and place as the said Over-seer shall appoint, and then and there shall Contract and agree with such Trades-men, and others, as they, or the major part of them, then and there met, shall think fit, to build, rebuild, amend or repair such Bridge or Bridges as they shall then think necessary to be built, rebuilt, amended or repaired, so as to make them strong and substantial, fit for all Travelers to pass and re-pass

the same; which Sum or Sums of Money so agreed for, or otherwise expended in building, re-building or amending said Bridge or Bridges, shall be assessed and collected in the said Town or place to which said Bridge or Bridges doth belong, by the Assessors and Collector chosen according to an Act of Assembly of this Province, entituled, *An Act for the more regular chusing & electing Assessors and Collectors in the respective Towns and Counties of this Province,* and paid by the said Collector to the person or persons so imployed in building, re-building or repairing said bridge or bridges, by virtue of a Note or Notes drawn on said Collector for paying the same, by such Justices, Surveyors and the two Free-holders aforesaid, or the major part of them who contracted or agreed with the person or persons so imployed as aforesaid; which Note or Notes, with the Work-mans Receipt thereon shall be the said Collectors Discharge for the same. And when any such bridge or bridges are to be built, re-built, repaired or amended between two Towns, Divisions or Precincts, which is to be done at the charge of both Towns, the Over-seers of said Towns shall give notice to two of the Justices of the Peace of the County (one whereof being of the *Quorum*) and the two Free-holders, as aforesaid; and if between two Counties, to two of each County, together with the Surveyors of both said Towns, and the two Free-holders chosen by each Town, as aforesaid, to meet together to agree with proper persons to build, re-build, repair or amend such bridge or bridges, and for assessing and collecting such Sum or Sums of Money as is necessary for defraying the Charge, in manner as is before mentioned in this Act.

And be it further Enacted by the Authority aforesaid, That if there remain any Money in the hands of any Collector or Collectors in any Town, Division or Precinct within this Province, over and above what is expended in building, re-building, repairing or amending any such Bridge or Bridges, such Collector or Collectors shall give account thereof, and pay the Over-plus Money to the Collector or Collectors of such Town or Precinct where it was collected, to be applyed to the making good and maintaining the publick high Roads of such Town, Division or Precinct, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Passed 27 Mar. 1719.
Bradford (1719) 110-111.

An Act for the Preserving of Oysters in the Province of *New-Jersey.*

Whereas it is found by daily Experience, that the Oyster-beds within this Province are wasted and destroyed by strangers, and others at unseasonable times of the year, the Preservation of which will tend to the great benefit of the poor People, and others inhabiting this Province,

Be it therefore Enacted by the Governour, Council and General Assembly, of this Province, and it is hereby Enacted by the Authority of the same, That no person or persons whatsoever shall Rake or gather up any Oysters or Shells from and off any the Beds within the said Province, from the Tenth Day of *May* to the First Day of *September,* yearly and every year, after the Publication hereof.

And be it further Enacted by the Authority aforesaid, That no Person or persons whatsoever, not residing within this Province, from and after the Publication hereof, shall not, directly or indirectly, rake, gather up any Oysters or Shells within this Province, and put them on board any Canow [*sic*], Periauger, Flat, Scow, Boat, or other Vessel whatsoever, not wholly belonging to and owned by persons who live within the said Province, under the Penalty of Seizing and Forfeiting of all such Canow, Periauger, Flat, Scow, Boat, or other Vessel, as shall be found doing the same, together with all the Oysters, Shells, Oyster-Rakes, Tongs, Tackle, Furniture and Apparel thereto belonging.

And be it further Enacted by the Authority aforesaid, That the Persons hereafter nominated and appointed, shall and are hereby authorized, required and commanded, strictly, to put this Act in Execution, and as they, or either of them shall think fit, at all times and places to enter and go on board of all and every such Canow, Periauger, Flat, Scow, Boat, or other Vessel aforesaid whatsoever, which shall be by him or them suspected to be Transgressing this Act, and all such so found, the same to seize and secure in such way and manner as he or they shall think fit, for his Majestys Service, together with all and every the Oysters, Shells, Oyster-Rakes, Tongs, Tackle, Furniture and Apparel thereunto belonging.

For the County of *Bergen, Andries van Buskirck* & *Minheard Garbrant.*

For the County of *Essex, Joshua Hanlock* and *Joseph Meaker,* jun.

For the County of *Middlesex, John Stevens, Andrew Redford, John Brown* and *James Clarkson.*

For the County of *Monmouth, Robert Carhart, Abraham Watson, Tho*[*mas*] *Kearney, John Brown* and *Richard Brittain.*

For the County of *Burlington, Richard Willet* and *Rudduck Townsend.*

For the County of *Gloucester, Richard Sommers* and *James Steelman.*

For the County of *Cape May, Jacob Spicer* and *Aaron Leeman.*

And be it further Enacted by the Authority aforesaid, That the abovesaid Persons, and any others whom his Excellency the Governour, or the Governour or Commander in Chief, for the time being, shall appoint for the Executing of this Act, shall and may at all such times and places as he or they shall think fit, Require and Command, in his Majestys Name, such and so many persons as he or they shall think necessary to aid and assist him or them in the due Execution of this Act.

And be it further Enacted by the Authority aforesaid, That any of the

abovesaid Persons or any others, who shall at any Time hereafter be appointed by Virtue of this Act, who shall Seize and Secure any of the Vessels aforementioned, in manner and Form aforesaid, the said Person or Persons shall immediately Inform two of his Majesties Justices of the Peace (one whereof to be of the *Quorum*) of the County where such Seizure shall be made, who are hereby required forthwith, on such Notice, to meet together, and upon Oath made by any of the aforesaid Persons, above appointed, or of any other Person, shall give Judgment against, and Condemn the same, one half to His Majesty, for and towards the Support of Government of this Province, and the other half to the Person who shall Seize and Prosecute the same, to his own Costs and Charges.

And be it further Enacted by the Authority aforesaid, That every Vessel so Seized, Tryed and Condemned, as aforesaid, with all things thereunto belonging, shall, by the said person who seized the same, be Sold at a publick Vendue, and one half part of the Produce thereof paid to the Treasurer, for the time being, for and towards the Support of his Majesties Government of this Province, and the other half Part of his own Use, for his Trouble, Costs and Charges, as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Master, Seaman or other Person, on Board any Canow, Periauger, Flat, Scow, Boat or other Vessel whatsoever, shall refuse and not suffer to enter, or resist before or after Entering, any of the aforesaid Persons, or any other by their or either of their Order, the Person or Persons, so Refusing or Resisting, shall forfeit the Sum of Fifty Pounds, to be recovered by the said Person in an Action of Debt, in any Court of Record within this Province, with Costs; one half Part thereof to His Majesty, for Support of the Government of this Province, the other half Part thereof to the said Person who shall Prosecute the same to Effect, any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

Passed 27 Mar. 1719.
Bradford (1719) 112-113.

An Act to Restrain Tavern-keepers and Retailers of strong Liquors from Crediting any Person more than Ten Shillings.

Whereas it is evident that many Persons in this Province do spend their

Time and waste their Substance by frequenting Taverns and Tippeling houses, to the great detriment of themselves and Families; and such are the rather induced thereunto by reason they can be trusted until it amount to a great Sum,

Be it therefore Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That after the Publication of this Act, if any Tavern-keepers or Publick-house-keepers shall trust any person above ten Shillings before payment be made, that then and in such case, he, she or they so Crediting any person, shall loose the same, and forever be debarr'd from suing for or Recovering the said Debt.

And be it further Enacted by the Authority aforesaid, That no Tavern-keepers or publick-house-keepers shall take any Bill, Bond or other Security for any Liquors by them sold and drank in or at their houses amounting to above ten Shillings.

And be it further Enacted by the Authority aforesaid, That if any Tavern-keeper or Publick-house-keepers shall take Bill, Bond or any other Security for any Liquors sold and drank in or at their houses, contrary to the true intent and meaning of this Act, under pretence of selling Victuals, Pipes, Tobacco, or any other thing, whereby to evade the intent of this Act, he, she or they so offending, are hereby rendered uncapable of Recovering any such bill, bond or other security, as above-said, for such Liquors, so sold and drank in or at their houses, and the Defendant may plead this Act in bar.

Provided always, That nothing in this Act shall be construed or taken to debar or hinder any Publick-house-keeper from taking or receiving any sum or sums of Money that is or may become due and owing to them from all or any such Person or Persons that are or may be Lodgers in his, her or their houses, or Travellers not residing in that County, any thing herein contained to the contrary in any wise notwithstanding.

Passed 28 Mar. 1719.
Bradford (1719) 113-114.

An Act to prevent Mistakes and Irregularities by Assessors and Collectors.

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publication hereof, all Money to be raised in the several and respective Counties

in this Province, for building and repairing Goals and Court-Houses, as well as all other Money to be raised for the publick and necessary Service of all the several Counties, shall be assessed and collected by the Assessors and Collectors elected and chosen by the several Towns, Divisions, Precincts and Districts, according to the directions of an Act of General Assembly of this Province, entituled, *An Act for the more regular chusing and electing Assessors and Collectors in the respective Towns and Counties in this Province,* and no other ways, any thing contained in an Act, entituled, *An Act for raising of Money for building and repairing of Goals and Court-houses in each respective County in this Province,* or in any other Act, to the contrary hereof in any wise notwithstanding.

And be it Enacted by the Authority aforesaid, That when Money is raised in any the Counties in this Province for building or repairing of Goals and Court-houses, or for any publick Service of the said County or Counties, and gathered in Manner aforesaid, That it shall be paid by said Collector or Collectors, to the Collector of the County or Counties for which it is gathered, to be disposed of as shall be appointed by the Justices of said County or Counties, with the Free-holders chosen according to the said Act of General Assembly of this Province, entituled, *An Act for Raising of Money for Building and Repairing Goals and Court-Houses, within each respective County in this Province.* Which said assessors, and Collector or Collectors shall have for what Money they assess and collect in their several Towns, Divisions, Precincts or Districts, or where Counties are not Divided into Towns, Divisions, Precincts or Districts, for so much as they severally and respectively shall assess and collect, and no more, and the Collectors of the several Counties shall have for what they receive and pay, the same Rewards that are allowed and appointed them by the said Act, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors, in the respective Towns and Counties within this Province,* and no more. And if any of the said Officers Refuse or Neglect to perform their Services required by this Act, shall be and are hereby Subjected to the Penalties mentioned in the aforesaid Act.

And be it further Enacted by the Authority aforesaid, That that Part of the aforesaid Act, entituled, *An Act for raising Money for Building and Repairing of Goals and Court-Houses within each respective County in this Province,* which relates to Assessors and Collectors, is hereby Repealed and made Void, any thing contained in the said Act to the contrary notwithstanding.

Passed 28 Mar. 1719.
Bradford (1719) 114-115.

An Act to Restrain extravagant and excessive Interest.

Whereas the Great and Excessive Usury now commonly taken in this Province, is found to be a very great Discouragement to the Trade and an Obstruction to the Settlement of the same; for Remedying and preventing of which for the future,

Be it therefore Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That no Person whatsoever shall after the Publication of this Act, take, directly or indirectly, any greater Use or Interest than Eight Pounds current Money of this Province, for the Forbearance of one Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum or for a longer or shorter Time, for the Loan of any Moneys, Wares, Merchandizes, or any Commodities whatsoever. And that all Bonds, Contracts and Assurances, of what nature and kind soever they be, made after the time aforesaid, for Payment of any Principal, or Money, Goods, Wares, Merchandize or Commodities lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be Reserved or taken, directly or indirectly, above the Rate of Eight Pounds in the Hundred, as aforesaid, shall be utterly Void; and that all and every Person or Persons whatsoever, which shall after the time aforesaid, upon any Contract to be made after the Publication of this Act aforesaid, by way or means of any Bargain, Loan, Chevisance, Shift of any Wares, or Merchandizes, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Coven, Craft, Invention, Fetch or deceitful Conveyance, or under the Notion of Brokage, Storage, Procurage, Service, or by any other ways or means whatsoever, it be contrary to the true Intent and Meaning of this Act, or to elude and avoid the Ends and Intentions thereof, take, accept or receive, directly or indirectly, for the Forbearing or giving Day of Payment, for one whole Year, of and for their Money or other thing, above the Sum of Eight Pounds for the Forbearing of One Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Term, shall forfeit and loose, for every such Offence, the treble Value of the Monies, Wares, Merchandizes, or other things so lent, bargained, sold, exchanged, shifted, stored or procured.

And be it further Enacted by the Authority aforesaid, That all and every Scrivener or Scriveners, Broker or Brokers, Solicitor or Solicitors, Practitioner of the law or Practitioners, Driver or Drivers of Bargains or Contracts, who shall after the Time aforesaid, take or receive, directly or indirectly, any Sum or Sums of Money or other Reward or Thing, for Brokage, Soliciting, Driving or Procuring the Loan or Bargain, or the Forbearing of any Sum or Sums of Money over and above the Rate and Value of Two Shillings and Six Pence for the Loan or Forbearing of one Hundred Pounds, for one Year, and so proportionably for a greater or lesser Sum; or above the Sum of Eighteen Pence for the making or renewing a Bond or Bill for the Loan, or for the Forbearing thereof, or for any Bond, Counter-Bond or Bill, concerning the same, shall

forfeit for every such Offence Twenty Pounds, and have Imprisonment for half a Year. The one Moiety of all which Forfeitures mentioned in this Act, to His Majesty, his Heirs and Successors, and the other Moiety to him or them that will sue for the same, in any Court of Record within this province, by Action of Debt, Bill, Plaint or Information, in which no Essoin, Wager of Law or Protection to be allowed, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Passed 28 Mar. 1719.
Bradford (1719) 115-116.

An Act to Establish a Road laid out from the River *Passaick,* in the County of *Bergen,* between the Farmes of *Jacob Walense van Winkle* and *Johannes Walense van Winkle,* through the Land of *Jacobus van Ostrand* to *Passaick* River.

Whereas several Controversies and Disputes have happened concerning the Roads laid out, one along the Bank of *Passaick* River, by the Farm of *Jacob Walense van Winkle,* to the Farm of *Jacob van Ostrand,* and one other Road laid out between the Farmes of *Johannes Walense van Winkle* and *Jacob Walense van Winkle* and running up the Lane that is betwixt the said Farmes, and thro' the Woods, on the back of the Improved Lands of the said *Jacob Walense van Winkle,* the former of which Roads, running along the Bank of *Passaick* River, appearing to be very injurious to the said *Jacob van Winkle,* and on worse Ground than the other Road. In order to the putting an end to the said Controversy, and quieting the Minds of the People by a final Determination of the same,

Be it Enacted by the Governour, Council and General Assembly now met and assembled, and it is hereby Enacted by the Authority of the same, That the Road laid out to four Rod wide, by the Surveyors of the High-Ways of said County of *Bergen, viz. Paulus van der Beck, Derick Epke Banta, Cornelius van Horn, Thomas France, Jacobus van Gelder,* and *John Ryerson,* beginning at the Transporting-place on *Passaick* River, between the Lands of *Johannes Walense van Winkle* and *Jacobus Walense van Winkle,* and running along the Lane and over the Causeway or Bridge, to the North East Corner of *Jacobus Walense van Winkle's* improved Land, and so along a Path or Line of marked

Trees, till it comes to the Land of *Jacob van Ostrand,* and so through the Land of said *Jacob van Ostrand,* till it comes to *Passaick* River, as it is laid out by the aforesaid Surveyors, and Recorded by order of the Justices of the said County of *Bergen,* and is now cleared and made up, and shall be and remain the publick Road, and that the other Road pretended to be laid out through the Land of said *Jacobus Walense van Winkle,* along the Bank of *Passaick* River, shall and is hereby declared Null and Void, to all Intents and Purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall not be in the Power of any Surveyors hereafter to be Chosen in said County, to lay out any other Road through the said Land of said *Jacobus Walense van Winkle,* along the said River of *Passaick,* any Law, Custom or Usage to the contrary in any wise notwithstanding.

Passed 28 Mar. 1719.
Bradford (1719) 116-117.

An Act to Enforce the due Administration of the Estate of Capt. *John Bown,* Deceased, late of the County of *Monmouth,* and Province of *New-Jersey.*

Whereas *Richard Salter,* one of the Executors of the last Will and Testament of said Capt. *John Bown,* deceased, by his humble Petition presented to this General Assembly, now sitting at *Perth-Amboy,* hath set forth, That said *John Bown,* by his last Will and Testament, made in Writing and duly Executed and Proved, did appoint him the said *Richard Salter,* together with his Brother *Obadiah Bown,* joynt Executors of the same, and Residuary Legatees of his Estate, after Payment of his Debts and Legacies, which Will was legally proved before his Excellency the Governour, as Ordinary of this Province, and they the said *Obadiah* and *Richard* took their Oaths to execute the said Will, and also upon Oath exhibited an Inventory consisting of Deeds of Sale of Lands, Conveyances, Mortgages, Bonds, Bills, Accounts and other Goods and Chattles, amounting to about Seventeen Thousand Pounds, all which Deeds of Sale, Mortgages and other Conveyances, Bonds, Bills, Books of Accounts, and other Goods and Chattles of the said *John Bown,* deceased, came into the Hands and Possession of the said *Obadiah Bown,* who afterwards refused to admit the said *Richard Salter* into the joynt Administration of the said Deceased's Estate with him, but set himself up Heir at Law, nor would he pay the Creditors of

the said Deceased, notwithstanding the many Actions at Law that were commenced against them as Executors of the said Estate; and that at the Complaint of the said *Richard* to his Exellency the Governour, as Ordinary in Chief of this Province, That on a full hearing by Council of both Executors, his Excellency the Governour determined, That the said *Richard* should be admitted into the joynt Administration, and that the said Executors respectively, with Sureties, should enter into Bonds unto him in the Sum of Twenty Thousand Pounds, for the due Administration of the said Estate, which Order the said *Richard* performed, and the said *Obadiah* Contemned; and legal Methods being wanting in this Province to compel him the said *Obadiah* to obey the said Order, the said *Richard* was necessitated to exhibit a Bill of Complaint against him in the High Court of Chancery, and the said *Obadiah,* with a Cross Bill, and otherwise, Post pon'd the Case from Coming to a hearing for near two Years. And then the said *Obadiah* proposed to his Excellency, the Chancellor, when the Case was to be heard, and a Decree to pass, That a Decree should be passed by his Consent, That the said *Richard* might with him be admitted into the joynt Administration; That all the Deeds, Specialties and Books of Accounts should be put into the Hands of Mr. *William Lawrence,* for the ease of both Executors; That neither of them should sue for or pay Debts, but by Mutual Consent. And that for the Performance thereof they should give Bond respectively each to the other, in the Sum of Twenty Thousand Pounds. Which Proposals the said *Richard* assented to, and it was accordingly Decreed, Bonds mutually given and the Conveyances, Writings and Books of Accounts were put into the Hands of the said Mr. *William Lawrence.* But that notwithstanding the repeated Requests, utmost Endeavours, and an Action brought by the said *Richard* against the said *Obadiah,* upon his Bond, hath and doth still refuse to joyn with the said *Richard* either to recover Debts, or to pay any of the numerous Judgments that are obtained against them the said Executors. By means of which the said Creditors and Legatees are like to be defrauded, the Estate wasted, and the said *Richard* Ruined.

Therefore the said *Richard Salter,* by his humble Petition prays, That an Act of General Assembly may be passed to Enforce the due Administration of the Estate of the said Capt. *John Bown,* deceased, according to the true Intent of the said Last Will and Testament. All which being by the said Petition more largely set forth, and the Truth thereof fully appearing upon a hearing of the Parties and Examination of the Allegations on both sides.

Be it Therefore Enacted by the Governour, Council and General Assembly and it is hereby Enacted by the Authority of the same, That in Order to Enforce the due Administration of the said Estate, within Twenty Days after the Publication of this Act, they the said Executors *Obadiah Bown* and *Richard Salter,* shall each of them enter into Bonds unto his Excellency the Governour and his Successors, with such sufficient Sureties as his said Excellency the Governour or Commander in Chief, for the Time being, (or such as he shall appoint) shall approve of, in the Sum of Ten Thousand Pounds, severally, with Condition, That each of them shall, upon Receipt of the equal Moiety or half Part of the said Conveyances, Deeds of Sale, Mortgages, Bills, Bonds, Accounts, Goods

and Chattles of the said Estate, according to the Inventories thereof by them and every of them Exhibited into the Prerogative Office of this Province, shall forthwith well and truely pay the Equal Moiety or half part of all the Debts due to the Creditors of said Estate, and the half part of the Legacies given by said Testator by his said Last Will and Testament aforesaid.

And be it further Enacted by the Authority aforesaid, That Mr. *William Lawrence,* upon Notice to him given by his said Excellency the Governour or Commander in Chief, for the Time being, or such as he shall appoint as aforesaid, of such Bonds with Securities, as aforesaid, being Executed, he the said *William* shall and is hereby required and commanded, upon Penalty of Thirty Thousand Pounds and Imprisonment until Payment, immediately to Deliver unto the said Persons aforesaid, to be by his said Excellency the Governour or the Commander in Chief, for the time being, for that purpose appointed, all Deeds of Sale, Mortgages, Bonds, Bills, Accompt Books and other Effects of the said Estate whatsoever, which are now in the Hands of the said *William Lawrence,* for which the said Persons, so appointed as aforesaid, shall give the said *William* a particular Receipt of what they receive, which Receipt shall be a sufficient Discharge thereof, to him, his Executors and Administrators forever.

And be it further Enacted by the Authority aforesaid, That the said Persons, so appointed by his Excellency the Governour of this Province or Commander in Chief, for the time being, shall and are hereby Required to make a just and equal Division of all such Deeds of Sale, Conveyances, Mortgages, Bonds, Bills, Accounts and other Effects of the said Estate whatsoever, and deliver one Moiety or half Part thereof unto the said *Obadiah,* his Executors or Administrators, and the other Moiety or half Part unto the said *Richard* or his Executors or Administrators, whose several Receipts for the same shall be and is hereby declared to be a sufficient Discharge to the said Persons so appointed, as aforesaid, for the same respectively.

Provided always, That all such part or parcel of said Estate as the said Executors, or either of them, had in their Hands in the Month of *July* last, or any time before that Date, or have since got into their or either of their Hands, shall be accounted as Part of his Moiety in whose Hands it is, and the Debt of the said Estate by him paid, shall be accounted as part of his Moiety of said Debt to be by him paid, due by said Estate to the Creditors thereof.

And be it Enacted by the Authority aforesaid, That upon the Executors both or either of them, entring into Bonds, as aforesaid, Then the Bonds mutually given each to the other in the Sum of Twenty Thousand Pounds, in the Month of *July* last, and all Suits and Actions in Law Commenced, and all other Bonds and Obligations, Decrees, Judgments, Penalties, Forfeitures, and all other Proceedings whatsoever, depending thereupon, both in Common Law and Equity, shall be and are hereby declared to be Exonerated, Acquitted and discharged, and to be Void, Null and of none Effect.

And be it further Enacted by the same Authority, That the said *Obadiah* and *Richard* shall be and are hereby Authorized and Impowered well and truely to administer, severally and respectively, such Part of the said Estate, as shall

be delivered to them, as aforesaid, and no other Part thereof; and each of them shall and may, severally and respectively Sell, Compound, Sue for, Recover, Receive and Discharge all such Deeds of Sale of Lands, Conveyances, Mortgages, Bonds, Bills, Accounts and other Effects whatsoever, which each of them shall so receive, as aforesaid, severally and respectively, in both their Names, but Executed by each of them severally, and respectively, for what shall be in each of their Hands, as aforesaid.

And be it further Enacted by the Authority aforesaid, That all Deeds of Sale, Reconveyances of Mortgages, and Deeds of Land upon Letters of Trust, Receipts, Acquitances and Discharges of all Sums contained in Obligations, Bonds, Bills, Accounts, &c. made and Executed by each of them severally, for such Part in each of their Hands, as aforesaid, shall be a good, sufficient and effectual Title in the Law to all Persons and Grantees of Land, to them their Heirs and Assigns forever, and to such Persons as shall pay such Obligations, Bonds, Bills, Debts and Accounts whatsoever, to them their Executors and Administrators forever.

Provided always, And it is hereby Declared, That all Persons whatsoever, who have made any Mortgages to the said *John Bown* in his Life Time, or to the said Executors since his Decease, and all Deeds of Sale made by any Person or Persons whatsoever, to the said *John Bown,* in his Life time, or to the said Executors since his Decease, where Instruments or Letters of Trust have been given to the Grantors of the said Deeds, Declaring said Deeds of Sale to be in Trust for the payment of such Sum and Sums of Money, as are in the said Letters of Trust mentioned and contained, with the Interest and Costs, *It is hereby Enacted and Declared,* That upon Payment made to each or either of them the said Executors, respectively, in whose Hands the Deeds of Sale shall happen to be, or to the Assignees of him the said *John Bown,* deceased, or them the said Executors, or either of them, with Interest, Costs and Charges, they, the said Executors, or they the said Assignees are hereby Required and Commanded to Reconvey the said Deeds of Sale of said Lands to the said Grantors, their Heirs and Assigns, in due form of Law. And in Case of Delay or Denyal, the said Grantor or Grantors shall and may, and are hereby Authorized and Impowered to Sue and prosecute the Person or Persons, so Delaying or Refusing, as aforesaid, in an Action of Debt, in any Court of Record in this Province; in which Suit the said Grantor or Grantors shall recover the whole and full Value of the said Lands, so delayed or refused to be reconveyed as aforesaid, with Costs of Suit; any Law, Custom or Usage to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said *Obadiah Bown* and *Richard Salter,* Executors aforesaid, or their Executors and Administrators, shall forthwith proceed to administer such Part of the said Estate as shall be delivered to them, and in their Hands as aforesaid, and with all Expedition recover Payment thereof, by all ways and means in the Law, or otherwise, whatsoever, and forth-with pay the Creditors and Legatees of said Estate. And in Case he the said *Obadiah,* or he the said *Richard* shall Neglect, Delay or Refuse to enter into Bond with sufficient Sureties, within the time

appointed as aforesaid, then and in that Case the other Executor, who shall enter into Bond and Administer as aforesaid, he the said Administring Executor shall be and is hereby Authorized, Impowered, Required and Commanded to take upon him the Administration of the other equal Moiety or half Part of said Estate, and shall thereupon enter into another Bond with Sufficient Sureties, to his Excellency the Governour or Commander in Chief, for the time being, in the aforesaid Sum of Ten Thousand Pounds, with Condition for due Administring the other Moiety or half Part of said Estate, as afore-mentioned, and shall immediately proceed to Administer accordingly.

And be it further Enacted by the Authority aforesaid, That if the said Executors shall enter into Bonds as aforesaid, and receive each of them the said equal Moiety or half Part of said Estate, into each of their Hands as aforesaid, and yet either of them shall at any time afterwards Delay, Neglect or Refuse to recover Payment of such Part of the said Estate as shall be in either of their Hands, and to pay and satisfy the equal Moiety or half part of all the Debts due to the Creditors of the said Estate, and of the Legacies given by said last Will and Testament as aforesaid, Then and in that Case, upon Proof made of such Delay, Neglect or Refusal as aforesaid, before his Excellency the Governour or Commander in Chief, for the time being, or such Person or Persons as shall be by him, for that Purpose appointed, the said Administring Executor shall enter into another Bond with Sureties, to his Excellency the Governour or Commander in Chief for the time being, in the aforesaid Sum of Ten Thousand Pounds, with Condition for due Administring the said other Moiety or half Part of said Estate, as afore-mentioned.

And be it further Enacted by the Authority aforesaid, That all Deeds of Sale of Lands, Reconveyances of Mortgages, Reconveyances of Lands made for Performance of Instruments or Letters of Trust, made by the Administring Executor for the said other Moiety or half Part of said Estate, shall be a Good Sufficient and Effectual Title in the Law to all Persons and Grantees of such Lands, their Heirs and Assigns, and all Receipts, Acquitances and Discharges of all Sum and Sums of Money mentioned and contained in any Obligations, Bonds, Bills and Accounts, made and granted by said Administring Executor for said other Moiety or half Part of said Estate, shall be Good Sufficient and Effectual in the Law to Discharge, Exonerate and Acquit the said Obligations, Bonds, Bills, Accounts, Debts, Dues and Demands whatsoever in the Law, notwithstanding the said Obligations, Bonds, Bills and Accounts are or may be in the Hands or Possession of the other Non-administring Executor, any Law, Custom or Usage to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That if, after the Creditors of said Estate are Paid and Satisfied all their just Debts, due to them, and all Legacies paid, either of the said Administring *Executors* shall receive Payment of more than his just and equal Moiety or half Part of the residuary Part of the Estate of said *John Bown,* deceased, and shall delay or refuse to pay the said Over-plus to the other *Executor,* or his Executors or Administrators, That then and in that Case it shall and may be lawful for the other Executor, and he is hereby Impowered and Authorized to prosecute and Sue for, Recover

and Receive the said Over-plus due to him, to make up his Residuary Part, Share and Proportion of the said Estate, equal to the other Executors Residuary Part, Share and Proportion of said Estate, by an Action of Debt in any Court of Record within this Province, any Law, Custom or Usage to the Contrary in any wise notwithstanding.

Passed 28 Mar. 1719.
Bradford (1719) 117-122.

An Act for vesting the Lands late the Estate and Inheritance of *Robert Burnet,* Esquire, late of the County of *Monmouth* in the Province of *New-Jersey,* in Trustees, to be sold and disposed of for the Payment of Debts.

Date of passage undetermined; Allinson gives it as 28 Mar. 1719, but Assembly Journal does not so record.
Allinson, 61, title only. Text not found.

Eighth Assembly, First Session

7 Mar. 1721/22 - 5 May 1722

Perth Amboy

An Act for the Support of the Government of His Majesty's Province of *New-Jersey,* for Five Years, to commence from the Twenty third Day of *September,* One Thousand Seven Hundred and Twenty— and to end the Twenty third Day of *September,* One Thousand Seven Hundred Twenty and Five.

Whereas The Act, entituled, *An Act for the Support of the Government of this his Majesty's Province of* New-Jersey, *for two Years,* Passed in the Month of *March,* in the Year of our Lord One Thousand seven Hundred and Eighteen, expired by its own Limitation, on the Twenty third Day of *September,* One thousand seven Hundred and twenty, and there having, since that time, been no Provision made for the Support of the Government, and Defraying the necessary Charges and Sallaries of the respective Officers of the same,

Be it therefore Enacted by the Governour, Council and General Assembly, now Met and Assembled, and it is hereby Enacted by the Authority of the same, That there be Assessed, Levied and Raised, in the Manner hereafter mentioned, within this Colony, for and toward the Support of His Majesty's Government within the same, for five Years, to commence from the twenty third Day of *September,* which was in the Year of our Lord One thousand Seven Hundred and Twenty, and to continue until the twenty third Day of *September,* One Thousand Seven Hundred twenty and Five, the Sum of Four Thousand One Hundred Forty three Pounds ten Shillings, in Money of the Value directed and appointed by her late Majesty's Proclamation, and since enforced by Act of Parliament, entituled, *An Act for ascertaining the Rates of Foreign Coyn in Her Majesty's Plantations in* America. Which is hereby given to His Majesty, His Heirs and Successors, for and toward the Support of this His Majesty's Government in and over this Province.

And be it further Enacted by the Authority aforesaid, That in case His Excellency *William Burnet,*[1] Esq; our present Governour, shall by Death or otherwise cease to be Governour of this Province at any time after the Passing of this Act, and before the said Twenty third Day of *September,* which shall be in the Year of our Lord One Thousand Seven Hundred twenty and Five, that then it shall and may be lawful for the Treasurers of this Province, for the Time being, and they are hereby directed, authorized, required, impowered and Commanded to pay unto His Excellency *William Burnet,* Esq; his Executors, Administrators or Assigns, on his or their Order, out of the said Sum or Sums of Money, hereafter to be Assessed, Levied and Raised for the Support of the Government; as aforesaid, for Five Years, all such Sum or Sums of Money as at the Time of his ceasing to be Governour, as aforesaid, shall then remain to be due and unpaid to him for his Sallary, in proportion to the Sums of Money he shall have received, or shall be payable to him out of the said Sum or Sums of Money, to be Assessed and Levied by Virtue of this Act, for the Support of

the Government, from the twenty third Day of *September* seventeen Hundred and twenty, to the twenty third Day of *September,* seventeen Hundred twenty and five.

And for the more Regular, Just and Effectual Raising and Assessing the annual Support of the Government, by this Act given and intended to be raised, *It is hereby further Enacted by the Authority aforesaid,* That there shall be Assessed, Levied and Raised, on the several Inhabitants within this Province their Goods and Chattles, Lands and Tenements, the Sum of four Thousand one Hundred forty three Pounds ten Shillings, in the Manner following, *viz.*

All publick House-keepers shall be rated at the Discretion of the Assessors of each Town, Division, Precinct or District wherein they live; provided they do not exceed the Sum of Fifteen Pounds, nor are rated at less than the Sum of five Pounds, for and towards the Support of Government, for each Year, to commence from the first Day of *March* last.

Every single Man, not a Bound Servant, that works for Hire, shall pay the Sum of four Shillings each Year.

For the Ferry above *Delaware* Falls, shall be paid the Sum of twenty Shillings for each Year.

For the Ferry near *Delaware* Falls, shall be paid, for each Year, the Sum of thirteen Shillings and four Pence.

For the Ferry from *Burlington* to *Bristol,* shall be paid, for each Year, the Sum of fifteen Shillings.

For the Ferry below *Burlington,* at the Ferry Point, shall be paid, for each Year the Sum of fifteen Shillings.

For the Ferry at *Rancocas,* alias *Northampton River,* shall be paid, for each side by the Year, the Sum of ten shillings.

For the Ferry from *William Coopers* to *Philadelphia,* shall be paid, for each Year, the Sum of ten Shillings.

For the Ferry or Ferries from *Gloucester* to *Philadelphia,* shall be paid, for each Year, the Sum [of] thirty Shillings.

For the Ferry at *Inionses,* over *Rariton,* shall be paid for each Year, the Sum of thirteen Shillings and four Pence.

For the Ferry from *Radfords* to *Amboy,* shall be paid, for each side, by the Year, the Sum of twenty Shillings.

For the Ferry over *Weehauck,* shall be paid, for each Year, the Sum of Twelve Shillings.

For every Wherry, that carries Goods and Passengers for Hire, shall be paid, for each Year the Sum of ten Shillings.

For every Flat, that carries Goods and Passengers for Hire, shall be paid for each Year, the Sum of six Shillings.

For every Flat or Wood-Boat, that carries six Coards and upwards, shall be paid for each Year, the Sum of ten Shillings.

For every Flat or Wood-Boat that carries six Coards and upwards, shall be paid, for each Year, the Sum of six Shillings and eight Pence.

For every Flat or Wood-Boat that carries under four Coards, shall be paid, for each Year, the Sum of four Shillings.

For all Boats, Flats and Wherries belonging to the neighbouring Colonies, coming into the Eastern Division of this Province, shall be paid the same Rate as is paid by Persons inhabiting in this Province.

All Saw-Mills, Grist-Mills and Fulling-Mills, shall be Rated at the Discretion of the Assessors of each Town, Division, Precinct or District wherein they lie, provided they do not exceed three Pounds, nor are Rated at less than the Sum of ten Shillings each, by the Year.

All Merchants and Shop-Keepers, shall be rated at the Discretion of the Assessors, not under fourteen Shillings, nor exceeding five Pounds, by the Year.

Every Person not Residing in this Province, that shall bring Goods to sell by Retail (except at publick Fairs) shall pay, for each year, the Sum of three Pounds.

The Owners and Possessors of Houses or Lots of Land, in any of the Towns or Precincts within this Province, the Tax of whose other rateable Estate does not amount to eight Shillings, shall pay for the said Houses or Lots at the Discretion of the Assessors, not under two Shillings nor above twenty Shillings by the year.

All Cattle, Horses and Mares, of two years old, and upwards, shall be Valued at twenty five Shillings each Head.

All Sheep of one year old and upwards, shall be Valued at three Shillings each Head.

Every Bound Servant, Indian, Negro and Mullato Slaves, being Male, of sixteen years old, and upwards, except such Slaves as are not able to work, shall be rated at and pay one Shilling each Head, for each year.

All Tracts of Land held by Patents, Deeds or Surveys, whereon is any Improvement, shall be valued at five Pounds each Hundred Acres of such profitable Lands.

All Indian Traders shall be rated at the Discretion of the Assessors, not under twenty Shillings, nor above Five Pounds, by the year.

All the Tax for the Support of Government, shall be paid in Silver, Gold or Wheat, *viz.* Silver according to her late Majesty's Proclamation, Gold at five Shillings and six pence the Penny weight, and Wheat at five Pence *per* Bushel less than the Market Price at *New-York,* for the Eastern Division, and *Philadelphia* for the Western Division.

And be it further Enacted by the Authority aforesaid, That the Sum of eleven Hundred and eleven Pounds, Money aforesaid, for the first eighteen Months, shall be Assessed, Levied and Collected in and according to the Proportions following,

By the County of *Bergen,* the Sum of *ninety Pounds.*

By the County of *Essex,* the Sum of *one Hundred fifty and one Pounds.*

By the County of *Middlesex,* the Sum of *one Hundred twenty and nine Pounds three Shillings.*

By the County of *Somerset,* the Sum of *forty three Pounds.*

By the County of *Monmouth,* the Sum of *one Hundred eighty eight Pounds.*

By the County of *Hunterdon,* the Sum of *eighty Pounds.*

By the County of *Burlington,* the Sum of *one Hundred and forty Pounds.*

By the County of *Gloucester,* the Sum of *ninety five Pounds.*

By the County of *Salem,* the Sum of *one Hundred fifty eight Pounds.*

By the County of *Cape-May,* the Sum of *thirty six Pounds seventeen Shillings.*

Which, together with the Sum of six Hundred Pounds, Money according to Her late Majesty's Proclamation, due and payable by the Farmers of the Excise, on the twenty fifth Day of *March* last past, which is hereby directed to be paid to the Treasurer of either of the Divisions of this Province, for the Sum of seventeen Hundred and eleven Pounds, Money aforesaid, for the first eighteen Months.

And be it further Enacted by the Authority aforesaid, That the Sum of one Thousand and forty two Pounds ten Shillings, Money aforesaid, be Assessed, Levied and Raised, for the second eighteen Months, in Proportion following, *viz.*

By the County of *Bergen,* the Sum of *eighty five Pounds one Shilling and seven Pence.*

By the County of *Essex,* the Sum of *one Hundred and forty Pounds eleven Shillings and nine Pence.*

By the County of *Middlesex,* the Sum of *one Hundred and twenty Pounds thirteen Shillings and nine Pence.*

By the County of *Somerset,* the Sum of *forty one Pounds fourteen Shillings and nine Pence.*

By the County of *Monmouth,* the Sum of *one Hundred seventy six Pounds thirteen Shillings and six Pence.*

By the County of *Hunterdon,* the Sum of *seventy seven Pounds ten Shillings and ten Pence.*

By the County of *Burlington,* the Sum of *one Hundred twenty nine Pounds four Shillings and nine Pence.*

By the County of *Gloucester,* the Sum of *ninety Pounds eight Shillings and nine Pence.*

By the County of *Salem,* the Sum of *one Hundred forty six Pounds eighteen Shillings and nine Pence.*

By the County of *Cape-May,* the Sum of *thirty three Pounds eleven Shillings and eight Pence.*

And be it further Enacted by the Authority aforesaid, That the Sum of six Hundred ninety five Pounds, Money aforesaid, be Assessed, Levied and Raised, for the Year of our Lord One Thousand seven Hundred twenty and four, in the Proportions following, *viz.*

By the County of *Bergen,* the Sum of *fifty six Pounds nineteen Shillings.*

By the County of *Essex,* the Sum of *ninety four Pounds twelve Shillings.*

By the County of *Middlesex,* the Sum of *seventy nine Pounds seventeen Shillings.*

By the County of *Somerset,* the Sum of *twenty seven Pounds two Shillings.*

By the County of *Monmouth,* the Sum of *one Hundred and seventeen Pounds seventeen Shillings.*

By the County of *Hunterdon,* the Sum of *fifty one Pounds nine Shillings.*

By the County of *Burlington,* the Sum of *eighty five Pounds fifteen Shillings.*

By the County of *Gloucester,* the Sum of *fifty nine Pounds twelve Shillings.*

By the County of *Salem,* the Sum of *one Hundred Pounds three Shillings.*

By the County of *Cape-May,* the Sum of *twenty one Pounds fourteen Shillings.*

And be it Enacted by the Authority aforesaid, That the Sum of six Hundred ninety five Pounds, Money aforesaid, be Assessed, Levied and Raised for the Year of our Lord One Thousand seven Hundred twenty and five, in the Proportions following, *viz.*

By the County of *Bergen,* the Sum of *fifty six Pounds nineteen Shillings.*

By the County of *Essex,* the Sum of *ninety four Pounds twelve Shillings.*

By the County of *Middlesex,* the Sum of *seventy nine Pounds seventeen Shillings.*

By the County of *Somerset,* the Sum of *twenty seven Pounds two Shillings.*

By the County of *Monmouth,* the Sum of *one Hundred and seventeen Pounds seventeen Shillings.*

By the County of *Hunterdon,* the Sum of *fifty one Pounds nine Shillings.*

By the County of *Burlington,* the Sum of *eighty five Pounds fifteen Shillings.*

By the County of *Gloucester,* the Sum of *fifty nine Pounds twelve Shillings.*

By the County of *Salem,* the Sum of *one Hundred Pounds three Shillings.*

By the County of *Cape-May,* the Sum of *twenty one Pounds fourteen Shillings.*

And whereas it may so happen that the Certainties in this Act mentioned, may in some of the Counties arise to a greater Sum than the Proportions appointed, or to be appointed, for such County to pay,

Be it therefore Enacted, That then and in such Case the Over-plus arising by such Certainties, shall be paid unto the Treasurers of this Colony, for the Time being, to be applyed to the Uses aforesaid, and no Tax or Assessment shall be laid within the same County where such Over-plus happens to be, any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Assessors for Assessing the several and respective Sums aforesaid, shall be and are such as are already chosen, or hereafter to be chosen, by the several Towns, Divisions, Districts and Precincts, according to the Directions of an Act of General Assembly of this Province, entituled, *An Act for the more regular Choosing Assessors and Collectors in the respective Towns and Counties of this Province.*

And be it further Enacted by the Authority aforesaid, That for the Collecting and Receiving the several and respective Sums aforesaid, there shall be appointed, for each County within this Province, the Collectors hereafter named, *viz.*

For the County of *Bergen,* Mr. *William Provoost.*

For the County of *Essex,* Mr. *Nathaniel Bonnel.*

For the County of *Middlesex,* Mr. *Moses Rolph.*

For the County of *Somerset,* Mr. *Michael Van Veighty.*
For the County of *Monmouth,* Mr. *William Lawrence,* jun.
For the County of *Hunterdon,* Mr. *Joseph Peace.*
For the County of *Burlington,* Mr. *Thomas Hunlock.*
For the County of *Gloucester,* Mr. *Joseph Cooper,* jun.
For the County of *Salem,* Mr. *Thomas Hill.*
For the County of *Cape-May,* Mr. *Richard Downs.*

And be it Enacted by the Authority aforesaid, That in Case any of the Collectors, named in this Act, shall Dye or depart this Province, before the Expiration of the Time limited in this Act, that then and in such Case the Justices of the Peace, or the greater Number of them, then being of the County, the Collector of which shall so dye or depart, shall, as soon as conveniently may be, meet together, and appoint some able and discreet Man to be Collector of the said County, in the Place and Stead of such Collector Dead or Departed, as aforesaid,

And be it further Enacted by the Authority aforesaid, That all and every of the Inhabitants and House-holders of each respective County within this Province, shall at or before the first Tuesday in *June* next, and on or before the first Tuesday in *May,* which shall be in the Year of our Lord Seventeen Hundred twenty and three, and on or before the first Tuesday in *May,* which shall be in the Year of our Lord seventeen Hundred twenty and four, and on or before the first Tuesday in *May,* which shall be in the Year of our Lord seventeen Hundred twenty and five, give a true and perfect List, in Writing, of all the Names and Sir-Names, and an Account, in Writing, of their Estates, Real and Personal, rated or made Rateable by this Act, to the Assessors chosen and elected, or to be chosen and elected, by Virtue of an Act of General Assembly of this Province, entituled, *An Act for the more regular chusing and electing Assessors and Collectors in the respective Towns and Counties within this Province,* for the Time being, for the Town, Division, District or Precinct they reside in, which Assessors of the several Towns, Divisions, Precincts, or Districts of each and every County within this Province, are hereby directed and required, on or before the second Tuesday in *August,* yearly and every Year, during the five Years Support, to meet at the most publick and convenient Place in each respective County of this Province, and shall then and there compute what the Sum total of all the Certainties, as laid by this Act, in the said County, shall amount unto, and shall also then and there likewise compute the Value of all the Estates, Real and Personal, given in to the said Assessors, within each of the said Towns, Divisions, Precincts or Districts, in each and every county in this Province, at the value in this Act mentioned and expressed, and after deducting the Certainties from the Quota by this Act directed and appointed to be paid by each of the respective Counties, the said Assessors shall add their own and the Collectors Fees, together with the Insolvents of the preceeding Year, to the Remainder, and Assess such Remainder and Addition of Fees and Insolvents of the preceeding Year, equally on the Pound Value of all the Real and Personal Estates within each of the respective Counties, so as to make up and pay each of their several and respective Quota's, with the Additional Charges of

Assessing and Collecting the same, and the Deficiencies and Insolvents of the preceeding Year. And shall likewise do and perform all Things required of them, according to the Directions and Appointment of the said Act of General Assembly, entituled, *An Act for the more regular Choosing and Electing Assessors and Collectors in each respective Town and County in this Province,* and be subject to the same Pains, Penalties and Forfeitures as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That each and every Person Taxed, as aforesaid, shall, on or before the second Tuesday in *October,* yearly and every Year, during the Continuance of this Act, pay unto the Collector of the said Town, Division, Precinct or District, chosen or to be chosen by Virtue of the before recited Act of General Assembly of this Province, entituled, *An Act for the more regular Choosing and Electing Assessors and Collectors in each respective Town and County in this Province,* the several Sums of Money that each and every of them are assessed, on the Pains and Penalties mentioned in the said recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors of the several Towns, Divisions, Districts and Precincts chosen by Virtue of the aforesaid Act of General Assembly of this Province, entituled, *An Act for the more regular chusing and electing Assessors and Collectors in each respective Town and County of this Province,* shall pay the sum or sums of Money, he shall receive by Virtue of this Act, unto the Collector of the County, appointed or to be appointed according to the Directions of this Act, on or before the second Tuesday in *November,* yearly and every year, during the Continuance of this Act, under the Pains and Penalties mentioned in the before-mentioned and recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors appointed, or to be appointed by Virtue of this Act, shall, and are hereby Required and Commanded to do the Duties required of them by Virtue of the before-mentioned Act of General Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties of this Province,* and be subject to the same Pains, Penalties and Forfeitures as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That the Assessors within each respective Town, Divison, District or Precinct within any County of this Province, shall and are hereby Required and Commanded to Assess over and above the Sums herein mentioned in each County, so much as will pay themselves and the Town and County Collectors for assessing, collecting and gathering the same, and paying it to the Treasurers of the Province, the same as is allowed by an Act, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective County in this Province.*

And be it further Enacted by the Authority aforesaid, That the Collector of each respective County within the Eastern and Western Division of this Province, shall on or before the second Tuesday in *January,* yearly and every year, during the five years Support, pay all such sum and sums of money by him received, by Virtue of this Act, to the Treasurers of this Province, and shall

likewise deliver unto the said Treasurer, of the Division he belongs unto, an exact Copy of the Assessment of each Town, Division, Precinct or District, and an exact Account of all the Deficiencies within each Town, Division, District or Precinct within the County for which he is Collector, to the Treasurer aforesaid, on the Pain and Penalty of *Fifty Pounds* for each Default therein, to be recovered by Action of Debt, Plaint or Information, in which no Essoyn, Protection or Wager of Law to be allowed, nor any more than one Imparlance: One half to the person who shall prosecute the same to effect, the other half to his Majesty, his Heirs and Successors, for and towards the Support of Government of this his Majesty's Province of *New-Jersey,* with double cost of Suit.

And be it further Enacted by the Authority aforesaid, That the Treasurers of this Province shall each of them give Bonds, with sufficient Sureties, dwelling in this Province, to the Value of *Two Thousand Pounds,* for the true performance of their Offices.

And be it further Enacted by the Authority aforesaid, That every Person that pays their Tax for Support of Government in Wheat, shall pay it to the Collector appointed by this Act, in their respective Counties, on or before the second *Tuesday* in *October,* yearly and every year, during the five years Support, and the said Collectors Receipt to the Collector of the Town, Division or Precinct, chosen by Virtue of an Act, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors &c.* shall be his Discharge.

And be it further Enacted by the Authority aforesaid, That the Members of this Assembly shall be paid their Wages for their Attendance, as by this Act directed, by the Collectors appointed by this Act, in their respective Counties, so much as shall be certified to them by a Certificate signed by the Speaker, and to the Speaker by a Certificate signed by two Members, which Certificate, with a Receipt thereon, shall be a sufficient Discharge to the Collector for so much.

Passed 5 May 1722.
Bradford (1722) 123-130.

1. William Burnet (1688-1729) was appointed governor in 1720.

An Act for the Security of His Majesty's Government of *New-Jersey.*

Whereas Some Persons in this Province, disaffected to His Majesty's Person and Government, propagate their pernicious Principle, to the great

Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same. And by Reason of their Intermedling in publick Affairs, in Contempt of His Majesty's legal and just Authority, obstruct the publick Administration, and will, if not prevented, prove Dangerous to the Government of this Province.

Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful to and for two or more Justices of the Peace, or any other Person or Persons who shall be by the Governour, Commander in Chief, or President of the Council of this Province, for that Purpose specially appointed, by Order in Council, or by Commission under the Seal of this Province, to administer and tender the Oaths and Declaration herein after appointed to be taken and made, to any Person or Persons whatsoever, whom they shall or may suspect to be Dangerous or Disaffected to His Majesty or his Government: And if any Person or Persons to whom the said Oaths and Declaration shall be so tendred, shall neglect or refuse to take and make the same, such Justices, or other Person or Persons specially to be appointed, as aforesaid, tendring the said Oaths, shall certify the Refusal thereof to the next Supream Court, held in the Division where such Person or Persons shall reside, of this Province of *New-Jersey,* that shall sit after such Neglect or Refusal shall be made. Which Certificate shall be recorded among the Rolls of the said Supream Court, to be provided and kept for that Purpose only. And that every Person so neglecting or refusing to take the Oaths and make the Declaration herein after mentioned, shall be from the time of such Neglect or Refusal, taken, esteemed and adjudged *A Popish Recusant Convict,* and as such to forfeit and be proceeded against.

And to the Intent that no suspected Person may avoid taking the several Oaths and the Declaration in this Act hereafter particularly mentioned, upon any Pretence whatsoever,

Be it further Enacted by the Authority aforesaid, That it shall and may be lawful unto and for two or more Justices of the Peace, or any other Person or Persons who shall be by the Governour or Commander in Chief of this Province, for the Time being, for that Purpose specially appointed, by an Order signed by the said Governour or Commander in Chief in Council, or by Commission under the Seal of this Province, by Writing under their Hands and Seals to summon any Person (except Women and all other Persons under the Age of Eighteen Years) to appear before them at a certain Day and Time therein to be appointed, to take the herein after-mentioned Oaths, and make and Subscribe the herein after-mentioned Declaration, *viz.*

I A.B. do sincerely profess and swear, that I will be Faithful, and bear true Allegiance to His Majesty King *George. So help me God.*

I A.B. do swear, That I do from my Heart abhor, detest and abjure, as Impious and Heretical, that Damnable Doctrine and Position, *That Princes excommunicated, or deprived by the Pope or any Authority of the See of* Rome, *may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesiastical or Spiritual, within the Realm of *Great Britain. So*

help me God.

I A.B. do heartily and sincerely acknowledge, profess, testify and declare, in my Conscience, before God and the World, That our Sovereign Lord King *George* is lawful and rightful King of *Great-Britain,* and of all other his Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I believe in my Conscience, That the Person pretending to be *Prince of Wales,* during the Life of the late King *James,* and since his Decease, pretending to be, and taking upon himself, the Stile and Title of *King of England,* by the Name of *James the third,* or of *Scotland,* by the Name *James the eighth,* or the Stile and Title of *King of Great Britain,* hath not any Right or Title whatsoever to the Crown of *Great Britain,* or any other the Dominions thereunto belonging. And I do renounce, refuse and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to his Majesty King *George,* and him will defend to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity; and I will do my utmost Endeavour to disclose and make known to his Majesty and his Successors all Treasons and traiterous Conspiracies which I shall know to be against him or any of them. And I do faithfully Promise, to the utmost of my power, to Support, Maintain and Defend the Succession of the Crown against him the said *James,* and all other persons whatsoever. Which Succession, by an Act, entituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,*[1] is and stands limited to the princess *Sophia,* Electoress and Dutchess Dowager of *Hanover,* and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to the express Words by me spoken, and according to the plain and common Sence and Understanding of the same Words, without any Equivocation, mental Evasion or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and promise, heartily, willingly and truely, upon the true Faith of a Christian. *So help me God.*

I A.B. do solemnly and sincerely, in the presence of God, profess, testify and declare, That I do believe, That in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of *Christ,* at or after the Consecration thereof, by any person whatsoever. And that the Invocation or Adoration of the Virgin *Mary,* or any other Saint, and the Sacrifices of the Mass, as they are now used in the Church of *Rome,* are Superstitious and Idolatrous. And I do solemnly, in the presence of God, profess, testify and declare, That I do make this Declaration, and every part thereof, in the plain and ordinary Sence of the Words read unto me, as they are commonly understood by *English* protestants, without any Evasion, Equivocation or mental Reservation whatsoever, and without any Dispensation already granted me for this purpose by the *Pope,* or any other Authority whatsoever, or without any Hope of any such Dispensation from any person or Authority whatsoever, or without thinking that I am or can be acquitted before GOD or Man, or absolved of this Declaration, or any part thereof, although

the *Pope,* or any other person or persons or power whatsoever, should dispence with or annul the same, or declare that it was Null and Void from the Beginning.

Unto which Oaths, so taken, every person, so summoned, appearing and taking the same, shall subscribe his Name, and if he cannot write, shall make his Mark, and the Declaration so made by such persons summoned and appearing, as aforesaid, shall be audibly repeated and subscribed or undermarked by the person making the same, as aforesaid. Which Summons so made, as aforesaid, shall be served upon such person, or left at the Dwelling House or usual abode of such person, with one of the Family there, who shall be informed of the Contents of such Summons. And if such person, who shall be so summoned, neglect or refuse to appear, according to such Summons, that then, upon due proof, to be made upon Oath of the Serving the said Summons, which Oath such Justices, or any other person or persons specially to be appointed, as aforesaid, are hereby enabled and directed to administer, such Justice, or any other person or persons specially to be appointed, as aforesaid, are hereby required to certify the same to the next Supream Court, held in the Division where such person or persons shall reside, of the province of *New-Jersey,* that shall be held after such Neglect or Refusal or any person, so summon'd as aforesaid, there to be entered upon the Rolls of the said Court. And if such person who shall be so summoned to take the said Oaths and make the said Declaration, as aforesaid, shall neglect or refuse to appear and take the said Oaths and make the said Declaration, at the Supream Court aforesaid, the Names of the persons, so certified, being first publickly read, and proclamation made in the usual Manner, *That if the Person or Persons so certified shall not appear, during the sitting of that Court, and take the Oaths and make the Declaration, as in and by this Act directed, he or they shall be judged Popish Recusants convict,* that then and in such Case every such person, so neglecting or refusing as aforesaid, shall be taken, deemed, esteemed and adjudged a *Popish Recusant convict,* and as such to forfeit and be proceeded against, as a *Popish Recusant* by all or any the Laws of *England* should forfeit and be proceeded against, any Usage to the contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That any person or persons whatsoever, that shall be brought before the Governour, President of the Council or Commander in Chief of this Province, for the Time being, in Council, and shall refuse to take and subscribe the said Oaths, or make and subscribe the said Declaration, as aforesaid, shall enter into Recognizance, with sufficient Sureties, to appear at the next Supream Court held in the Division where such Person so refusing shall reside, and if the said Person or Persons shall then and there refuse to take the said Oaths, and make and subscribe the said Declaration, as aforesaid, every such Person shall, for such Refusal, be deemed a *Popish Recusant convict,* and as such be proceeded against.

And whereas the intermedling in publick Affairs by any Person convict as aforesaid, and forming of Bills to be passed into Laws by the General Assembly of this Province, without Leave and Direction first given by the Governour, the Council or Representatives in General Assembly met and

convened, is a high Misdemeanour and Contempt of his Majestys Authority and Government, and can be done by such Persons on no other View and Design than to obstruct the Administration of His Majesty's Government, and defeat and render ineffectual the good Purposes of the Legislature here.

Be it therefore Enacted by the Authority aforesaid, That if any Person Convict as aforesaid, shall, at any Time hereafter, intermeddle in publick Affairs of this Province, by forming any Bill in order to be passed into a Law, by the General Assembly of this Province, and deliver it to any Member of Council or Assembly for that Purpose, or shall alter any Clause in any Bill under the Consideration of the Council or General Assembly of this Province, without Leave from the Governour, or his Majesty's Council, or the General Assembly of this Province, for the Time being, first had and obtained, every such Person who shall so form any such Bill, or alter any Clause as aforesaid, without Leave first had and obtained, as aforesaid, shall for every such Offence be forthwith prosecuted to Effect, according to Law, for such his Contempt and Misdemeanour.

Provided always, That this Act, or any Thing therein contained, shall not extend to any Person who hath, since his Majesty's happy Accession to the Throne, taken the Oaths of Allegiance and Supreamacy, and the Abjuration Oath, in any of the Courts of this Province, or as one of his Majesty's Council, or as a Member of the General Assembly of this Province, unless by Reason of such Persons having some new Office or Imployment, or his coming hereafter under some of the Qualifications which require the taking the Oaths before-mentioned, by Virtue of this Act, or any other Law now in being.

And be it further Enacted by the Authority aforesaid, That no Person, being out of the Province at the time of such Summons being left at his House, as aforesaid, shall be prosecuted as a *Popish Recusant,* if he shall within three Months after his Return into this Province, repair to some Officer appointed for that Purpose, and take the Oaths and make the Declaration, and subscribe as by this Act directed.

And whereas there are Protestant Dissenters well affected to his Majesty's Person and Government, who, for Conscience sake, have and do refuse taking any Oath whatsoever.

Be it therefore Enacted by the Governour, Council and General Assembly, That neither this Act, nor any Thing herein contained, shall be construed or taken to extend to such Protestant Dissenter, as aforesaid, who shall take and subscribe the Oaths and Declaration in this Act before-mentioned, in such Manner and Form as they have been usually taken here, by the People called Quakers, or according to the Laws of *Great Britain,* that now are or shall be made in Relation to those People called Quakers, and their so doing, being Recorded at the next Quarter-Sessions, shall exempt such Protestant Dissenters, as aforesaid, from the Penalties of this Act, any thing in this Act to the contrary notwithstanding.

Provided always, and it is hereby further Enacted, That any Person or Persons who shall become *Popish Recusant Convict,* by Virtue of any Thing in this Act contained, and shall at any Time hereafter take and subscribe the said

Oaths before-mentioned, and make and subscribe the said Declaration, before the Chief Justice of the Supream Court, for the Time being, in open Court, or before the Governour or Commander in Chief of this Province, for the Time being, in Council, and shall obtain a Certificate of his so doing, under the Hand and Seal of the said Governour or Commander in Chief, or under the Hand of the Judge and Seal of the said Court, as the Case shall be, every such *Popish Recusant* by this Act, so swearing and declaring, and obtaining a Certificate, as aforesaid, shall be discharged from all the Penalties and Forfeitures incurred by this Act, and are hereby, from such Time, discharged from such Conviction, any Thing in this Act to the contrary hereof in any Wise notwithstanding.

Passed 5 May 1722.
Bradford (1722) 133-137.

1. An Act for the further Limitation of The Crown, and better securing The Rights and Liberties of The Subject, 12 Wm. 3, c 2. *The Statutes* (London, 1734), vol 3, 1685-1704, 507-508.

An Act for Settling the Militia of this Province.

Whereas The Security and Preservation of this Province greatly depends upon the Militia being put into such Methods as may make the same most useful, for the Defence thereof and Honour of his Majesty. And whereas the former Act *For Settling the Militia of this Province,* is expired by its own Limitation,

Be it therefore Enacted by the Governour Council and General Assembly, and by the Authority of the same, That every Captain within this Province, already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Divisions of which they are Captain, between the Age of Sixteen and Fifty Years (except the Gentlemen of his Majestys Council and the Representatives of General Assembly, Ministers of the Gospel, the Civil Officers of the Government, and all Field Officers and Captains that here-to-fore bore Commission in the Militia of this Province, and all that now do or shall hereafter bear such Commission, Physitians, School-Masters, Millers and Slaves) Every of which, so listed, shall be sufficiently Armed with one good sufficient Musquet or Fuzee, well fixed, a Sword or Bagonet, a Cartouch Box or Powder Horn, three Charges of Powder and three sizeable Bullets, who

shall appear in the Field, so Armed, twice every Year, the first Munday in *April,* and the second Munday in *October,* (except the County of *Cape-May,* which shall thus appear the third Munday in *April* and third Munday in *October,*) yearly, at the Places appointed by their Captains or Superiour Officers, and continue in Arms but one Day at each Time, beside at other Times when they shall be called together, by an Order in Writing, under the Hand of the Captain General or Commander in Chief, for the Time being, at such Places as shall be by him appointed, to be taught the Use of their Arms, and then and there shall and are hereby Subjected to the Command of their proper Officers, and upon Disobedience shall and are hereby made lyable to the Penalties and Punishments of the Martial Law, so that the punishment do not extend to the taking away of Life or Members.

And be it Enacted by the Authority aforesaid, That every Person so listed, that doth appear at the Times and Places above, who shall not be Armed and provided with Ammunition, as aforesaid, shall forfeit as followeth, *viz.* For want of a Musquet or Fuzee, *Two Shillings.* If not well Fixed, *One Shilling.* For want of a Sword or Bagonet, *One Shilling.* For want of three Charges of Powder, and three sizeable Bullets, *One Shilling.* All which fines to be levied by the Serjeant or Corporal of the Company, by Warrant from the Captain, upon their Goods and Chattles, if they refuse to pay the Forfeitures. Which Forfeitures shall be applyed towards providing the Company with Drums and Colours.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Captain General or Commander in Chief, for the Time being, in Case of any Invasion of any Enemy, to call all or so many of the Persons aforesaid together, for the Repelling the Force of any Enemy, or Order such Detachments for the Common Defence, as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments, for expelling the Enemy and Preservation of His Majesty's Subjects and Government.

And be it further Enacted by the Authority aforesaid, That every Person, so listed, that doth not appear at the Place appointed, as aforesaid, shall contribute and pay, towards the Support of his Majesty's Government in this Province, the Sum of *Five Shillings* for each of the said Days Absence, to the Captain or Commanding Officers, for the Time being, of their respective Companies (excepting in Cases of Sickness, or any other reasonable Excuse, to be allowed of by the Captain) which Sum, so raised by the said Captain or Commanding Officer, shall, from Time to Time, be paid unto the Treasurer of the Province. And if any Person or Persons shall refuse or neglect to pay, as aforesaid, the said Captain or Commanding Officer is hereby required and impowered to make out his Warrant to one of the Serjeants or Corporals, to make Distress upon every Persons Goods and Chattles so neglecting or Refusing, as aforesaid. *Provided,* That such Distresses be made but once a Year, for all the Defaults that have been committed within the said Year, before the Time of such Distress; and shall expose the said Goods to publick Sale, and after Sale thereof shall return the Overplus (if any be) to the Owners thereof,

after deducting *One Shilling* for his Trouble, which he is hereby allowed to take.

And be it further Enacted by the Authority aforesaid, That the said Treasurer shall keep a true and perfect List of all the Money collected as aforesaid, and shall have for his the said Treasurers Trouble *Ten Pounds* for every *Hundred Pounds* received by Virtue of this Act, and so in Proportion for a greater or lesser Sum. Which Sum or Sums of Money, so raised, shall be applyed to such Use or Uses as the Governour, Council and General Assembly shall appoint.

And be it further Enacted by the Authority aforesaid, That if the small Fines mentioned in this Act, for the Defraying the Charges of Drums and Colours and other incidental Charges, are found insufficient, the Captain or other Officer of each Company, who was or shall be at the Charge of furnishing them, shall be allowed, by the Treasurer, out of the other Fines, as much as will make up the small Fines sufficient to reimburse them, any Thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for such Captains or other Commanding Officer, as live on or near the Sea Side or Indians, on any Descent or Invasion by an Enemy, to call all, or so many of their several and respective Companies together as shall be thought necessary to expel the said Enemy.

And be it further Enacted by the Authority aforesaid, That when the Governour or Commander in Chief, for the Time being, shall think fit to direct, in Time of War or Danger, any Watch to be kept, in any Place or Places within this Province, the Collonel, Lieutenant Collonel, Major or other Commanding Officer of the Regiment, to whom such Directions is Signified, shall Issue out his Orders to the several Captains under his Command, To appoint such and so many Men to appear with their Arms, at such Time and Places as such Collonel or Commanding Officer shall appoint. Which Watch so appointed, shall be equally relieved, by Order of the Commanding Officer of said Company; and so equally through all the Companies of the said County. And every Person or Persons neglecting or refusing to appear himself, or send a sufficient Man in his Room, to Watch during the Time and at the Place appointed, shall forfeit the Sum of *Ten Shillings* for each Offence. And any Person that shall leave the said Watch, until relieved by some other Person appointed to watch in his Stead, every such Person, so leaving as aforesaid, shall forfeit the Sum of *Forty Shillings,* Money of the said Province; to be recovered before any Justice of the Peace of the County where the Offence is Committed, one half to the Informer who shall prosecute the same to effect, the other half to his Majesty, his Heirs and Successors, to be appropriated to the Use or Uses as is before appointed by this Act. *Provided always,* That no Person shall be obliged to continue longer on the Watch than twenty four Hours at one Time.

And be it further Enacted by the Authority aforesaid, That if any Person appointed by the Captain to be a Serjeant or Corporal, shall refuse the said Office, every such Persons, so refusing; shall forfeit the Sum of *Twenty Shillings,* to be recovered by Warrant from any one Justice of the Peace.

Provided always, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms, as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to distrain, as aforesaid, shall forfeit the Sum of *Twenty Shillings* for each Default, to be recovered before any one Justice of the Peace and applyed as it is before directed by this Act.

And be it further Enacted by the Authority aforesaid, That every Person listed within this Province, shall always be provided with one good sufficient Musquet or Fuzee, well fixed, a Cartouch Box or Powder Horn, half a Pound of Powder, and twelve sizeable Bullets in his House, and as often as any Person shall be deficient in the Arms and Stores herein mentioned, shall forfeit to the Uses first before mentioned, and for Paying the Serjeants, and Corporals for their Pains, the Sum of *Three Shillings:* And the respective Captains are hereby impowered to appoint the Serjeants and Corporals to examine the same once a Year.

And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force for Seven Years, after Publication hereof, and from thence to the End of the first Sessions of Assembly thereafter next ensuing.

Passed 5 May 1722.
Bradford (1722) 137-140.

An Act for preventing Multiplicity of Law-Suits.

Whereas Many Vexatious Suits have been brought by Troublesome and Litigious Persons, when, upon just Ballance of Accompts, there has been nothing due, or perhaps the Plaintiff overpaid, there being no Law impowering Justices and Juries, in such cases, to ballance Accompts, the Defendant can have no Remedy but by cross Action. For prevention whereof,

Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That if any two or more, dealing together, or having dealt together, be indebted to each other upon Bonds, Bills, Bargains, promises, Accounts, or the like, and one of them commence an Action before a Justice of the Peace, or in any Court of this Province, if the Defendant cannot gainsay the Deed, Bargain or Assumption upon which he is Sued, such Defendant shall plead payment of all or any part of the Debt or Sum demanded, giving Notice in Writing, with the said plea, of what he will Insist upon at the Tryal for his Discharge, by any Bond, Bill,

Receipt, Accompt or Bargain (so given Notice of) in Evidence, or else forever after he barr'd of bringing any Action for that which he might or ought to have pleaded, by Virtue of this Act. And if it shall happen that the Defendant hath fully paid or satisfied the Debt or Sum demanded, the Justices or Jury before whom the Action is brought, shall find for the Defendant, and Judgment shall be entered, That the plaintiff shall have nothing for his Writ, and shall pay the Cost. And if it shall appear that any part of the Sum demanded is paid, then so much as is found shall be discounted, and the plaintiff shall have Judgment for the Residue only, with Cost of Suit. But if it shall appear to the Justices or Jury that the plaintiff is over-paid, then they shall give their Judgment or Verdict for the Defendant, and withal certify to the Court how much they find the Plaintiff to be indebted or in Arrear to the Defendant, more than will answer the Debt or Sum demanded; and the Sum or Sums so certified, shall be recorded, with the Judgment or Verdict, and shall be deemed as a Debt of Record; and if the plaintiff refuse to pay the same, the Defendant for Recovery thereof, shall have a *Scire facias* against the plaintiff, in the said Action, and have Execution for the same, with the Cost of that Action, any Law, Usage or Custom to the contrary in any wise notwithstanding.

Passed 5 May 1722.
Bradford (1722) 140.

An Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not qualified.

Be it Enacted by the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or Destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May* or *June,* every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings,* for every Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby impowered and Authorized to hear and determine the same, and

to convict the Offender by the Oath or Affirmation of one or more Witness. *Provided,* That such Conviction be made within two Months after such Offence is committed.

And for the better Convicting of Offenders against this Act, *Be it Enacted by the Authority aforesaid,* That every Person in whose Custody shall be found, or who shall expose to Sale, any Green Deer Skins, Fresh Venison or Deers Flesh, at any Time in any of the Months of *January, February, March, April, May,* or *June* afore-mentioned, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Provided always, That nothing contained in this Act shall be deemed or construed to hinder any Person from killing any Kind of Deer, within his Field where Corn is Growing, at any Time in the Month of *January,* nor to extend to any Free Native Indians Carrying Guns, Hunting, Killing or having in their Custody any Skins or Deers Flesh for their own Use, any Thing in this Act to the contrary notwithstanding.

And whereas divers Abuses have been committed, and great Damages and Inconveniences arisen by Persons carrying of Guns and presuming to Hunt on other Peoples Land; for Remedy whereof for the Future, *Be it Enacted by the Authority aforesaid,* That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or Hunt on the Improved or Inclosed Lands in any Plantation, and on other than his own, unless he have Lisence or Permission from the owner of such Lands or Plantation, and shall be thereof Convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence, forfeit the Sum of *Fifteen Shillings,* with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise Qualified, in the same Manner as Persons are or ought to be, for Electing of Representatives to serve in General Assembly, shall at any Time, after the Publication hereof, carry any Gun, or Hunt in the Woods or Uninclosed Lands, without Lisence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof Convicted, in manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings,* with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where the Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levyed on by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be Convicted, returning the Over-plus, if any be, the Charge of Distraining being first deducted. And for want of Effects whereon to make such Distress, every Person so offending contrary to the true Intent and Meaning of this Act, shall be committed to Prison when the Forfeiture is *Thirty Shillings,* for the Space of fifteen Days, and when the Forfeiture is *Fifteen Shillings,* for the space of eight Days; and when the Forfeiture is *Ten Shillings,* for the space of five Days, without Bail or Mainprize.

And be it Enacted by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to Issue his Warrants for the bringing such Offender before him, and in Case of the want of Effects whereon to make Distress, to make out his *Mittimus* to commit such Offender to the Goal of the County in which such Conviction is made; and the Sheriff, Under-Sheriff or Goal-keeper is hereby directed and required to keep the said Offender in close Goal, according to the Direction of this Act and Tenor of such *Mittimus* to such Sheriff, Under-Sheriff or Goaler directed. And every Justice of the Peace neglecting or refusing to Issue such Warrant, or make such *Mittimus,* and every Sheriff, Under-Sheriff or Goal-keeper who shall not receive such Offender and him keep in close Goal, according to the true Intent and Meaning of this Act, shall, for every such Neglect or Refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds,* to be recovered in any Court of Record within this Province, in which there shall be no Essoyn or Protection, the one half to such person as shall sue for and prosecute the same to Effect, the other half to the Kings Majesty, His Heirs and Successors, for and towards the Support of the Government of this province.

And be it further Enacted by the Authority aforesaid, That this Act nor any part thereof, shall be construed to extend to Negro, Indian or Mullato Slaves, so as to commit them to prison, during the Time in this Act limitted, in case they should be Guilty of any of the Offences in this Act prohibited, but that and in such case such Indian, Negro or Mullato Slave killing and destroying any Deer as aforesaid, or carrying or Hunting with any Gun, without Lisence from his Master, shall, at the Publick Whipping post, on the bare Back, be Whipt, not exceeding twenty Lashes for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings,* and pay no greater or other Cost whatsoever, any Thing in this Act to the contrary hereof in any wise notwithstanding.

Passed 5 May 1722.
Bradford (1722) 141-142.

An Act for recovering the Debts of Isaac Emanuel[1] late absconded.

Whereas Severall of the Creditors of Isaac Emanuel late of Freehold in the

County of *Monmouth* in the province of New Jersey Trader, in behalf of themselves, and his other Creditors haveing sett forth in their petition to the General Assembly of the said province that the said Isaac Emanuell, haveing taken on Credit Several goods wares and Merchandises, from them and other persons amounting to a Considerable Value and that some of the Petitioners had at the Speciall Instance of the said Isaac Emanuel become his Security to severall Merchants for payment for goods bought for his Own use, for Considerable sums of money which said Emanuell as the petitioners are informed is gone to Carolina to Inhabit making one Thomas Williams of Freehold aforesaid his Attorney, and given him full power to Collect his said Debts within the said province of New Jersey and Transmitt them and all his Effects to him the said Isaac Emanuel in Carolina or some place with Intent to Defraud his Creditors of their Just Dues.

The Petitioners being informed they can have no Reliefe at the Co[urt] Law in the absence of the said Isaac Emanuel to recover their Just Debts humbly [prayed] leave to bring in a bill to Compell the said Thomas Williams to de[liver upon Oath unto] the use of the Petitioners, the Books, Accounts, Bonds, Bills, Rights, Cash and Effec[ts of the] said Emanuel that now are or shall be in the Custody of the said Thomas Williams.

To the Intent the Petitioners may recover and receive their Just Debts so far as the said Estate and Effects of the said Isaac Emanuel within the said province will extend, *Be it Enacted by his Excellency the Governor, Council, and General Assembly and by the authority of the same,* that for the prevention of fraud and Due and Exact discovery of all and every the Debts and Effects of the said Issac Emanuel within the said province as near as can be, the said Thomas Williams is hereby required Commanded authorized and Impowered on or before the fifteenth day of *May* Next to Deliver or Cause to be Delivered upon oath duely and Lawfully sworne upon the holy Evangelist, all and every the Books, Accounts, Bonds, Bills, Rights, Credits, Cash and Effects of the said Emanuell that are come to the hands and best knowledge of the said Thomas Williams what debts are standing out Due owing or belonging to the said Emanuell unto William Lawrence Junr: hereby Appointed to receive the said Books, Accounts, Bonds, Bills, Rights, Credits, Cash and Effects who is hereby required to give a receipt for the same to the said Thomas Williams which receipt shall be a good and sufficient Discharge in the law to the said Thomas Williams his Executors and administrators from the said Isaac Emanuel.

And be it further Enacted by the Authority aforesaid, that if the said Thomas Williams shall refuse Deny, neglect or Delay, to Deliver all Such Books, Accounts, Bonds, Bills, Rights, Credits, Cash and Effects of the said Isaac Emanuel on or before the Day and Time herein before Expressed he the said Thomas Williams his Executors or administrators shall be and is hereby made lyable to answer the Debts and Damages that shall be made appear to be due to all and every the Creditors of the said Isaac Emanuel to be sued for and recovered by Action by Lawfull Evidence of the Legall proof of such Debt in any Court of Record within the said province.

For the Better recovering of the said Debts money and Effects that shall

be due owing or belonging to the said Isaac Emanuel within the said province, *Be it further Enacted by the authority aforesaid,* that such person as is herein before Nominated and Appointed, have Liberty leave and lisence to Sue in the Name of all the said Creditors all or any person or persons that Shall Legally appear to be Indebted to the said Isaac Emanuel and recover the same in any Court of Record within the Said Province.

For the better and more regular Distribution of Such, De[bts and] Effects to be recovered, due oweing and belonging to the said [Isaac Emanuel as aforesaid],

Be it further Enacted by the authority aforesaid, that all and every [Debts] Due to the said Isaac Emanuel that shall from time to time be received and recovered after all Cost for prosecution or Charges for Collecting the said Debts be Deducted, Shall [be] duly, Justly and fairly Distributed and paid to all and every Creditor of the said Isaac Emanuell in Exact proportion to such lawful Debts Claim as so much for every pound of the said Debt due from the said Isaac Emanuel as such as Debts received or Recovered shall Extend, within one Callender month after Such Debt Due to the said Isaac Emanuel, shall be received in such Specie as the said Debt shall be received in.

Passed 5 May 1722.

Nj-Ms. Words appearing in brackets are supplied by a manuscript copy in **PRO,** printed in George J. Miller, "James Alexander and the Jews, Especially Isaac Emanuel," American Jewish Historical Society, *Publications,* Vol. XXXV (1939), 178-180.

1. Spelled *Emannel* in the manuscript.

Eighth Assembly, Second Session

4 Sept. - 30 Nov. 1723

Burlington

An Act for an Additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit for that and other Purposes therein mentioned.

Whereas Many Petitions and Applications have been made to his Excellency the Governour of this Province, by the Free-holders, Merchants and Inhabitants of the same, setting forth That the Silver and Gold formerly Current in this Province, is almost entirely Exported to *Great Britain* and elsewhere, and thereby the many Hardships which his Majesty's good Subjects, within this Colony, lie under, for want of a Currency of Money, and that both the Neighbouring Provinces of *New-York* and *Pennsilvania,* to which the Exportation of this Province is chiefly carried, have their Currency of Money in Paper Bills, and do pay for the Produce of this Province in no other Specie; and which Bills of Credit of the Neighbouring Provinces being no Legal Tender here, does expose the Inhabitants of this Province to Numerous Vexatious Suits for want of Bills of Credit in this Province, by Law made and declared a Legal Tender, as is done in the Neighbouring Provinces. And his Excellency having the Good and Ease of his Majesty's Subjects of this Province at heart, has been pleased to Call their Representatives together in General Assembly, to provide Remedies for the Grievance aforesaid, Who being Convened here at *Burlington,* and taking into their serious Consideration the Miserable Circumstances of the Inhabitants of the several Counties which they Represent, for Want of a Medium of Trade or Currency of Money; And that though they had enough of the Bills of Credit of the Neighbouring Provinces, yet to pay the small Taxes for Support of this Government they have been obliged to cut down and pay in their Plate, Ear-Rings and other Jewels; And that many Law-Suits and Differences have arisen, and do daily arise amongst them, which will be the Ruin of a great Number of the said Inhabitants, if some Method be not found out for their Relief. And this Assembly having deliberately considered the many Petitions to the Purposes aforesaid, to them presented, and being sensible, of their own Knowledge, that the Matters of Fact, therein set forth, are True, and being well Informed of the Relief which the Neighbouring Provinces have found, in the like Case, by a *Paper Currency,* and hoping the like Effects from it here, and finding no other Way to Remedy the Grievances aforesaid, of his Majesty's good Subjects here.

This General Assembly humbly prayeth his Excellency the Governour, That it may be Enacted, *And Be It Enacted by His Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That Bills of Credit, to the Value of Forty Thousand Pounds, Current Money of *America* (according to her late Majesty Queen *Anne's* Proclamation, and an Act of Parliament made in the sixth year of her Reign, *For Ascertaining the Rate of Forreign Coyn in the Plantations*) or, One Hundred & sixteen Thousand Six Hundred and Sixty Six Ounces Thirteen Penny Weight and

Eight Grains of Plate, shall, within three Months after Publication hereof, be printed, as followeth, to wit,

Four Thousand Bills, each of the Value of *Three Pounds,* or Eight Ounces Fifteen Penny Weight of Plate.

Eight Thousand Bills each of the Value of *One Pound Ten Shillings,* or Four Ounces Seven Penny Weight and Twelve Grains of Plate.

Eight Thousand Bills, each of the Value of *Fifteen Shillings,* or Two Ounces three Penny Weight eighteen Grains of Plate.

Eight Thousand Bills, each of the Value of *Twelve Shillings,* or One Ounce Fifteen penny Weight of Plate.

Eight Thousand Bills, each of the Value of *Six Shillings,* or Seventeen penny Weight twelve Grains of Plate.

Eight Thousand Bills, each of the Value of *Three Shillings,* or Eight penny Weight eighteen Grains of Plate.

Twelve Thousand Bills, each of the Value of *One Shilling* and *six Pence,* or Four penny Weight Nine Grains of Plate.

Fourteen Thousand Bills, each of the Value of *One Shilling,* or Two Penny Weight twenty two Grains of Plate.

Upon which Bills shall be Impressed the Arms of *Great Britain,* on the Left side, at the bottom of every said Bills; And there shall be printed, near the Top and Bottom, the Value of each Bill so made Current. And the said Bills shall be in Form following.

This Indented Bill of --------- *Ounces of Plate due from the Province of* New-Jersey *to the Possessor thereof, shall be in Value Equal to Money, and shall be accepted accordingly by the respective Treasurers and the Commissioners of the several Loan-Offices in this Province, in all Publick Payments, and for any Fund at any time in the said Treasuries & Loan Offices. Dated at* Burlington *the twenty fifth Day of* March, 1724. *By Order of the Governour, Council and General Assembly.*

Which Bills shall be Signed, Numbred and Indented by *John Parker, Peter Bard, Robert Lettis Hooper,* Esqrs. and *Mr. James Trent,* or any three of them, who shall, and hereby are Directed and Impowered, upon the Delivery to them of the said Bills by the Printer thereof, to Administer to him, and he is hereby directed to take an Oath or Affirmation to the purpose following, to wit,

I A.B. do Declare, That from the time the Letters were set, and fit to be put in the Press for Printing the Bills of Credit now by me delivered to you, until the same Bills were printed, and the Letters unset and put in the Boxes again, I went at no time out of the Room in which the said Letters were, without Locking them up, so as they could not be come at, without Violence, a false Key or other Art then unknown to me; and therefore to the best of my Knowledge no Copies were printed off but in my Presence; and that all the Blotters and other Papers whatsoever, Printed by the said Letters, while set for printing the said Bills, to the best of my Knowledge are here Delivered to you, together with the Stamps for the Indents, and Arms.

Which Printer, at the time he has Orders to print the said Bills, shall have a Copy of this Oath, that he may govern himself accordingly, *Provided always,*

That if any unfore-seen Accident has happened, he may have the Liberty of making an exception thereof in his Oath, he declaring fully how it was. And if any more of the said Bills are printed than by this Act is directed, when said Signers have signed the Number hereby directed to be Issued, they shall immediately burn and destroy the remainder, together with the Stamps for the Indents and Arms.

And Be it further Enacted by the Authority aforesaid, That before the said Signers do begin to sign any of the said Bills, they shall take an Oath, or Affirmation, if *Quakers,* before any one Justice of the Peace of the County where they are Sworn, *For the true Signing of the same Bills, and that they will Sign no more than by this Act is directed; And that to the best of their Knowledge they will perform what by this Act they are enjoyned, as their Duty.*

And be it Enacted by the Authority aforesaid, That so soon as the said Bills are signed, the said Signers shall deliver out of the said Bills of Credit by them Signed, Numbred and Indented, as aforesaid, to the Treasurer of the *Eastern-Division* the Sum of Three Thousand Pounds in said Bills, and to the Treasurer of the *Western-Division* the Sum of One Thousand Pounds in said Bills, to be by them Disposed of, as by this Act is directed; and the remainder to the Commissioners of the respective Loan Offices herein after mentioned, of each respective County in this Province, in the Sums and Quota's following, that is to say,

To the Commissioners of the County of *Bergen,* for the Use of the said County, the Sum of Two Thousand nine Hundred and Twenty six Pounds.

To the Commissioners of the County of *Essex,* for the Use of the said County, the Sum of Four Thousand eight Hundred and Ninety three Pounds.

To the Commissioners of the County of *Middlesex,* for the Use of the said County, the Sum of Four Thousand One Hundred and sixteen Pounds.

To the Commissioners of the County of *Monmouth,* for the Use of the said County, the Sum of Six Thousand and Thirty Three Pounds.

To the Commissioners of the County of *Sommerset,* for the Use of the said County, the Sum of One Thousand three Hundred and Seventy Four Pounds.

To the Commissioners of the County of *Hunterdon,* for the Use of the said County, the Sum of Three Thousand and twenty Eight Pounds.

To the Commissioners of the County of *Burlington,* for the Use of the said County, the Sum of Four thousand two hundred and Eighty three Pounds.

To the Commissioners of the County of *Gloucester,* for the Use of the said County, the Sum of three Thousand and Eighty Pounds.

To the Commissioners of the County of *Salem,* for the Use of the said County, the Sum of Five Thousand One Hundred and Fifty two Pounds.

To the Commissioners of the County of *Cape-May,* the Sum of Eleven Hundred and Fifteen Pounds.

For which respective Sums the Commissioners of the respective Loan Offices, to whom such Bills are delivered, shall give Receipts to said Signers, which shall be to them, their Executors and Administrators a sufficient Discharge, if otherwise they have well and truly performed their Duties enjoyned them by this Act.

And Be it further Enacted by the Authority aforesaid, That before the said Commissioners of the respective Loan Offices within this Province, or either of them, do enter upon their said Office of Commissioners, every of them shall take the following Oath or Affirmation, to wit,

I A.B. will, according to the best of my Skill and Knowledge, Faithfully, Impartially and Truly demean my self in Discharge of the Trust committed to me, as one of the Commissioners of the Loan Office for the County of ----- by an Act of General Assembly of this Province, passed in the tenth year of his Majesty's Reign, entituled, *An Act for an additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit for that and other purposes herein mentioned,* according to the purport, true intent and meaning of the said Act so as the Publick may not be prejudiced by my consent, privity or procurement.

And each of them the said Commissioners shall give Bond to his Majesty, his Heirs and Successors, with such sufficient Security as shall be approved of by any three or more of the Justices of the Peace of the County. *Quorum unus,* together with three of the Free-holders of the same County, elected by virtue of an Act, entituled, *An Act for raising of Money for Building and Repairing of Goals and Court-houses in each respective County of this Province,* in the full Sum by this Act committed to his charge, with Condition, *For the True and Faithful Performance of his Office and Duty, and that without Favour, Malice or Partiality.* Which Bond being taken and approved of, as aforesaid, shall be lodged with the County Clerk, and in case of the Forfeiture thereof, shall, by the Justices and Free-holders of the County, be put in Suit, and on Recovery thereof, the Moneys recovered shall be applyed to the Use of the County, in consideration of the County's making good the Deficiency of the Borrowers in the same, as in this Act is hereafter directed.

And Be it Enacted by the Authority aforesaid, That there shall be and hereby there is Erected and Appointed a Loan-Office in every County of this Province. And the Persons following, to wit,

For the County of *Bergen,* Coll. *William Provoost* and Coll. *Edmond Kingsland.*

For the County of *Essex,* Coll. *Josiah Ogden, Joseph Bonnel,* Esq; and *Joseph Crane,* Esq;

For the County of *Middlesex, Moses Rolph,* Esq; Mr. *John Leonard* and *Ezekiel Bloomfield,* Esq;

For the County of *Monmouth, David Lyell, Richard Salter* and *Gabriel Still,* Esqrs.

For the County of *Sommerset,* Coll. *Thomas Farmer* and Coll. *Thomas Leona.*

For the County of *Hunterdon,* Coll. *William Trent* and *John Reading,* Esq;

For the County of *Burlington, Daniel Cox,* Esq; Mr. *Joshua Wright* and *Thomas Pots.*

For the County of *Gloucester, Samuell Cole,* Esq; Mr. *Thomas Spicer* and Mr. *Joseph Cooper,* jun.

For the County of *Salem,* Mr. *William Hancock,* Mr. *Joseph Darken* and Mr. *John Ogden.*

For the County of *Cape-May, Humphrey Hughs,* Esq; and Mr. *Nathaniel Jenkins.*

Are hereby Nominated and Appointed Commissioners to mannage the Loan-Office in the County for which they are respectively Named, as aforesaid. Which Commissioners of each of the said Counties, respectively, appointed and qualified according to the Directions of this Act, shall be, and they are hereby Declared to be Bodies Politick and Corporate in Succession, in Fact and in Law, That is to say,

The Commissioners for the County of *Bergen,* shall be one Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Bergen.

The Commissioners for the County of *Essex,* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Essex.

The Commissioners for the County of *Middlesex,* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Middlesex.

The Commissioners for the County of *Sommerset* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Sommerset.

The Commissioners for the County of *Monmouth* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Monmouth.

The Commissioners for the County of *Hunterdon* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Hunterdon.

The Commissioners for the County of *Burlington* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Burlington.

The Commissioners for the County of *Gloucester* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Gloucester.

The Commissioners for the County of *Salem* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Salem.

The Commissioners for the County of *Cape-May* shall be another Body Politick and Corporate, by the Name of *The Commissioners of the Loan-Office of the County of* Cape-May.

With Full Power to every of the said Bodies Politick to use a common Seal, and by and in the Name thereof, as aforesaid, to grant Receipts, receive Mortgages, and again to grant the same away, to Sue and be Sued; and generally, with all such Powers as are necessary to be used for the due Execution of the Trust reposed in the said Commissioners by this Act, or that shall hereafter be reposed in them by any other Act of the General Assembly of this

Province, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it Enacted by the Authority aforesaid, That the Magistrate who shall administer to the Commissioners aforesaid the Oath herein directed by them to be taken, shall give to them respectively, a Certificate under his hand, That the said Oath or Affirmation has by him been administered to and taken by them. And the Clerk of the County shall likewise give them, respectively, a Certificate, That such Commissioner has given Bond with Security, approved, as by this Act is directed, therein mentioning the Date, Sum and Names of the Securities, and that the same is filed with him. Which Certificate, together with the Receipt of the said Commissioners, shall sufficiently warrant the Signers, aforesaid, to deliver to each of them the said Commissioners their Proportional Parts of their Quota's assigned to the several Counties for which they are respectively named.

And be it Enacted by the Authority aforesaid, That when the said Commissioners, respectively, have qualified themselves, as above in this Act is directed, and received the said Bills of Credit, such Bills of Credit shall be Let out to such as shall apply for the same, and can and will give Security to the said Commissioners by Mortgage on Lands, Lots, Houses, or other Valuable Improvements lying in the same County, they the said Commissioners first giving Publick Notice (as in other cases by this Act directed for Notices) by Advertisements set up, That on a certain Day, at least Ten Days after setting them up, and at a certain Place therein mentioned, they will be ready to receive Borrowers qualified according to the Directions of this Act. And as on that Day Borrowers do offer their Names and Sums they demand, shall be orderly entered down in the Minute Book of Proceedings, and every one shall be served according to the Priority of their Demand, if reasonable Objections be not against the Title and Value of the Lands offered to be Mortgaged, or some other sufficient Reason, which shall be entered also in the Minute Book of Proceedings.

Provided always, That if upon the first Day so many Borrowers do offer, as to demand a greater Sum than the whole Sum in that County to be Lent out, then and in that case every such Borrower shall be abated of the Sum he demanded, proportionably.

And be it Enacted by the Authority aforesaid, That the said Commissioners, respectively, before they accept of any Lands, Lots, Houses or other Improvements, in Mortgage, for any of the said Bills, they shall first View what is so offered in Mortgage, or make due Enquiry into the Value thereof, and then shall examine the Titles thereto, by perusing the Deeds, Patents, Surveys and other Writings and Conveyances by which the same is held. And the said Commissioners, respectively, are hereby also Impowered and Required to administer to all Persons applying for any of the said Bills, as aforesaid, the Following Oath, or Affirmation if *Quakers,* to wit,

I A.B. am, *bona fide,* seized of the Lands, Tenements and Hereditaments by me proposed to be Mortgaged, in my own Right, and to my own Use; and the same were not alienated in Trust to me for any Use of any person, nor with

intent to raise any Sum or Sums of Money upon the same, by way of Loan, or otherwise, for the use of any other person or persons whatsoever; and the Premises are free and clear from any other or former Gift, Grant, Sale, Mortgage, Judgment, Recognizance or other Incumbrance whatsoever, to my Knowledge, except the Rent issuing there-out to our Lord the King, and the Proprietors Quit-Rents, if any be.

And be it Enacted by the Authority aforesaid, That the Commissioners for each of the said Counties, respectively, upon finding Borrowers qualified, and the said Commissioners being satisfied, as aforesaid, are hereby Required, and by Virtue of this Act have full Power to Let out the Value of the said Bills to them delivered, as aforesaid, at the Interest of *Five per Cent. per annum,* for the Term of Twelve Years from the Date of the said Bills, in Sums not exceeding One Hundred Pounds, and not under Twelve Pounds Ten Shillings, to any one Person, the said Commissioners for each of the said Counties, respectively, taking Security for the same, by way of Mortgage, as aforesaid, in at least Double the Value, in Lands, Tenements and Hereditaments appearing clear of Incumbrances, except Rents, as aforesaid, and in, at least, three times the Value in Houses within the said respective Counties, as aforesaid, and administring an Oath or Affirmation to the Borrower, as aforesaid. Which Mortgage, when executed before two or more lawful Witnesses, and the substance thereof Minuted in a Book to be by the said Commissioners provided and kept for that purpose in each respective County, at the charge of the Mortgager, the charge not exceeding Eight Shillings. An attested Copy of which Deed, so minuted, and certified under the hands of the said Commissioners, shall, and is hereby declared to be matter of Record, and shall be good Evidence of the said Mortgage, any Law, Usage or Custom to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all the respective Sums Lent out upon Mortgage, as aforesaid, within one year after the Day of the Date of the said Bills, shall be paid in again in manner following, *that is to say,* The Borrower shall yearly and every year, on the Twenty Fifth Day of *March,* pay Eight Pounds and Ten Shillings for every Hundred Pounds so borrowed, and so in proportion for a lesser Sum, for the first Ten years; and the Sum of Seven Pounds and Ten Shillings *per annum* for the two last years, and the Interest of *Five per Cent. per annum* for the Sum borrowed or remaining in his hands. And for the Moneys Lent out at any time afterwards, the borrower shall yearly and every Year, on the *Twenty fifth* Day of *March,* pay such a Proportional Part of the Principal, as aforesaid, that the whole may be paid in by the *Twenty fifth* Day of *March,* One Thousand seven Hundred and Thirty Six; and at every such Payment of the Principal, shall pay the Interest of *five per Cent. per Annum* for the Sum borrowed or remaining in his Hands. And the respective Commissioners, at the Lending of the Money, are hereby required to take the Security for the same accordingly, which Payment shall be made to the respective Commissioners of the respective Offices out of which the Principal was lent. And the said Commissioners are hereby Obliged to receive the same, and to give the Payer a Receipt, and also shall minute on the Back of the Mortgage, and Enter it in a Book, to be provided to be kept, an Account of the Bills

of Credit or Moneys let out and received in, and that without Fee or Reward. And if the Borrower, his Heirs, Executors or Administrators shall see cause to pay in all the Principal and Interest which is due from him, or any of them, to the said *Loan Office,* the said Commissioners are hereby required and impowered to receive the same, at the Times appointed by this Act for the said Commissioners to meet together, and they the said Commissioners, shall give the Party paying, a Release of the said Mortgage, given by the Borrower, and tear off the Seal, and make an Entry in the Margent of the Mortgage, and in the Margent of the Minute made thereof, of the Day and Year of such Release and Discharge, for which they shall be paid by the Mortgager the Sum of one Shilling and no more. And when any such Monies are paid in, they the said Commissioners are hereby directed and Impowered to let out again so much of the Principal, so paid in, as ought not before that Time to have been sunk, to any Person or Persons who will apply for the same, and who can and will give Security, as before in this Act is directed.

And be it further Enacted by the Authority aforesaid, That the said Commissioners of the respective Counties are hereby allowed and enabled, if they see Cause, to chuse a fit Person, for whom they will be answerable, in each respective County, to be their Clerk during the Continuance of their Trust, to whom the said Commissioners, respectively, hereby are Impowered to administer an Oath or Affirmation, *For the due, true and faithful Performance of the Office of Clerk to said Loan Office,* and to enter the Time of the Administration thereof in the minute Book of their Proceedings.

And be it further Enacted by the Authority aforesaid, That in case any of the Commissioners who by this Act, or hereafter, shall be appointed, do neglect, delay or refuse, or by Death or Removal, Omit performing the Duty required of them by this Act, or shall behave himself in his Office with Favour, Affection or Partiality, upon Report or Complaint made thereof to the Governour or Commander in Chief, for the Time being, and Council of this Province, and full Proof thereof had before them, His Excellency the Governour and Commander in Chief, for the Time being, by and with the Advice and Consent of the Council, is hereby Authorized and Impowered to issue his Mandate to any two or more of the Justices of the Peace of such County, *Quorum unus,* Commanding them to issue their Precept for Summoning the Rest of the Justices of the said County, and the Freeholders elected for the same by Virtue of an Act, entituled, *An Act for raising Money for Building and Repairing of Goals and Court Houses within each respective County in this Province,* at such Time and Place as by the said Justices in their said Precept shall be appointed to meet together for Electing a Commissioner in the Room and Place of such Person Neglecting, Omitting or acting Partially, as aforesaid. Which Justices, or any three of them, together with the Majority of said Free-holders, are hereby then Impowered to appoint another Person in the Room and Place of such Defaulter. Which Commissioner, so appointed by the Justices and Free-holders, having entered into Bond and been qualified in like manner as the Commissioners herein appointed, shall then have all the Powers, Priviledges and Advantages, and be subject to all the Pains, Penalties and Forfeitures which any of the Com-

missioners of the County for which he is so appointed, are vested with, entituled to, charged with, or subjected to, by Virtue of this Act.

And be it further Enacted by the Authority aforesaid, That if any of the Commissioners appointed by this Act shall, at any Time hereafter, desire to be discharged of and from the said Office, he or they applying him or themselves to the Justices of the Peace of the County, or any three of them, whereof one to be of the *Quorum,* and the Majority of the Freeholders before-mentioned, and rendring an Account of his or their Proceedings in the said Office, and it appearing upon Examination, That the said Commissioner or Commissioners hath or have faithfully demeaned him or themselves in the Discharge of the said Office, according to the true Intent and Meaning of this Act, then and in such Case such Commissioner or Commissioners shall be by the said Justices and Free-holders discharged of and from the said Office, and another fit Person or Persons appointed to supply that Place or Places, who shall take the same Oath or Affirmation, give the like Security, be under and subject to the same Restrictions and Regulations, and receive the same Sallaries and Advantages whatsoever, as the other Commissioners for that County may or ought to do by Virtue of this Act.

And be it Enacted by the Authority aforesaid, That if any Person or Persons who have Borrowed Money out of the *Loan Office* of any of the Respective Counties of this Province, shall Neglect to bring in and pay, or cause to be brought in and paid, yearly and every Year, on the last *Tuesday* of *March* or within Thirty Days thereafter, on one of the Days which the Commissioners aforesaid are hereby directed to attend the respective *Loan Offices,* the Part or Parts of the Principal and Interest become due by the Mortgage or Mortgages given as aforesaid, then and in such Case the Commissioners of the *Loan Office* to which the same Mortgage or Mortgages were granted shall be seized of an absolute indeseizable Estate in the Lands Houses, Tenements and Hereditaments thereby Mortgaged, to them, their Successors & Assigns, to the Uses in this Act mentioned and the Mortgager or Mortgagers, his, her or their Heirs and Assigns, shall be utterly fore-closed and barred of all Equity of Redemption of the Mortgaged Premises, any Law, Usage, Custom or Practice in Courts of Equity to the contrary notwithstanding.

And be Enacted by the Authority aforesaid, That the said Commissioners respectively, shall forth-with, after the thirty Days before-mentioned, yearly and every Year give sufficient Directions, which they are to take Care shall be observed, for fixing up Advertisements at three of the most publick Places in at least three or more distinct Towns or Precincts of the County where the Premises are scituate, of all the Lands contained in the Mortgages whereof the Equity of Redemption is fore-closed, as aforesaid, describing the Quantity and Scituation of the same, and that on the *second Tuesday* of *June* thereafter they are to be Sold at the Court House of the respective County where the Lands lie, by way of Publick Vendue to the Highest Bidder.

And be it Enacted by the Authority aforesaid, That the Commissioners of the respective Counties shall on the *second Tuesday* of *June,* yearly, expose the Lands contained in the Mortgage or Mortgages (whereof the Equity of

Redemption is fore-clos'd as aforesaid) to sale by way of publick Vendue, and upon Sale shall convey them to the Buyer or Buyers thereof, who shall pay for their Deeds no more than five Shillings. And when the said Lands and Hereditaments shall be sold, as aforesaid, the Person or Persons to whom they shall be sold shall and may hold and enjoy the same, with their Appurtenances, for such Estate as they were sold, clearly discharged and freed from all Benefit and Equity of Redemption, and all other Incumbrances made and suffered by the Mortgager, his or her Heirs or Assigns, and such Sales shall be available in Law and Equity.

And be it further Enacted by the Authority aforesaid, That the Money or Price for which the said Lands shall be sold, upon the Sale thereof, shall be paid into the said Commissioners, out of which they shall retain in their Hands what has not before been paid in of the whole Principal Lent, together with the Interest that has become due thereon until the Day of the Sale thereof, as also the Expence of the Advertisements and of the Sale, the same not exceeding Fifteen Shillings, and the Remainder (if any be) the Commissioners shall pay to the Mortgagers, his or her Heirs or Assigns,

Provided always, That in Case the Buyer, or any other person or persons have then an Inclination to borrow the whole, or any part of the Principal so paid in (which ought not to have been sunk before that time) upon the Terms herein before mentioned, the Commissioners being satisfied of the Security to be given by him or them, in manner aforesaid, may either Lend him or them the same, or let the Buyer retain it in his hands, upon giving Security by Mortgage, as aforesaid.

And be it Enacted by the Authority aforesaid, That if after any Lands, Tenements or Hereditaments are Mortgaged to any of the aforesaid Commissioners of the respective *Loan-Offices* in this Province, according to the Directions of this Act, it shall appear to the same Commissioners, upon good sufficient grounds, which they shall insert in the Minute Book of their Proceedings, that the Mortgager had no good Right or Title to the Lands, Tenements or Hereditaments, or any of them so Mortgaged, as aforesaid, so that the Publick may be in danger of loosing the Moneys, or any part thereof advanced in Loan upon the Credit of the said Premises, it shall and may be Lawful to and for the said Commissioners, and they are hereby Required and Impowered to commence an Action or Actions of Debt or Covenant, upon the said Mortgage, against the said Mortgager, his or her Heirs, Executors or Administrators, and the same to prosecute to Judgment and Execution in any Court of Record within this Province, or any other of his Majesty's Governments, for the Recovery of the whole Moneys lent upon the said Mortgage, and Interest become due, with Cost and Charges, by all Lawful Ways and Means whatsoever; In which Action or Actions the Defendant shall be held to Special Bail, and the Court or Courts in which the same Action shall be brought, are hereby Authorized and Directed to give such short Days for the Rules of Pleading therein, that Judgment or a Tryal and Final Determination of the said Actions may be had the first Court after the Court before which the Defendant appeared to the same Action; and such Actions (if the Defendant can be found within this Province) shall be

brought in the County where the Cause of Action arises.

And be it further Enacted by the Authority aforesaid, That the aforesaid Bills of Credit to be made and issued by virtue of this Act, shall be and continue Current for and during the Time and Space of Twelve years from the Date of the said Bills, between Man and Man, but shall be received by the said Commissioners and the Treasurers of this Province for six Months thereafter, and no longer; and shall be received and paid for the same Value exprest in and upon each Bill, for Goods or Lands, or any other thing bought and sold, by all Persons whatsoever residing in and passing through this Province, according to their Rates; and the Tender of the said Bills for Payment or Discharging any Debt or Debts, Bargains, Sales of Land, or other Things, Bonds, Mortgages, Specialties and Contracts whatsoever already made, or hereafter to be made, either for Sterling Money, Silver Money of *America,* Dollars, or any other Species of Gold or Silver, or any other Quantity of Plate or Gold, shall be as effectual in the Law, to all intents and purposes, as if the Species contracted for, or the current Coyn passing in this Province had been offered and tendered for the same.

And Be it Enacted by the Authority aforesaid, That if any Person or Persons, Creditor or Creditors, Obligee or Obligees, any Party or Parties to any Contract, Covenant, Bargain or Agreement whatsoever, already made, or hereafter to be made, at any time during the said Twelve years that said Bills are made Current for, shall, upon Tender made before two Lawful Witnesses, of all or any their Debts, Dues and Demands whatsoever (*Provided* the said Tender be made of the whole Debt or Demand that is due from any one Person, and not of a part) in the Bills of Credit made current by this Act, refuse to accept or receive the said Bills of Credit in Discharge of the said Debts, Dues or Demands, according to their Values or Rates, he, she or they so refusing to accept of the said Bills of Credit, in Discharge, as aforesaid, shall Lose the said Debt or Debts, Sum or Sums of Money so refused, and they, and every of them, they and every of their Heirs, Executors and Administrators shall forever be barr'd from bringing his, her or their Actions for Recovery of the said Debt or Debts, Sum or Sums of Money so Refused, as aforesaid; and the Defendant may plead this Act in bar to any Action or Actions that shall be so commenced.

And be it further Enacted by the Authority aforesaid, That if any Person, who is an Inhabitant in this Province, shall, in any other Government Sue or Arrest another Inhabitant of the same, for any Debt contracted in this Province, it shall and may be lawful for the Party sued to make a Tender in Bills made Current by this Act, which shall be deemed good and lawful, and the party refusing said Tender, shall be liable to the Penalties of this Act, as in case of a Tender made in this Province.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever within this Province, shall, during the Currency of the said Bills of Credit, offer to Sell or expose to Sale any Goods or Chattles, Lands or Tenements whatsoever, and deny or refuse to sell, or ask a greater Value for the same, unless payment be made in current Silver Money, Gold, Plate, Dollars, or other Specie whatsoever, and not in said Bills of Credit (whereby

the Credit of the said Bills may be impaired) Then and in such case the person so exposing to Sale, and refusing as aforesaid, shall, if the Goods or Chattles exposed to Sale be under the Value of *Five Pounds,* Forfeit the Sum of *Thirty Shillings* for each Offence, to be Recovered before any Justice of the Peace of this Province, upon the Oath or Affirmation of any two Witnesses; And if the value of the Goods and Chattles, Lands or Tenements be above *Five Pounds,* and under *Fifty Pounds,* the Exposer to Sale shall Forfeit the Sum of *Five Pounds;* And if the Goods or Chattles, Lands or Tenements be above the Value of *Fifty Pounds,* and under *One Hundred Pounds,* the Exposer to Sale shall Forfeit the Sum of *Ten Pounds;* And if the Value of the Goods or Chattles, Lands or Tenements be above *One Hundred Pounds* value, the Exposer to Sale shall Forfeit the Sum of *Fifty Pounds,* to be Recovered by Action of Debt in any Court of Record within this Province, with Cost of Suit; The two first Forfeitures to the Use of any Person that shall Sue for the same, the other two Forfeitures, the one half to the Use of such Persons as shall Sue for and prosecute the same to effect, the other half to be applyed towards the Support of the Government of this Province, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any person or persons, Inhabitants of this Province, shall in any of the Neighbouring Provinces, during the Currency of the said Bills of Credit, offer to sell or expose to Sale any Goods or Chattles, Lands or Tenements whatsoever, and deny or refuse to sell the same for the Bills of Credit made current by this Act, or ask, insist upon or receive a greater Value for Goods, because payment is to be made in said Bills, than such Goods are there usually sold for at that time for Silver, Gold or other Currency of that Province, or shall there refuse the Tender of any Debt, Demand or Account in the said Bills of Credit, or shall ask, take or receive any Discount or Exchange for the payment of Gold, Silver or other Currency of such Province, for receiving the said Bills in lieu thereof, the person or persons so Offending shall Forfeit any Sum they shall be sued for, which is less than One Fourth part of the Value of such Goods, Chattles, Lands or Tenements, or One Fourth part of the Money so tendered, and the whole of such Discount or Exchange so ask't, taken or received; Which Forfeitures shall be to the person grieved, if he Sues for the same within three Months after the Fact done; and if he does not, then they shall be to any person or persons who will sue for the same; And if the Sum sued for be under *Forty Shillings,* the same shall be Recovered before any one Justice of the Peace within this Province, and if above *Forty Shillings,* before any Court of Record within the same, by Bill, Plaint or Information, with Cost of Prosecution in all cases, and though the Action be commenced for more than the said Fourth part, yet the Prosecutor shall Recover the said Fourth part. And if the Prosecutor be a Person living out of this Province, he shall be allowed *Ten Shillings per Diem* for his Charges, every Day he stays in this Province upon the account of the said Prosecution, and *Six Shillings a Day* for every of his Evidences, (provided they be not above Two) and the Judge or Justice, by whom the Judgment is signed, is hereby directed to Tax the Cost against the Defendant accordingly; and upon their

refusal thereof (the Prosecutor offering his Oath to the Time) they are hereby declared to act in Contempt of this Law, and shall suffer accordingly. And in case the Prosecutor be Cast in any such Action, no Cost shall be allowed, unless it shall plainly appear that the Action was brought without any probable cause of Action, for Vexation and Malice, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Person whatsoever shall presume to Counterfeit, or be aiding or assisting in Counterfeiting or Altering any of the said Bills of Credit made Current by this Act, so as to make them pass, or appear to be of greater Value than they were made current for, or Utter, or cause to be Uttered any Bill or Bills, knowing the same to be Counterfeit or Altered, as aforesaid, and be thereof Legally Convict, he, she or they shall incur the Pains and Penalties of Felony, without benefit of Clergy, and shall suffer Death accordingly.

And be it Enacted by the Authority aforesaid, That the respective Loan Offices in this Province shall be kept at the Court-house of each respective County, or at some other convenient place near the same. And the said Commissioners shall, so soon as the said Bills are signed and delivered to them, set up Advertisements of the *First Day* of their attending the *Loan-Office,* as aforesaid, and shall duly attend the same on that *First Day,* and on every *Tuesday* and *Wednesday* in each Week, for the space of Two Months thereafter, if there be occasion for their sitting so long. And afterwards they shall attend the said Loan-Office every year to receive the Moneys by this Act directed to be paid in to them, upon the *Last Tuesday* in *March,* and thereafter on the *Tuesday* in each Week for the term of three Weeks.

And Whereas it is Directed before in this Act, That the Interest of *Five per Cent. per Annum* shall be paid annually to the Commissioners, for all the Moneys to be let out upon Loan, as aforesaid, *Be it Enacted by the Authority aforesaid,* That the said Commissioners, respectively, shall retain in their hands so much of the said Interest Money as will pay themselves their Sallaries appointed by this Act, and the remainder of the said Interest Money shall be annually paid in to the Treasurers of this Province; and the Treasurer of the respective Divisions of this Province his Receipt shall be to the Commissioners, and every of them, their Heirs, Executors and Administrators, a Sufficient Discharge.

And be it Enacted by the Authority aforesaid, That the yearly Sallaries of the Commissioners aforesaid, for the Services required of them by this Act, shall be as follows, to wit,

For every of the Commissioners of the County of *Bergen,* Nineteen Pounds Ten Shillings.

For every of the Commissioners of the County of *Essex,* Twenty One Pounds.

For every of the Commissioners of the County of *Middlesex,* Nineteen Pounds.

For every of the Commissioners of the County of *Sommerset,* Eleven Pounds.

For every of the Commissioners of the County of *Monmouth,* Twenty Five Pounds.

For every of the Commissioners of the County of *Hunterdon,* Twenty Pounds.

For every of the Commissioners of the County of *Burlington,* Nineteen Pounds.

For every of the Commissioners of the County of *Gloucester,* Fourteen Pounds.

For every of the Commissioners of the County of *Salem,* Twenty two Pounds.

For every of the Commissioners of the County of *Cape-May,* Nine Pounds.

And be it Enacted by the Authority aforesaid, That the said Commissioners on the *second Wednesday* in *May,* yearly, before the Justices of the Peace of the respective Counties, or any three of them, *Quorum unus,* and the Majority of the Free-holders Elected for the same County, by Virtue of an Act of the General Assembly of this Province, entituled, *An Act for raising of Money for Building and Repairing of Goals and Court-houses within each respective County of this Province,* shall lay the whole Accounts of the Bills of Credit aforesaid, by them to be inspected and considered of, together with such parts of the Principal Lent, as aforesaid, which are directed to be paid in yearly in Bills of Credit; Which Accounts and Bills being carefully Examined, Inspected and Accounted, the Bills shall be Cancelled, by laying some Number of them orderly one above another, and cuting a Triangle from the left side of them, whose Base may be nearly the length of the Bills, and whose Top may extend within an Inch, or thereabouts, of the middle of the Right side of the Bill, leaving the Top and Bottom of the Bills joyned by the said Inch, which Pieces separated will appear in this Form  And all the Bills aforesaid being so cut, the Triangles cut out shall be burned and destroyed in Presence of the said Justices and Free-holders. And the Tops and Bottoms of the said Bills, joyned as aforesaid, shall be carefully put up, and tyed, and sealed with the Seals of the said Justices, Free-holders and Commissioners, and the Sum in each Bundle, and the Day and Year the same were Cancelled, with the Name of the County endorsed thereon; and a Certificate under the Hands of the said Justices and Free-holders, of the Sum of Bills so cancelled, shall be sufficient for the Commissioners to Account with the General Assembly in that Affair. And which Bundles so Tyed and Sealed, as aforesaid, shall be by the said Commissioners yearly delivered to the Treasurer of the Division to which they belong, at the Time they pay to him that part of the Interest Money directed by this Act to be paid to him, which Treasurer shall give his Receipt for the same, mentioning therein the Numbers and Marks of the Bundles, and shall carefully preserve them, in order that they may be Inspected by the General Assembly of this Province, and compared with the Certificates, aforesaid, of the Justices and Free-holders and if any Suspicion should there-after arise, of Fraud or of Counterfeits, that the same may be detected, and such course taken therein, as to the General Assembly shall seem meet.

And be it Enacted by the Authority aforesaid, That in case the Sum of Bills so cancelled, as aforesaid, do happen to be less than the Sum of Bills by this Act directed to be at or before that time paid in and cancelled in the respective Counties, as aforesaid, the said Justices and Free-holders are hereby strictly Charged and Commanded to cause the Sum that is wanting to make up the same, to be Levyed of the Inhabitants of such County, in such manner and according to such Methods as are directed by an Act, entituled, *An Act for raising of Money for Building and Repairing of Goals and Court-houses within each respective County of this Province;* And the same being so Levyed, shall cause to be cancelled, in manner aforesaid, on the *second Wednesday* in *May* then next to come. And in case the Justices and Free-holders aforesaid, shall, on any pretence whatsoever, neglect raising the whole Sum that is wanting to be levyed, Every of them neglecting their Duty herein, shall Forfeit to his Majesty the Sum of *Ten Pounds,* to be Recovered in any Court of Record within this Province, one half to the Use of such Justices and Free-holders of the same County, endeavouring to perform their Duty herein, who will sue and inform against the rest, and prosecute their Suit to Effect, and the other half to be applyed towards Cancelling the Bills of Credit, in such manner as shall be directed by the Governour, Council and General Assembly. And in case none of the Justices and Free-holders aforesaid shall within three Months after such Neglect, Sue and Inform against the rest, or shall, by Coven or Collusion, Delay prosecuting their said Suit to Effect, then every of the said Justices and Free-holders are hereby declared to be equally Guilty of the same Neglect, and every of them shall Forfeit the said Sum of *Ten Pounds,* to be Recovered by any person or persons who will Sue for the same in any Court of Record within this Province, One third part to the Use of the Prosecutor, and the other two Thirds to be applyed towards Cancelling the Bills of Credit.

And be it Enacted by the Authority aforesaid, That all and every the Sums of Money which may at any time afterwards be Recovered by the Commissioners aforesaid, of such Persons as have been the Occasion of such Deficiencies, shall be applyed to the use of such County, and the Justices and Free-holders are hereby Impowered to take all Lawful ways and means, in the Name of the said *Commissioners* or *their Corporation* aforesaid, to Recover the same.

And be it further Enacted, That it shall and may be Lawful for the said Commissioners to Let out upon Loan any of the said Bills of Credit, in such manner as they shall think best, upon Security of good Plate to be delivered to them at *Five Shillings per Ounce,* to be paid in again to the said Commissioners in the space of Twelve Months, with Interest for the same, at the Rate of *Five per Cent.* and in case of Non-payment, to Sell and Dispose of such Plate for the most it will yield, returning the Over plus to the Owner (if any be) after payment of the Principal, Interest and Charges accruing thereon, any thing in this Act to the contrary notwithstanding.

And whereas by reason of the extream Scarcity of a Currency of Money in this Province, many Law-suits have been commenced against Persons of good Estates, who can by no way raise the Money sued for, by sale of their effects, whereby many Executions have been, and, in a short time, are like to be taken

out, which (until the Bills of Credit, aforesaid, be issued) can, probably, have no other effect than the keeping the Debtor in Goal, or his Goods in the Sheriffs & Coroners hands, for want of Buyers, *Be it therefore Enacted by the Authority aforesaid,* That no such Executions shall be executed, but the Execution thereof is hereby stayed until the said Bills of Credit, or some part of them, have been, for the space of six Weeks, in the hands of the respective Commissioners aforesaid, any Law, Usage or Custom to the contrary notwithstanding.

And be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That for the better Credit and sooner sinking of the said Bills of Credit made current by virtue of this Act, and for an Additional Support of this his Majesty's Government, there shall be Assessed, Levyed and Raised on the several Inhabitants of this Province, their Goods, Chattles, Lands and Tenements, the Sum of *One Thousand Pounds* yearly and every year, for and during the Term of Ten years, to commence from the year of our Lord One Thousand Seven Hundred and Twenty Four, in the Proportions and Manner following, *viz.*

By the County of *Bergen,* the Sum of Eighty One Pounds Eighteen Shillings and Six Pence, yearly, for every of the said Ten years.

By the County of *Essex,* the Sum of One Hundred and Thirty Six Pounds Two Shillings and Six Pence, yearly, for every of the said Ten years.

By the County of *Middlesex,* the Sum of One Hundred and Fourteen Pounds Eighteen Shillings, yearly, for every of the said Ten years.

By the County of *Sommerset,* the Sum of Thirty Nine Pounds yearly, for every of the said Ten years.

By the County of *Monmouth,* the Sum of One Hundred and Sixty Nine Pounds Eleven Shillings and Six Pence, yearly, for every of the said Ten years.

By the County of *Hunterdon,* the Sum of Seventy Four Pounds and Six Pence, yearly, for every of the said Ten years.

By the County of *Burlington,* the Sum of One Hundred and Twenty Three Pounds Seven Shillings and Six Pence, yearly, for every of the said Ten years.

By the County of *Gloucester,* the Sum of Eighty Five Pounds Fifteen Shillings, yearly, for every of the said Ten years.

By the County of *Salem,* the Sum of One Hundred and Forty Four Pounds Two Shillings, yearly, for every of the said Ten years.

By the County of *Cape-May,* the Sum of Thirty One Pounds Four Shillings and Six Pence, yearly, for every of the said Ten years.

And for the better assessing, levying and raising the Proportions aforesaid, of the said Thousand Pounds, in the first of the said Ten years, to wit, the year of our Lord One Thousand Seven Hundred and Twenty Five, *Be it Enacted by the Authority aforesaid,* That the same shall be added to the Quota's or Proportions of Moneys to be raised in that year by the respective Counties aforesaid, for Support of this Government, by Virtue of an Act of the General Assembly of this Province, passed in the Eighth Year of his Majesty's Reign, entituled, *An Act for the Support of the Government of his Majesty's Province of* New-Jersey *for Five Years, to Commence from the Twenty Third Day of* September, *One Thousand Seven Hundred and Twenty, and to End the*

Twenty third Day of September, *One Thousand Seven Hundred and Twenty Five,* and, together with the same Quota's for Support of Government, shall be assessed, levyed, raised, collected and paid in such Manner as by the said Act is directed, for the assessing, levying, raising, collecting and paying the said Quota's for Support of Government for that Year.

And be it Enacted by the Authority aforesaid, That the said Sum of One Thousand Pounds, Yearly, for Nine years after the year One Thousand Seven Hundred and Twenty Five, according to the Proportions aforesaid, shall be assessed, levyed, raised, collected and paid in such Manner, by such Persons, at such Days and Times of each of the said Nine Years, as is and are directed by the said Act (entituled, *An Act for the Support of the Government of his Majesty's Province of* New-Jersey, *for Five years, to Commence from the twenty third Day of* September, *One Thousand seven Hundred and Twenty, and to end the twenty third Day of* September, *One thousand seven hundred and twenty Five*) for the raising of the Support of Government therein mentioned, for the Years One Thousand Seven Hundred and Twenty Three, One Thousand Seven Hundred and Twenty Four, and One Thousand Seven Hundred and Twenty Five, or either of them; and the same Act, so far as to direct the Method of Raising the said Thousand Pounds yearly, for Nine Years after the year One Thousand Seven Hundred and Twenty Five, and for no other purpose, is hereby Declared to be Continued, and the Methods therein directed for raising the said Support, shall be in Force for Raising the said Thousand Pounds yearly, according to the Proportions aforesaid, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be [*it*] *Enacted by the Authority aforesaid,* That so soon as the Treasurers of this Province shall receive the Sum of Four Thousand Pounds in Bills of Credit, before in this Act directed to be delivered to them by the said Signers, they shall, out of the same, pay to such Person or Persons as are possessed of the Old Bills of Credit, formerly current in this Province, the full Sums for which the said Old Bills were formerly current, together with Interest for the same, at the Rate of *Eight per Cent.* from the Day on which their Currency expired, to wit, the First Day of *December,* in the year of our Lord One Thousand Seven Hundred and Eighteen, until the Twenty fifth Day of *March* next to come, and that without any Fee or Reward. And also the said Treasurers shall, from time to time, pay the said Bills of Credit to such Person or Persons, and in such manner as they shall, from time to time, be directed by Warrant or Warrants to be past in Council under the Hand and Seal of the Governour or Commander in Chief of this Province, for the time being, by and with the Advice and Consent of the said Council; Which aforesaid Old Bills of Credit received by the said Treasurers, with a Receipt from the Person he receives them from, for the said New Bills he delivers in Exchange, and the aforesaid Warrants endorsed by the Persons to whom they are made payable, shall be sufficient Vouchers and Discharges to the said Treasurers for so much.

And be it further Enacted, That the Treasurers of this Province shall likewise pay out of the said four Thousand Pounds of Bills of Credit, Delivered to them by the Signers, as aforesaid, to all and every the Members of this

Assembly *Six Shillings per Diem,* in Proclamation Money, for so many Days as they have served, upon a Certificate to be produced to either of them the said Treasurers by each of the said Members, signed by the Speaker of the said Assembly, expressing the Number of Days that each Member has attended the Service of the General Assembly, and the Receipt of each of the said Members endorsed on his Certificate shall be a sufficient Discharge to the said Treasurer for so much; and a Certificate for the Speakers Service in the Assembly, shall be signed by any two Members of the House, which Certificate so signed, and the Speakers Receipt endorsed on the same, shall likewise be to the said Treasurer a sufficient Discharge for so much.

And that the said four Thousand Pounds in Bills may be well and truly sunk, *Be it Enacted by the Authority aforesaid,* That the Sum of one Thousand Pounds yearly, for the first four Years of the Tax, to be raised by Virtue of this Act, shall be applyed to that and no other Use. And the Bills of Credit made Current by this Act, in which the Treasurers of this Province shall receive the said Tax for the said Four Years, they shall keep in their Hands and render an Account thereof to the Governour, Council and General Assembly, when thereunto required, and deliver the same to be sunk in their Presence, and the Remainder of the said Tax shall be applyed towards the Support of this His Majestys Government, as shall be directed by the Governour, Council and General Assembly of this Province.

And Be it Enacted by the Authority aforesaid, That all the Interest Monies, which are before in this Act directed to be paid in by the Commissioners aforesaid, to the Treasurers of this Province, shall be applyed towards Sinking and Cancelling the Bills of Credit made current by this Act and to no other Use, and the said Treasurers shall keep the same in their Hands, and Render an Account thereof to the Governour, Council and General Assembly when thereunto required, and deliver the same to be sunk in their Presence.

AND Whereas by the Sinking of the Bills made Current by this Act with the Interest Moneys aforesaid there will remain in the Hands of the Borrowers of the said Bills a considerable Sum more than will sink them, which is not herein before disposed of, *Be it therefore Enacted by the Authority aforesaid,* That the Remainder of the Monies lent to the Borrowers aforesaid, which is over and above the Sinking of the said Bills, shall, when received by the Commissioners aforesaid, be by them paid into the Treasurers of this Province, to be applyed towards the Support of this his Majesty's Government, as shall be directed by the Governour, Council and General Assembly of this Province.

And be it Enacted by the Authority aforesaid, That Wheat if offered, shall be received in payment of the Monies borrowed as aforesaid, and in Payment of the Taxes aforesaid, at the Rate of five Pence *per* Bushel less than the Market Price at *New-York,* for the Eastern Division, and *Philadelphia* for the Western Division.

And be it Enacted by the Authority aforesaid, That in case any of the Bills made Current by this Act shall remain for six Months in the Commissioners hands for want of Borrowers, the same Commissioners are hereby im-

powered to Let out the same to Persons who will give Security for it, as aforesaid, in Sums not exceeding Two Hundred Pounds, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Person shall falsly Swear, or affirm in any of the Cases where an Oath or Affirmation is required to be taken by this Act, or shall willfully act contrary to the Oath or Affirmation he has before taken, such Offence is hereby declared to be *Perjury,* and the Offender being Convict of such Offence, shall suffer all the Pains and Penalties of perjury.

And be it Enacted by the Authority aforesaid, That all Judges and Justices in this Province shall, and they are hereby Directed to Construe this Act most Favourably for the Prosecutor, and most strongly against the Offender, and shall allow him or her no Essoyn, Protection or Wager of Law, nor any more than one Imparlance; and shall endeavour the Execution of this Act according to the true intent and meaning thereof, notwithstanding the want of apt words to express the same. And if Mischiefs should happen, which may affect the Credit of the Bills made Current by this Act, against which no Remedies are provided by this Act, but there happen to be Remedies against like Mischiefs in the same, they the said Judges and Justices shall Construe and Extend the like Remedies to and for the like Mischiefs, according to the Intent and Meaning of this Act, any Law, Usage or Custom to the Contrary, or Omission in this Act, notwithstanding.

Passed 30 Nov. 1723.
Bradford (1723) 3-26.

An Act concerning the Duty of the Commissioners appointed to mannage the Loan-Offices in the respective Counties of this Province, & for providing a Remedy in case any of the Signers of the Bills of Credit of this Province, should by Death, or otherwise, be rendered incapable of signing the same.

Be it Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That for the greater Uniformity in the Securities to be taken in the Loan Offices, for the

Money Lent by Virtue of an Act of the General Assembly of this Province, entituled, *An Act for an Additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit for that and other Purposes therein mentioned,* the Mortgages for the Moneys, by virtue of the said Act, Lent, shall be in the Form following, *viz.*

This Indenture made the Day of in the year of the Reign of our Sovereign Lord, *George,* of *Great Britain, France* and *Ireland,* King, Defender of the Faith, *&c. Anno Domini* One Thousand seven Hundred and *Between* of the County of of the one Part, And *The Commissioners of the Loan-Office of the County of* of the Other Part, *Witnesseth,* That the said for and in Consideration of the Sum of by *The Commissioners of the Loan-Office of the County of* to him well and truly in hand paid, whereof he grants the Receipt, and acknowledges himself to be there-with Contented, and for himself, his Heirs, Executors and Administrators, Releases and Discharges *The Commissioners of the Loan-Office of the County of* and their Successors, thereof Forever, *Hath* Granted, Bargained, Sold, Released, Enfeoffed and Confirmed, and by these Presents Does Grant, Bargain, Sell, Release, Enfeoff and Confirm to *The Commissioners of the Loan-Office of the County of* and their Successors and Assigns Forever, All that

Together with all and all manner of Woods, Under-woods, Trees, Mines, Minerals, Quarries, Hawkings, Huntings, Fowlings, Fishings, Buildings, Fences, Improvements, Hereditaments and Appurtenances whatsoever to the same belonging, or in any ways appertaining; and all the Estate, Right, Title, Interest, Possession, Property, Claim and Demand of the said and his Heirs to the above bargained Premisses, and every part thereof, *To Have and to Hold* the above bargained Premises, and every part & parcel thereof, with the Appurtenances, to *The Commissioners of the Loan-Office of the County of* their Successors and Assigns Forever, to the Uses and Purposes mentioned in an Act of the General Assembly of this Province, past in the Tenth year of his Majesty's Reign, entituled, *An Act for an Additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit for that and other Purposes therein mentioned.* And the said for himself, his Heirs, Executors and Administrators does Covenant, Grant, Bargain and Agree to and with *The Commissioners of the Loan-Office of the County of* and their Successors, That at and before the Time of the Sealing and Delivery hereof, he the said stood Lawfully seized of the above bargained Premisses, of a good, sure, perfect and indeseizable Estate of Inheritance in the Law, in Fee-simple, and that the same then were Free and Clear of all former and other Gifts, Grants, Bargains, Sales, Leases, Releases, Judgments, Extents, Recognizances, Dowers, Entails and other Incumbrances in the Law whatsoever. *Provided always, and these Presents are*

upon this Condition, That if the said his Heirs, Executors, Administrators or Assigns do pay or cause to be paid to *The Commissioners of the Loan-Office of the County of* the above Sum of in the Proportions and at the Times following (*to wit*) The Sum of on the 25th Day of *March,* One Thousand Seven Hundred and Twenty Five. The Sum of on the twenty fifth Day of *March,* One thousand seven hundred and twenty Six. And the Sum of on the Twenty fifth Day of *March,* One thousand seven hundred and twenty Seven. And the Sum of on the Twenty fifth Day of *March,* One thousand seven hundred and twenty Eight. And the Sum of on the twenty fifth Day of *March,* One thousand seven hundred and twenty Nine. And the Sum of on the Twenty Fifth Day of *March,* One Thousand seven hundred and Thirty. And the Sum of on the Twenty Fifth Day of *March,* One thousand seven hundred and Thirty One. And the Sum of on the Twenty Fifth Day of *March,* One thousand seven hundred and Thirty Two. And the Sum of on the Twenty Fifth Day of *March,* One thousand seven hundred and thirty Three. And the Sum of on the Twenty Fifth Day of *March,* One Thousand seven hundred and thirty Four. And the Sum of on the Twenty Fifth Day of *March,* One thousand seven hundred and thirty Five. And the Sum of on the Twenty Fifth Day of *March,* One thousand seven hundred and Thirty Six, and shall at every of the said Terms of Payment pay to *The Commissioners of the Loan-Office of the County of* the Interest at the Rate of *Five per Cent.* of the said Principal Sum of and of the parts thereof remaining unpaid before the said respective Terms of payment, according to the true Intent and Meaning of the said Act of General Assembly of this Province, Then the above Grant, Bargain and Sale, and every Article and Clause thereof shall be Void; But if Failure is made in any of the Payments above mentioned, Then the above Bargain and Sale is to remain in full Force and Virtue. *And* the said for himself, his Heirs and Assigns doth agree to be absolutely barred of all Equity of Redemption of the Premises, within Thirty Days after such Failure. *And* the said for himself, his Heirs, Executors and Administrators does Covenant, Grant, Bargain, Promise and Agree to and with *The Commissioners of the Loan-Office of the County of* and their Successors, Well and Truly to pay to them All and every the Sums of Money above mentioned, at the Times on which the same ought to be paid, as aforesaid, and that the above bargained Premises, upon the Sale thereof, pursuant to the Directions of the said Act, will yield the Principal and Interest, aforesaid, remaining unpaid, at the time of such Sale, together with the Charges of such Sale. *In Witness* whereof the Parties to these Present Indentures have Interchangeably set their Hands and Seals the Day and Year above written.

Sealed and Delivered in
the Presence of

And be it Enacted by the Authority aforesaid, That the Printer of the Bills of Credit aforesaid, shall Print Eighteen Hundred Copies of the said Mortgages, and bind so many of them into a Book, together with six Leaves of clean Paper for an Alphabet, for the Use of the Loan Office of each County, that there may be a Mortgage for every Twenty Five Pounds of Bills of Credit given to the Loan-Office of that County, and the Number remaining shall give in loose Sheets, in the like Proportion, (*to wit*) One for every Hundred Pounds to each of the Loan-Offices, in order there-with, if there should be occasion, to give attested Copies of the Original Mortgage to the Buyers of any of the Mortgaged Lands; Which Books, together with the said loose Sheets, shall be delivered by the Printer to the Signers of the Bills, while they are signing the same, by them, with the Bills, to be delivered to the Commissioners of each County.

And be it Enacted by the Authority aforesaid, That the Commissioners shall take no Mortgages from any Person but by filling up one of the Blanks of the said Book of Mortgages, & shall in no wise Deface or tear out of any of them, or any part of them, except the Seal when the Mortgager pays off the whole Principal and Interest of the Mortgage, and shall proceed from the beginning of the Book, and number the Mortgages as they are taken, and shall in the Alphabet insert the Mortgagers Name and Number.

And be it Enacted by the Authority aforesaid, That the Printer shall also bind up Ten Books of clean Paper, One for the Use of each Loan Office, and to contain about Two third parts of the bigness of the Book of Mortgages for the same County, to be delivered, as aforesaid, with the Books of Mortgages.

And be it Enacted, That the Commissioners shall, in one end of the last Book, Minute or insert the substance of every Mortgage, (*to wit*) The Number thereof, the Date, the Mortgagers Name, the Sum Lent and the Bounding of the Lands Mortgaged; and that when the one Commissioner has the Custody of the Book of Mortgages, the other shall have the Custody of this Book, that Fire, or other Accidents which may happen, may be guarded against; and shall make an Alphabet to it, like that of the Book of Mortgages. And to prevent any Deception of the Mortgager, he shall examine, or see the Minute Examined with the Original Mortgage, and he with the Witness shall sign to the same.

And be it Enacted by the Authority aforesaid, That the Commissioners beginning at the other end of the said Book, shall insert the Minutes of their Proceedings (*to wit*)

1. The Days they Meet, Place and House, and Commissioners present.
2. If any is absent, shall, the next time, Minute the cause of his absence.
3. Shall enter down the Hour that every one demands the Loan of Money, and the Quantity he demands.
4. Shall enter down the Reason why a prior Demander had it not according to his Demand.
5. The last Day of their Meeting, yearly, shall enter whose Mortgages are Fore-closed, and the Numbers of them.
6. Shall enter the Orders for, and a Copy of the Advertisements of Sale, and Places at which they were to be set up, and Persons Name that is to set them up.

7. Shall enter the Buyers Name of Lands, and Price sold for, and payment of the Over-plus to the Mortgager, with the Times and Witnesses of such Payment.

8. Shall enter the Cause of all Suits, and the Informations they have received, at length, or if too long, Refer to them, Minuting the Substance.

9. Shall enter their Meetings with the Justices & Free-holders, and Persons present, together with the Minutes of all acted with them, particularly What Bills were destroyed, What were the Deficiencies, *&c.*

10. Every other thing Remarkable concerning the Duty of their Office, shall be entered in the Minute Book of their Proceedings, excepting their Accompts.

And be it Enacted, That the Printer shall also bind up other Ten Books of clean Paper, for the Use of each Loan-Office, about Two third parts of the bigness of the Book of Mortgages, for the same County, to be delivered, as aforesaid, with the Book of Mortgages.

And be it Enacted by the Authority aforesaid, That therein shall be entered all the Accompts of the Loan-Office. That at the beginning there shall be an Alphabet, wherein shall be inserted every Mans Name, and the Leaf where his Accompt stands. And that this Book be kept in the fairest and best Method the Commissioners can.

And be it Enacted by the Authority aforesaid, That the Deeds to be granted by the Commissioners for any Lands to be Sold by them, whereof the Equity of Redemption is Fore-closed, shall be in Form following, *To wit,*

This Indenture made the Day of in the year of the Reign of our Sovereign Lord, *George,* by the Grace of God, of *Great Britain, France* and *Ireland,* King, Defender of the Faith, *&c. Anno Dom.* One Thousand Seven Hundred and Between *The Commissioners of the Loan-Office of the County of* of the One part, And of the Other part, *Witnesseth,* That *The Commissioners of the Loan-Office of the County of* for and in Consideration of the Sum of to them in hand paid, whereof they grant the Receipt, and Discharge the said his Heirs, Executors and Administrators thereof Forever, *Have,* pursuant to an Act of the General Assembly of this Province, entituled, *An Act for an Additional Support of this Government, and making current Forty Thousand Pounds in Bills of Credit for that and other Purposes therein mentioned,* Granted, Bargained, Sold, Released, Enfeoffed and Confirmed, and by these Presents do Grant, Bargain, Sell, Release, Enfeoff and Confirm unto the said his Heirs and Assigns forever, All that

together with all and all manner of Woods, Under-Woods, Trees, Mines, Minerals, Quarries, Hawkings, Huntings, Fowlings, Fishings, Fences, Improvements, Hereditaments and Appurtenances whatsoever to the same belonging or in any wise appertaining, and all the Estate, Right, Title, Interest, Claim, Possession, Property and Demand whatsoever, of *The Commissioners of*

the Loan-Office of the County of and their Successors to the above-bargained Premisses and every Part thereof, *To Have and to hold* to the above-bargained Premisses and every Part thereof, with the Appurtenances, to the said his Heirs and Assigns, to the sole and only proper Use, Benefit and Behoof of the said his Heirs and Assigns forever. In *Witness* whereof *The Commissioners of the Loan Office of the County of* have hereunto set the Seal of their Corporation, together with their Hands the Day and Year above-written.

Sealed and Delivered in the Presence of

To which Deed the Commissioners are to put only one Seal as the Seal of the *Loan-Office,* and joyntly take off the Seal from the Wax, and all sign their Names.

And be it Enacted by the Authority aforesaid, That upon every Sale of Lands the Commissioners shall fill up one of the loose Sheets of Blank Mortgages, like to the Original Mortgage, and attest the same as a true Copy, and give it instead of the Original Mortgage, for evidence of the Title of the Buyer.

And be it Enacted by the Authority aforesaid, That the Bond to be entred into by the Commissioners with Security, shall be in Form following, *viz.*

Know All Men by these Presents, That We are held and firmly Bound unto our most Gracious Sovereign Lord, *George,* by the Grace of God of *Great Britain, France* and *Ireland,* King, Defender of the Faith, *&c.* in the Sum of To be paid unto our most Gracious Sovereign Lord the King and his Successors. To the which Payment well and truly to be made and done We bind our selves, our Heirs, Executors and Administrators, and every of us and them, joyntly and severally, firmly by these Presents, Sealed with our Seals, and Dated the Day of in the Year of his Majesty's Reign, *Anno Domini,* One Thousand Seven Hundred and

The Condition of the above Obligation is such, That if the above-bounden shall well and truly perform the Office and Duty of one of *The Commissioners of the Loan-Office of the County of* and shall demean himself therein without Favour, Malice or Partiality, Then the above Obligation to be Void, otherwise to remain in full Force and Virtue.

Sealed and Delivered in the Presence of

And whereas by an Act, entituled, *An Act for an additional Support of this Government and making Current Forty Thousand Pounds in Bills of Credit for that and other Purposes therein mentioned, John Parker, Peter Bard, Robert Lettis Hooper,* Esqrs. and Mr. *James Trent,* are appointed to be signers of the Bills thereby enacted to be Issued, but no Provision is made therein in Case of the Disability of any of them, by Death, Sickness or otherwise, of performing the Duty required of them by the said Act, which, if any such Thing should happen, would render the said Act fruitless until another Meeting of the General Assembly, To prevent which Inconveniency, and to make a Sufficient

Provision in the Case aforesaid,

Be it Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That in Case of the Death, or other Disability of *Peter Bard,* and Mr. *James Trent,* or either of them, then *Jacob Doughty,* Esq; is hereby appointed a Signer in the Room of such Person dying or being Disable. And in Case of the Death or other Disability of *John Parker* and *Robert Lettis Hooper,* Esqrs. or either of them, then *Enoch Vreeland* is hereby appointed a Signer in the Room of such Person dying or being disabled. Which Person or Persons so appointed a Signer or Signers in the Room of any of the Signers appointed by the said Act, shall be, is and are hereby vested with all the Powers and Authorities which by the said Act are vested in such Signer or Signers dying or being disabled, as aforesaid, and shall have the like Sallary or Reward as such Person or Persons dying, or being disabled, was to have. And in Case of any further Failure, by Death or otherwise, of any of the said Signers, then his Excellency the Governour or Commander in Chief of this Province, for the Time being, shall be and he is hereby Impowered to appoint a Signer or Signers to supply such Failure, with such Powers and Priviledges as other the Signers aforesaid, any thing to the Contrary notwithstanding.

Passed 30 Nov. 1723.
Bradford (1723) 26-32.

An Act for the better and more effectual puting in Execution an Act of Assembly of this Province, made in the 12th & 13th years of the Reign of her late Majesty Queen *Anne,* entituled, *An Act for Regulating Fences.*

Whereas many Disturbances and Differences have happened and do frequently happen amongst the Inhabitants of this Province, by Sheep breaking through Fences that are made according to the Directions of the above-recited Law of this Province. And whereas it is a Question amongst the said Inhabitants whether Sheep are accounted Neat Cattle, or not, within the meaning of the said Law, whereby persons injured by Trespasses and Damages done by Sheep breaking through Fences, made as aforesaid, are wholly prevented from obtaining any satisfaction for such Damages. For the Remedying thereof, for the Future, and removing all Doubts concerning the same,

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publica-

tion hereof all Sheep Breaking Thorough, Creeping under, Climbing or Jumping over Fences that are made according to the Direction and Regulation of the above-recited Act of this Province, shall be and are hereby made liable to be Impownded, and the Owners paying the Damage done by them, which shall be appraised by two sufficient men of the Neighbourhood, chosen by the Party damnified by such Sheep Trespassing, as aforesaid, who shall also view the Sufficiency of the Fences; and the Pownd-Keeper shall have for Letting in and out of the Pownd, all such Sheep impownded by virtue of this act, *One Half Penny per head,* and for Feeding, Pownding and Tending, *Two Pence per head* for every Twenty four hours they shall continue in the Pownd. And that the Pownd in the Town of *Burlington* made by *Jacob Doughty,* shall be deemed a Lawful Pound.

Passed 30 Nov. 1723.
Bradford (1723) 33.

An Act for Naturalizing *John Lewis* of the County of *Hunterdon.*

Whereas *John Lewis* was born under the Dominion of the King of Portugal [of] the protestant Religion hath Transported himself into this his Majesty's Colony of New J [ersey] And Duly considering the happy constitution of this province being Governed as near as [ ] of England. And the said *John Lewis* being Desireous of being made partaker of those [ ] privileges which the natural born Subjects do Enjoy the Said *John Lewis* prayed lea[ve to] petition to bring in a Bill to this Assembly for Naturalizing himself. And Whereas [ ] of people is the means of advancing the wealth and Strength of any Government and the Encouragem[ent] hereby Given to the said *John Lewis* may induce others to Transport themselves and Estates into this Colony.

Be it therefore Enacted by the Governour, Council and General Assembly and by the authority of the Same, that the Said *John Lewis* be made and is hereby declared to be his Majestys natural Born Subject and for all times hereafter shall be deemed, adjudged and taken to be his Majestys Natural born Subject of this province to all intents, Constructions, and purposes whatsoever as fully and amply as if he had been born or were born in this province of New Jersey, and that the Said *John Lewis* may take receive, enjoy and be Entitled to all the rights privilidges and advantages of a naturall born Subject as fully to

all Intents Constructions and purposes whatsoever as any of his Majesties natural born Subjects of this Colony do or ought to enjoy by virtue of their being his Majestys natural born Subjects of this province, *Provided always,* and it is hereby declared that this act nor anything herein Contained Shall be Construed so as to [enable] the Said *John Lewis* to be capable of being of his Majesties Councill for th[ ] to be a member of General Assembly or enjoy any office or place of trust or any [ ] [ ] any Law, Custom or Useage to the contrary thereof in any wise notw[ithstanding.]

Passed 30 Nov. 1723.
Nj-Ms.

An Act for Naturalizing *Cornelius Thompson.*

Allinson, 68, title only. Text not found.

Eighth Assembly, Third Session

25 May - 23 Aug. 1725

Perth Amboy

An Act to lay a Duty on Wheat, Wheat-Meal, Staves and Heading of all sorts, and Bolts whereof Staves or Heading may or can be made.

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That all and every Person or Persons from and after the first Day of *October* next ensuing, who shall Export out of the *Eastern-Division* of this Province unto the *Western-Division* of the same, or unto any of his Majesty's Colonies on the Continent of *America,* any Wheat or Wheat-Meal, before it be Bolted and Pack't, or any Staves or Heading made of Oak, or any Bolts whereof Staves or Heading can be made, shall first enter the same with his Majesty's Collector of the Customs of the *Eastern-Division* of this Province, for the time being, or one of his Deputies, and pay the Sum of *One Shilling* for every Bushel of Wheat or Wheat-Meal unbolted, and the Sum of *Fifteen Shillings* for every Thousand of Staves of the length of thirty five Inches, or under, and the Sum of *Twenty Shillings* for every Thousand of Staves above thirty five and under Forty Six Inches in length; and the Sum of *Thirty Shillings* for every Thousand of Staves above Forty Five, and under Fifty six Inches in length; and the Sum of *Forty Shillings* for every Thousand Staves of Fifty six Inches in length, and upwards; and the Sum of *Thirty Shillings* for every Thousand of Heading of any sort; and the Sum of *nine Pence* for every Bolt that Staves or Heading can or may be made of, so Exported, to the Collector of the said Division, or his Deputy, for the time being, to be applyed towards Support of Government, under Penalty of the Forfeiture and Seizure of all such Wheat, Wheat-Meal, Staves, Heading and Bolts Exported, or endeavoured to be Exported contrary to the directions aforesaid.

And for the better and more effectual Collecting the Duty aforesaid, and preventing the Exportation of Wheat, Wheat-Meal, Staves, Heading, and all Bolts whereof Staves or Heading may be made, contrary to the true intent and meaning of this Act, *Be it Enacted by the Authority aforesaid,* That every Master or owner of any Ship, Sloop, Boat, Flat, or any other Vessel whatsoever, shall, before he loads any Wheat, Wheat-Meal, Staves, Heading, or any Bolts whereof Staves or Heading can be made, on Board of his said Vessel, enter into Bond, yearly, and every year, with the Collector aforesaid, or his Deputy, with sufficient Sureties, Free-holders in this Province, in the Sum of One hundred Pounds, to be paid to his Majesty, his Heirs and Successors, on Condition that he shall not within the term of one year from the date of the said Bond, load any Wheat, Wheat-Meal, Staves, Heading, or any Bolts whereof Staves or Heading can be made, or put them on board any Ship, Sloop, Boat, Flat, or other Vessel whatsoever, or carry them on any Raft in order to be landed in any other *Province* on the said Continent of *America,* directly or

indirectly, contrary to the true intent and meaning of this Act.

And be it further Enacted by the Authority aforesaid, That the Master or Owner of any Ship, Sloop, Boat, Flat, or other Vessel, or other Person or Persons whatsoever, who shall any manner of way Transport from the *Eastern-Division* of this Province into the *Western-Division* of the same, or unto any of the Provinces on the said Continent of *America,* any Wheat, Wheat-Meal, Staves, Heading, or any Bolts whereof Staves or Heading can be made, without first having paid or secured to be paid the Duties appointed by this Act for said Wheat, Wheat-Meal, Staves, Heading, or such Bolts whereof Staves or Heading can be made, shall for every such Offence Forfeit the Sum of Twenty Pounds.

And be it further Enacted by the Authority aforesaid, That all Wheat, Wheat-Meal, Staves, Heading, and all Bolts whereof Staves or Heading may be made, as aforesaid, which shall be found on board any Vessel, or on any Raft whatsoever, shall be Forfeited, if the Master or Owner thereof cannot produce a Certificate under the hand of the said Collector or his Deputy, that he hath given security or paid the said Duty, as aforesaid.

And be it Enacted by the Authority aforesaid, That all Penalties and Forfeitures incurred by Virtue of this Act, shall be applyed, one half to the use of his Majesty, towards the Support of the Government of this Province, and the other half to the said Collector, or such other person or persons who shall sue and prosecute for the same to effect, in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, nor any more than one Imparlance shall be allowed.

And be it further Enacted by the Authority aforesaid, That the said Collector shall yearly, and every year, render into the Treasury of the *Eastern-Division* of this Province, a true and just account of all such Duties, Penalties and Forfeitures, as aforesaid, and shall pay to the Treasurer of the said *Eastern-Division* so much thereof, as by this Act is appropriated to his Majesty's use, reserving out of the said Duties *Ten per Cent.* for his Trouble of collecting and paying in the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Collector of his Majesty's Customs of the *Eastern-Division* of this Province, for the time being, and he is hereby directed, authorized, impowered and required to appoint Deputies in all such places in the said *Eastern-Division* of this Province, as shall be most convenient, diligently to inspect and see that this Act be duly performed.

And be it further Enacted by the Authority aforesaid, That this Act, and every part thereof, shall continue in Force for the Term of Ten years from the first day of *October,* One thousand seven hundred and twenty Five, to the first day of *October,* One thousand seven hundred and thirty Five, and no longer.

Passed 23 Aug. 1725.
Bradford (1725) 117-119.

An Act to ascertain the Size of Casks, and the Standards of Weights and Measures, and to impower the Justices of the Peace at their Quarter-Sessions to appoint Packers for Packing Provisions at the most convenient Landings in each respective County within this Province.

Whereas nothing is more agreeable to common Justice and Equity than that through this his Majesty's Province there should be One just Weight and Ballance, One true and perfect Standard for Measures, for want whereof, Experience shows, that many Frauds and Deceits have happened. For Remedy of which

Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the first Day of *October,* in this year One Thousand Seven Hundred and Twenty Five, No Cooper, or other Person or Persons whatsoever, within this Province, shall make any Dry Cask or Vessel of the following Denominations but of good and well seasoned Timber, and of the respective Dimensions following, *viz.*

Every Hogshead to be Forty Inches Long, Thirty Three Inches in the Bilge, and Twenty Seven Inches in the Head.

Every Tierce to be Thirty six Inches Long, Twenty Seven Inches in the Bilge, and Twenty Three Inches in the Head.

Every Barrel to be Thirty Inches Long, Twenty six Inches in the Bilge, and Twenty two Inches in the Head.

Every Half Barrel to be Twenty five Inches Long, Twenty Inches in the Bilge, and Sixteen Inches in the Head.

And every Quarter Barrel to be Twenty Inches Long, Sixteen Inches in the Bilge, and Thirteen Inches in the Head.

All Tite Barrels to contain Thirty One Gallons and a half of Wine Measure, each, and not to exceed or be half a Gallon over or under; and all other Casks to contain in proportion to a Barrel, upon Penalty of *Five Shillings* for every Offence committed to the contrary hereof, to be paid by the Maker or User of such Casks or Vessels, in whose hands the said Offence shall first happen to be known or discovered.

And for the preventing and detecting any Frauds or Deceits that may be in the weighing or Packing of any Casks, as aforesaid, *Be it Enacted by the Authority aforesaid,* That from and after the first Day of *October* next, every Cask that shall be imployed or used for the stowing or packing of Flour or Bisket within this Province, for Transportation, or otherwise in any way of Merchandize, before any of the said Goods or Commodities are stowed or packed therein, every such Cask shall be weighed, and the just weight thereof put with a Marking-Iron upon the Head of the same, together with the first Letters of the *Christian* and *Sir-Name* of the Person who shall stow or pack the said Cask, to be fixed with a burning Iron, under the Penalty of *Nine Pence* to be paid for every neglect thereof, by the Packer or Stower who shall neglect the same.

And be it further Enacted by the Authority aforesaid, That the Justices of the Peace of each respective County of this Province, at their Court of Quarter-Sessions, and the Mayor and Aldermen of the City of *Perth-Amboy,* at their Court of Quarter-Sessions are hereby impowered and required to appoint some fit Person or Persons in the said City and County for the Packing of Beef and Pork, and likewise to administer an Oath or Affirmation, as the case shall require, to every Person or Persons so appointed, *That he or they shall Faithfully, Truly and Impartially execute the Office of a Packer, according to the Directions in this Act, for the respective City and Counties where he or they shall be appointed.* Which Officer or Officers, so Qualified, are hereby directed, not to pack any Beef or Pork but what is Sound, Wholsom and Merchantable, nor put more than Four half Heads in one Barrel of Pork, nor more than two Shins in one Barrel of Beef, each Barrel whereof shall be twice well trodden down, at least, in the packing, and be Salted with a sufficient Quantity of Salt, not less than half a Bushel. Which Barrel, so Re-packed, shall be by the said Packer branded with the Letter *N.J.* who shall receive from the Owner thereof, for every Barrel so Re-packed and Branded, *Nine Pence.* And any Person or Persons who shall ship or load any Beef or Pork, not being Repacked and Branded as aforesaid, on board any Ship or Sloop, Boat or other Vessel whatsoever, in order to export the same out of this Province, shall Forfeit and pay for every Barrel of Beef or Pork so shipped or loaden, the Sum of *Five Shillings.*

And be it further Enacted by the Authority aforesaid, That from and after the first Day of *December* next, for the *Eastern Division* of this Province, and the first Day of *May* next for the *Western Division,* there shall be used One Just Beam and Ballance, One certain Standard for Weights, that is to say, for *Averdupoize* and *Troy Weights;* One Standard for Measures, that is to say, for *Bushels, half Bushels, Pecks* and *half Pecks;* One Just Standard for Liquid Measures, that is to say, *Wine* and *Beer Measure;* And *One Yard.* All which shall be according to the *Standard of his Majesty's Exchequer* in *Great Britain.* And any Person or Persons whatsoever who shall buy or sell by any other Beam, Weights, Measures or Yard, shall Forfeit for every such Offence the Sum of *Twenty Shillings.* And his Excellency the Governour or Commander in Chief is hereby desired to appoint fit Persons in the City of *Perth-Amboy* and in the respective Counties within this Province, for the Sealing and Marking all Beams, Weights, Measures and Yards, as aforesaid, with the Letter *G.R.* that the same may be known through-out the Province, Which Persons, so appointed, shall take for their pains in Sealing and Marking all such Beams, Weights, Measures and Yards the Sum of *Nine Pence,* except small Weights, and small Liquid Measures, for which they shall take no more than *Two Pence* each; Saving always unto the City of *Perth-Amboy* and the Mayor and Aldermen thereof, for the time being, all such Rights and Priviledges as doth, of right, to them belong or appertain, any thing herein contained to the contrary hereof in any wise notwithstanding.

And be it further Enacted, That all and every of the Penalties and Forfeitures mentioned in this Act, shall be Recovered in any Court of Record within this Province, or before any one Justice of the Peace, if under *Forty Shillings,*

by Action of Debt, Bill, Plaint or Information, wherein no Protection, Essoyn or Wager of Law shall be allowed, or any more than one Imparlance, and shall be applyed one half to the person who shall prosecute the same to effect, and the other half to the Relief of the Poor of the City or Township where the same shall happen, provided the same be prosecuted within the space of three Months, and not otherwise.

Passed 23 Aug. 1725.
Bradford (1725) 119-121.

An Act for the better Regulating of Elections and laying a Penalty on all Officers and other Persons whatsoever, that shall by indirect Practices endeavour to obtain any Election contrary to the Rights, Liberties and Priviledges of the People, and the true intent and meaning of this Act.

Be it Enacted by the Governour, Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That after Publication hereof, every Sheriff, or other Officer, to whom any Writ for Electing a Member or Members to serve in the General Assembly of this Province, shall be Directed, upon Receipt thereof, shall forth-with give Publick Notice of the Day and Place of Election, by puting up Advertisements at least Twenty Days before the time of Election, at three of the most publick Places in their County, City or Town, and shall on the Day and so Appointed Place, between the hours of Ten and Twelve proceed to the Election, by reading his Writ, and shall not declare the Choice upon the View, nor adjourn from that to any other Place without the consent of the Candidates, nor by any unnecessary Adjournment delay the Election, but shall, if a Poll be required, fairly and Indifferently proceed from Day to Day, and Time to Time, to take the Poll until all the Electors then and there present be polled; and the Sheriff or other Officer, as aforesaid, is hereby Directed or Commanded to appoint one Clerk and one Inspector for each Candidate, who shall be Nominated by the Candidates respectively, which Clerks shall be Sworn by the Sheriff or other Officer, to take the Poll fairly and Indifferently, by setting down the Names of the Electors, and the place of their abode, and the Person they give their Votes for. And the Sheriff or other Officer shall give a Copy of the Poll to every Person that shall desire the same, he paying reasonable Fees for writing the same. And if any Elector be questioned,

as to his Qualification, by any Candidate, the Sheriff, or other Officer, shall Administer the following Oath, *viz.*

I A.B. do in the Presence of God, declare and Swear, That I am and have been a Freeholder and Resident in this County, City or Town one whole year, and that the Estate for which I claim to give my Votes in this Election is my own proper Estate, and that it is not conveyed to me in Trust, or on Condition that I shall give my Vote in this Election for any person.

Or if *Quaker,* the Testation or Affirmation to the same Effect. And all Fraudulent Conveyances of Land to multiply Votes, or to Qualifie Voters at Election, Subject to agreement, to Re-convey the same, shall be taken against the Grantors as free and absolute, and all collateral Securities for Defeating such Estate shall be void, and the person making such Conveyance, or Voting by Colour thereof, shall forfeit Ten pounds to any person that will Sue for the same in any Court of Record within this Province.

And be it Enacted by the Authority aforesaid, That every Sheriff or other Officer, to whom the Execution of any Writ for the Electing any Member or Members to serve in the General Assembly of this province, shall belong that shall act Contrary or otherwise than by this Act is directed, or shall Return any Person not Duly Elected by the Majority of the Freeholders, every such Officer shall Forfeit the Sum of *Three Hundred Pounds,* one third part thereof to the *King,* his Heirs Successours, one third part to the poor of the County, City or Town concerned in the Election, the other third Part thereof to the Party grieved, that will sue for the same, with cost of Suit, to be Recovered in any Court of Record in this province, by Action of Debt, Bill, Plaint or Information, where no Essoyn, Protection or Wager of Law shall be allowed, nor more than One Imparlance.

And be it further Enacted by the Authority aforesaid, That no person hereafter to be Elected shall directly or indirectly give, present or allow to any Person having Voice or Vote in such Election, any Money Meat, Drink Entertainment or Provision, or shall make any Promise or Agreement, Obligation or Ingagement to give or allow any Money, Meat, Drink, Provision to or for any such Person or Persons in particular, or to any County, City or Town, or to or for the Use, advantage, benefit, profit or preferment of any such Person or Persons, Place or Places, in Order to procure or gain Voices or Votes in his Election.

And be it further Enacted by the Authority aforesaid, That every Person or Persons, so giving, promising, engaging, doing acting or proceeding, and thereof convicted, shall be, and hereby are Declared and Enacted to be Disabled, and upon such Election shall not act, sit or have any Vote or Place in the General Assembly of this Province, but shall be and hereby are Declared and Enacted to be, to all intents, constructions and purposes as if they never had been Elected or Returned.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall by Assertions or false Reports of any of the Candidates, either in Words by Message or Writing, or in any Other manner, endeavour to frighten, or by indirect means perswade any Elector to give or

Disswade any Elector from giving his Vote for the Choice of any Person to be a Member of the General Assembly of this Province, every person so Offending, as aforesaid, shall Forfeit *Ten Pounds,* one half to the King his heirs and successors, the other part to any person that will sue for the same, to be recovered with Cost of Suit, by Action of Debt, Bill, Plaint or Information in any Court of Record in this Province, in which no Essoin, protection, priviledge or Wager of Law, or more than one Imparlance shall be allowed.

Passed 23 Aug. 1725.
Bradford (1725) 121-123.

An Act concerning the appointment of Commissioners of the Loan-Offices, and concerning the sinking of four Thousand Pounds of Bills of Credit.

Whereas by an Act of the General Assembly of this Province, passed in the Tenth year of his Majesty's Reign, entituled, *An Act for an additional Support of the Government, and making Current forty Thousand Pounds in Bills of Credit for that and other purposes therein mentioned,* upon the Death or Removal of any of the Commissioners of the Loan-Offices, the Method of issuing the Mandate for the Election of others, by the said Act, is much too difficult, without any necessity for its being so,

Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That upon the Death or Removal of any of the Commissioners of the Loan-Offices, his Excellency the Governour is hereby authorized and impowered to issue his Mandate to any two or more of the Justices of the Peace of such County, *Quorum unus,* Commanding them to issue their Precept for summoning the rest of the Justices of the said County, and the Freeholders elected for the same, by virtue of an Act, entituled, *An Act for raising Money for Building and Repairing of Goals and Court-houses within each respective County of this Province,* at such time and place as by the said Justices in their said Precept shall be appointed, to meet together for Electing a Commissioner in the room of such Commissioner Dying or Removing, as aforesaid, which Mandate shall be, to all intents and purposes, as sufficient as the Mandate directed by the aforesaid Act for that purpose.

And whereas by the aforesaid Act the Sum of one Thousand Pounds yearly, for the first Four years of the Tax to be raised by virtue of the said Act, is to be applyed towards sinking the Bills of Credit, and the Bills of Credit made current by the said Act, in which the Treasurers of this Province are to receive the said Tax for the said Four years, they are to keep in their hands, and render an account thereof to the Governour, Council and General Assembly when thereunto required, and deliver the same to be sunk in their presence, And whereas the General Assembly may not sit every year, whereby the said Moneys will lie longer in the Treasurers hands than there is need that it should, which is a great Risque to the said Treasurers,

Be it therefore Enacted, That the Treasurers aforesaid, upon their Receipt of their said Thousand Pounds, yearly, shall render an account thereof to the Governour and Council, and deliver the same to be sunk in their presence, by Cancelling them, according to Directions in the said Act to the Commissioners, Justices and Freeholders for Cancelling the Bills yearly in the Loan-Offices.

Passed 23 Aug. 1725.
Bradford (1725) 123-124.

An Act prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, in stead of the Forms heretofore Required in such Cases.

Whereas divers Statutes having been made concerning the Affirmations or Declarations allowed in stead of Oaths, to the People called *Quakers,* but the Inconveniencies to them and others Requiring their Testimony and Service in many Cases, not being sufficiently avoided, by reason of Difficulties which happened relating to the Forms of the Declarations, Affirmation and Abjuration prescribed by the said Statutes, it pleased the King and Parliament of *Great Britain* by another Statute, made in the eighth year of the King's Reign, to grant further Ease and Relief in that behalf, by Enacting other Forms of Affirmation or Declaration for the said People. And it being highly reasonable that the People called *Quakers* in this Colony enjoy the like Ease and Indulgence that those of the same Community are favoured with in the Kingdom of *Great Britain,*

Be it therefore Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That

from and after the Publication hereof, all *Quakers* within his Majesty's Province of *New-Jersey* may take an Affirmation in the Words following, *viz.*

I A.B. do Solemnly, Sincerely and Truly Declare and Affirm.

Which Affirmation shall be admitted, allowed and taken instead of an Oath in the usual Form, *And is hereby Enacted and Declared,* To be of the same Force and Effect, to all Intents, Constructions and Purposes in all Courts of Justice, and in all other places, where, by Law an Oath is required, within this Province of *New-Jersey.*

Provided always, And be it further Enacted by the Authority aforesaid, That no *Quaker* shall by virtue of this Affirmation be admitted to serve on any Juries, or qualified to bear any Office or place of Profit or Trust in the said Province of *New-Jersey,* any thing herein before contained to the contrary notwithstanding.

And whereas the said People called *Quakers* inhabiting this Province of *New-Jersey,* are of like Probity and Justice with those of different Perswasions, and therefore that they be made capable of serving the Country, *Be it Enacted by the Authority aforesaid,* That from and after the Publication hereof all *Quakers* within his Majesty's Province of *New-Jersey,* serving on any Inquest, Grand or Petty Jurys, or holding and exercising places of Profit or Trust in this Province shall take a solemn Affirmation, in these words following, *viz.*

I A.B. do Declare in the Presence of Almighty God the Witness of the Truth of what I say.

Which Affirmation shall be admitted, allowed and taken instead of an Oath in the usual Form. And it is hereby *Enacted and Declared* to be of the same Force and Effect, to all Intents, Constructions and Purposes, in all Courts of Justice, and in other places, where by Law an Oath is required, within this Province of *New-Jersey;* and the said *Quakers* being lawfully summoned, and having taken the Affirmation last mentioned, may and shall be admitted to serve on all Inquests, Grand and Petty Juries, any Law, Custom or Usage to the contrary thereof notwithstanding.

And be it further Enacted by the Authority aforesaid, That any of the People called *Quakers,* when legally elected or appointed, and taking and signing the Declaration of Fidelity and Allegiance prescribed by the afore mentioned Act of the eighth of his present Majesty, King *George,* together with the solemn Affirmation, in the words last mentioned, for the Discharge of their respective Trusts, as the case may require, are hereby declared Capable of serving in the General Assembly, or in any other Place of Profit or Trust in this Province.

And be it further Enacted by the Authority aforesaid, That if any *Quaker* taking the aforesaid Affirmations, or either of them, and shall be lawfully convicted of Willful, False and Corrupt Affirming or Declaring any Matter or Thing, which if sworn in the common and usual Form, would have amounted to Willful and Corrupt Perjury, every such person so Offending shall incur and suffer such and the same Pains and Penalties and Forfeitures, as are inflicted or enacted by Law against persons convicted of willful and corrupt Perjury.

And be it further Enacted by the Authority aforesaid, That when any of the People called *Quakers* within this Province shall be lawfully summoned, as above-said, to serve on Inquests, Grand or Petty Juries, and he or they then and there shall scruple, decline and refuse to take the solemn Affirmation in the words last above exprest, shall not be liable to suffer any Fines, Pains or Penalties for that their so Refusing, but shall be discharged that Service for their Conscience sake.

Provided Always, That this Act shall be and continue in Force for and during the Term of Nine years, and from thence to the End of the then next Sessions of the General Assembly of this province, and no longer.

Passed 23 Aug. 1725.
Bradford (1725) 124-126.

An Act for the Support of the Government of his Majesty's Province of *New-Jersey,* for Five Years, to commence the Twenty third Day of *September,* One Thousand Seven Hundred and Twenty Five, and to end the Twenty third Day of *September,* One Thousand Seven Hundred and Thirty.

Whereas the Act entituled, *An Act for the Support of the Government, of his Majesty's Province of* New-Jersey, *for five years, to commence on the twenty third day of* September, *One Thousand Seven Hundred and Twenty, and to end the Twenty third day of* September *One Thousand Seven Hundred and Twenty Five,* Expires next September, and being Desirous to make Provision for the further Support and defraying the necessary Charges and Sallarys of the respective Officers of the said Province, *Be it therefore Enacted by the Governour, Council and General Assembly, now met and Assembled, and it is hereby Enacted by the Authority of the same,* That there be assessed, Levyed and Raised in manner hereafter mentioned, within this Colony, for and towards the Support of his Majesty's Government in the same, for Five years, to commence the Twenty third day of *September* next ensuing, and to continue until the Twenty third day of *September,* which shall be in the year of Our Lord One Thousand Seven Hundred & Thirty, *the Sum of three Thousand & twenty Nine Pounds seven Shillings* in Money of the Value directed and appointed by

her late Majesty's Proclamation, and since enforced by Act of Parliament, entituled, *An Act for ascertaining the Rates of foreign Coyn in her Majesty's Plantations in America,* which is hereby given to his Majesty, his Heirs and Successors, for and towards the Support of this his Majesty's Government in and over this Province.

And whereas the Sum of Two Thousand four hundred and ten Pounds seven Shillings appointed for the Support of Government the first year, would be much too heavy a burden to lay at Once on the Subjects of this Province, considering that by an Act passed the last Sessions of Assembly, entituled, *An Act for an Additional Support of this Government, and making Current Forty Thousand Pounds in Bills of Credit for that and other purposes therein mentioned,* they are charged with One Thousand Pounds this same year, to be levyed and raised on them by virtue of that Act, for the better Credit and sooner sinking of the said Bills of Credit, and other purposes in the same Act mentioned.

And whereas by the same Act all the Interest Money of the said Bills, over and above the Charges of the Loan Offices, are to be applyed towards sinking of the said Bills, which together with the other Funds in the same Act appointed for sinking them, would occasion all the said Bills to be sunk in Ten years, and leave the Sum of nine Hundred and Twenty Five Pounds in the Treasury, over and above the sinking of the said Bills in the Tenth year, and the Sum of Four Thousand Eight Hundred and Forty Seven Pounds in the Principal in the Borrowers hands, remaining to be paid into the Treasury in the eleventh and twelfth years, over and above the Charges of the Loan-Offices, which by the same Act is intended that the Commissioners shall retain out of the same principal, to make up what the Interest Money shall be deficient of in the Tenth, Eleventh and Twelfth years, in paying them their Sallaries; which two Sums do together amount to the Sum of Five Thousand Seven Hundred and Seventy Two Pounds more than is sufficient for the true sinking of the Bills of Credit aforesaid, before the Expiration of the Currency thereof.

And whereas there will remain the Sum of Four Thousand Four Hundred and Fifty One Pounds if the Interest Moneys of this year be applyed towards support of [the] Government, in ease of the great Burthen aforesaid on the Inhabitants of this Province,

And whereas the said remaining Sum, together with the Provision in the Act aforesaid, that the Countys shall yearly supply any Deficiencies that may happen by the badness of the Securities for the Moneys lent, is more than sufficient Security for sinking said Bills before their Currency expires,

Be it therefore Enacted by the Governour, Council & General Assembly of this province, and it is hereby Enacted by the Authority of the same, That the Sum of thirteen hundred and twenty one pounds of the Bills of Credit of this Province being the interest Money of the Bills of Credit for the past year, after deduction the charges of the Loan Offices now paid unto the Treasurers hands by the Commissioners of the Loan Offices, be and is hereby applyed to the Support of the Government of this Province for the first Year, to be paid out by the Treasurers for that purpose, on Warrants, as other the Moneys to be raised

by virtue of this Act, are to be paid, but any thing to the contrary notwithstanding.

And whereas the said Thirteen hundred and twenty one Pounds, together with Three Thousand and Twenty nine Pounds to be Levied by this Act, and together with the Sum of two Thousand Pounds that is to be assessed, levied and raised in the years of our Lord One thousand seven hundred and twenty Nine and One thousand seven hundred and Thirty, by virtue of an Act, entituled, *An Act for an additional Support of this Government, and making current forty Thousand Pounds in Bills of Credit for that and other purposes therein mentioned,* do make up the Sum of six Thousand three Hundred and Fifty Pounds seven Shillings.

And whereas the above-said two Thousand Pounds is by that Act directed to be applyed towards the Support of this his Majesty's Government, *Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That the before-mentioned two Thousand Pounds shall be and are hereby applyed for and to the Support of his Majesty's Government of this Province, for the years One thousand seven hundred and twenty Nine, and One thousand seven hundred and Thirty, and shall be assessed, levyed, raised, collected and paid as the respective Quota's are directed by this Act.

And be it further Enacted by the Authority aforesaid, That in case his Excellency *William Burnet,* Esq; our present Governour, shall, by death or otherwise, cease to be Governour of this Province at any time after the passing of this Act, and before the said twenty third day of September, which shall be in the year of our Lord One thousand seven hundred and Thirty, that then it shall and may be lawful for the Treasurers of this Province, for the time being, and they are hereby directed, authorized, impowered, required and commanded to pay unto his Excellency *William Burnet,* Esq; his Executors, Adminstrators or Assigns, or his or their Orders, out of the said Sum or Sums of Money hereafter to be assessed, levyed and raised for the Support of the Government, as aforesaid, for Five years, all such Sum or Sums of Money, as at the time of his ceasing to be Governour, as aforesaid, shall then remain to be due and unpaid to him for his Sallary, in proportion to the Sums of Money to be assessed and levyed by virtue of this Act, for the Support of the Government, from the twenty third day of *September* One thousand seven hundred and twenty Five, to the twenty third Day of *September,* One thousand seven hundred and Thirty.

And for the more Regular, Just and Effectual Raising and assessing the annual Support of the Government by this Act given and intended to be raised, *It is hereby further Enacted by the Authority aforesaid,* That there shall be assessed, levyed and raised on the several Inhabitants within this Province, their Goods and Chattles, Lands and Tenements the Sum of Three Thousand and Twenty Nine Pounds Seven Shillings, Money aforesaid, in manner following, *viz.*

All Publick House-keepers shall be Rated at the Discretion of the Assessors of each Town, Division, Precinct or District wherein they live, *Provided* they do not exceed the Sum of Fifteen pounds, nor are Rated at less than the Sum of

Three pounds, for and towards the Support of the Government, each year.

Every single Man, not a Bound Servant, that works for Hire, shall pay each year the Sum of four Shillings.

For the Ferry above *Delaware* Falls, shall be paid, for each year, twenty Shillings.

For the Ferry near *Delaware* Falls, shall be paid, for each year, twenty five Shillings.

For the Ferry from *Burlington,* to *Bristol,* shall be paid, for each year, Twenty Shillings.

For the Ferry below *Burlington* at the Ferry Point, shall be paid, for each year, Fifteen Shillings.

For the Ferry at *Rancocas,* alias *Northampton River,* shall be paid, for each year, ten shillings, each side.

For the Ferry from *William Coopers* to *Philadelphia,* shall be paid, for each year, ten Shillings.

For the Ferry from *Gloucester* to *Philadelphia,* shall be paid, for each year, thirty Shillings.

For the Ferry at *Inianses,* over *Rariton,* shall be paid for each year, the Sum of thirteen Shillings and four Pence.

For the Ferry from *Radfords* to *Amboy,* for each side, shall be paid each year, twenty Shillings.

For the Ferry at the *Blazing-Star,* shall be paid, each year, Fifteen Shillings.

For every Wherry, that carries Goods or Passengers for Hire, shall be paid, each year, ten Shillings.

For every Flat, that carries Goods and Passengers for Hire, shall be paid, each year, six Shillings.

For every Flat or Wood-Boat, that carries six Coards or upwards, shall be paid, each year, ten Shillings.

For every Flat or Wood-Boat that carries Four Coard, and under six, shall be paid, each year, six Shillings and Four pence.

For every Flat or Wood-Boat that carries under Four Coard, shall be paid each year, Four Shillings.

For all Boats, Flats or Wherries belonging to the Neighbouring Colonies, that carry Goods or Passengers for hire, in or out of the *Eastern Division* of this Province, shall be paid the same Rate as is paid by the Inhabitants of this Province.

And for the effectual Compelling the said Boats, Flats or Wherries belonging to the Neighbouring Colonies to pay such Taxes as aforesaid, *Be it Enacted by the Authority aforesaid,* That all Boats, Flats or Wherries that carry Goods or Passengers for hire as aforesaid, that shall not first pay unto the Collector of his Majesty's Customs, or his Deputy, and get a Certificate from the said Collector or his Deputy, that he has paid the Tax aforesaid, shall Forfeit, for every such Offence, the Sum of Twenty Shillings, the one half to his Majesty, his Heirs and Successors, the other half to the Prosecutor, who prosecutes the same to effect. And that the said Collector or his Deputy shall return the same

to the Collector of each County appointed, or to be appointed by this Act.

All Saw-Mills, Grist-Mills and Fulling-Mills shall be rated at the Discretion of the Assessors of each Town, Division, Precinct or District wherein they lie, provided they do not exceed three pounds, nor are rated at less than the sum of ten Shillings for each year.

All Merchants and Shop-keepers shall be rated at the Discretion of the Assessors, not under twenty Shillings nor above Five pounds for each year.

Be it Enacted by the Authority aforesaid, That every person not residing within this Province, that shall bring Goods out of the Neighbouring Colonies to sell by Retail, and Hawkers and Pedlers that sell Goods in this Province (except in publick Fairs) that has not paid or secured to be paid unto either of the Treasurers or County Collectors appointed by this Act, the sum of three Pounds yearly, Money aforesaid, before the twenty third day of *September* fore-going, and produce a Certificate from the said Treasurer or County Collector, that he has paid or secured to be paid the Tax aforesaid, shall Forfeit for every such Offence the Sum of six Pounds, Money aforesaid, the one half to his Majesty, his Heirs and Successors, towards Support of this his Majesty's Government, the other half to the Informer who shall prosecute the same to effect, before any two of his Majesty's Justices of the Peace in this Province, with double Costs of Suit; which two Justices are hereby authorized or impowered to hear and determine the same.

All Inhabitants and also all Housholders, the Tax of whose Rateable Estate does not amount to Eight Shillings, shall be Rated at the Discretion of the Assessors, not under two Shillings,nor above twenty Shillings each year.

All Cattle, Horses and Mares of two years old, and upwards, shall be valued at Twenty Five Shillings each head.

All Sheep of one year old, and upwards, shall be valued at three shillings each head.

Every bound Servant, Indian, Negro and Mullatto Slaves, being Male, of sixteen years old, and upwards, (except such Slaves as are not able to work) shall be Rated at and pay One Shilling each year.

All profitable Tracts of Land held by Patent, Deed or Survey, whereon any Improvement is made, the whole Tract shall be valued at Five pounds each hundred Acres.

All Indian Traders shall be Rated at the Discretion of the Assessors, not under twenty Shillings, nor above Five Pounds each Trader, by the year.

And be it further Enacted by the Authority aforesaid, That the Sum of One Thousand and Eighty Nine Pounds seven Shillings, for the year of our Lord Seventeen Hundred and twenty-Six, be assessed, levyed and collected in and according to the Proportion following,

By the County of *Bergen,* the Sum of Eighty Nine Pounds Two Shillings.

By the County of *Essex,* the Sum of One hundred Forty Eight Pounds Four Shillings.

By the County of *Middlesex,* the Sum of One hundred and twenty Five Pounds.

By the County of *Somerset,* the Sum of Forty two Pounds Nine Shillings.

By the County of *Monmouth,* the Sum of One hundred Eighty Four Pounds Eleven Shillings.

By the County of *Hunterdon,* the Sum of Eighty Pounds twelve Shillings.

By the County of *Burlington,* the Sum of One Hundred thirty Five Pounds six Shillings.

By the County of *Gloucester,* the Sum of Ninety three Pounds six Shillings.

By the County of *Salem,* the Sum of One Hundred Fifty six Pounds eighteen Shillings.

By the County of *Cape-May,* the Sum of thirty three Pounds nineteen Shillings.

And be it Enacted by the Authority aforesaid, That the Sum of Nine Hundred and Seventy Pounds, Money as aforesaid, be assessed, levyed and raised, for the year of our Lord One thousand seven hundred twenty and Seven, in the Proportion following, *viz.*

By the County of *Bergen,* the Sum of Seventy nine Pounds and Four Pence.

By the County of *Essex,* the Sum of One Hundred thirty two Pounds and ten Pence.

By the County of *Middlesex,* the Sum of One Hundred and eleven Pounds eight Shillings and eleven Pence.

By the County of *Somerset,* the Sum of Thirty eight Pounds Four Shillings and seven Pence.

By the County of *Monmouth,* the Sum of One Hundred sixty Four Pounds ten shillings and six pence.

By the County of *Hunterdon,* the sum of Seventy One Pounds sixteen Shillings and one Penny.

By the County of *Burlington,* the sum of One Hundred Nineteen Pounds thirteen Shillings and eight pence.

By the County of *Gloucester,* the sum of Eighty three Pounds Four Shillings.

By the County of *Salem,* the sum of One Hundred thirty nine Pounds Fifteen Shillings and seven pence.

By the County of *Cape-May,* the sum of thirty Pounds Fifteen Shillings and ten pence.

And be it Enacted by the Authority aforesaid, That the sum of Nine Hundred and seventy Pounds, Money aforesaid, be assessed, levyed and raised for the year of our Lord One thousand seven hundred and twenty Eight, in the Proportion following, *viz.*

By the County of *Bergen,* the sum of Seventy Nine Pounds and Four Pence.

By the County of *Essex,* the sum of One Hundred thirty two Pounds and ten pence.

By the County of *Middlesex,* the sum of One Hundred and eleven Pounds Eight Shillings and seven Pence.

By the County of *Somerset,* the Sum of Thirty Eight Pounds Four Shillings and seven Pence.

By the County of *Monmouth,* the Sum of One Hundred Sixty Four Pounds

ten Shillings and six Pence.

By the County of *Hunterdon,* the Sum of Seventy one Pounds sixteen Shillings and one Penny.

By the County of *Burlington,* the Sum of One Hundred and nineteen Pounds thirteen Shillings and eight pence.

By the County of *Gloucester,* the Sum of Eighty three Pounds Four Shillings.

By the County of *Salem,* the Sum of One Hundred Thirty nine Pounds Fifteen Shillings and seven pence.

By the County of *Cape-May,* the Sum of thirty Pounds Fifteen Shillings and ten pence.

And be it Enacted by the Authority aforesaid, That the Sum of One Thousand Pounds, Money aforesaid, be assessed, levyed and raised for the year of our Lord One thousand seven hundred and Twenty Nine, in the Proportion following, *viz.*

By the County of *Bergen,* the Sum of Eighty one Pounds Eighteen Shillings and six Pence.

By the County of *Essex,* the Sum of One Hundred thirty six Pounds two Shillings and six Pence.

By the County of *Middlesex,* the Sum of One Hundred and fourteen Pounds Eighteen Shillings.

By the County of *Somerset,* the Sum of Thirty nine Pounds.

By the County of *Monmouth,* the Sum of One Hundred sixty nine Pounds, eleven Shillings and six Pence.

By the County of *Hunterdon,* the Sum of Seventy Four Pounds and six Pence.

By the County of *Burlington,* the Sum of One hundred and twenty three Pounds seven Shillings and six Pence.

By the County of *Gloucester,* the Sum of Eighty Five Pounds Fifteen Shillings.

By the County of *Salem,* the Sum of One Hundred Forty Four Pounds two Shillings.

By the County of *Cape-May,* the Sum of Thirty One Pounds Four Shillings and six Pence.

And be it Enacted by the Authority aforesaid, That the Sum of One Thousand Pounds, Money aforesaid, be assessed, levyed and raised for the year of our Lord One thousand seven hundred and Thirty, in the Proportion following, *viz.*

By the County of *Bergen,* the Sum of Eighty One Pounds Eighteen Shillings and six Pence.

By the County of *Essex,* the Sum of One Hundred thirty six Pounds two Shillings and six Pence.

By the County of *Middlesex,* the Sum of One Hundred and Fourteen Pounds Eighteen Shillings.

By the County of *Somerset,* the Sum of Thirty nine Pounds.

By the County of *Monmouth,* the Sum of One Hundred sixty nine Pounds,

eleven Shillings and six Pence.

By the County of *Hunterdon,* the Sum of Seventy Four Pounds and six Pence.

By the County of *Burlington,* the Sum of One hundred and twenty three Pounds seven Shillings and six Pence.

By the County of *Gloucester,* the Sum of Eighty Five Pounds Fifteen Shillings.

By the County of *Salem,* the Sum of One Hundred Forty Four Pounds two Shillings.

By the County of *Cape-May,* the Sum of Thirty One Pounds Four Shillings and six Pence.

And be it Enacted by the Authority aforesaid, That the Assessors for assessing the several and respective Sums aforesaid, shall be such as hereafter shall be chosen by the several Towns, Divisions, Districts and Precincts, according to the Directions of an Act of General Assembly of this Province, entituled, *An Act for the more Regular Chusing Assessors and Collectors in the respective Towns and Counties of this Province.*

And be it further Enacted by the Authority aforesaid, That for the Collecting and Receiving the several and respective Sums aforesaid, there shall be appointed for each County within this Province, the Collectors hereafter named,

For the County of *Bergen,* Coll. *William Provoost.*

For the County of *Essex,* Mr. *Nathaniel Bonnel.*

For the County of *Middlesex,* Major *Moses Rolf.*

For the County of *Somerset, Michael van Veighty,* Esq;

For the County of *Monmouth,* Mr. *William Lawrance,* jun.

For the County of *Hunterdon,* Mr. *Joseph Peace.*

For the County of *Burlington,* Coll. *Thomas Hanloke.*

For the County of *Gloucester,* Mr. *Joseph Cooper,* jun.

For the County of *Salem,* Mr. *Thomas Hill.*

For the County of *Cape-May,* Mr. *Richard Townsend.*

And be it Enacted by the Authority aforesaid, That all and every the Inhabitants and Housholders of each respective County within this Province, shall at or before the first *Tuesday* in *May,* yearly and every year, during the Five years Support, give a true and perfect List in Writing, of all the Names and Sir-names, and an Account in Writing, of their Estates, Real and Personal, Rated or made Rateable by this Act, to the Assessors chosen and elected by virtue of an Act of General Assembly of this Province, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties within this province,* for the time being, for the Town, Division or Precinct they reside in. Which Assessors of the several Towns, Divisions, Precincts or Districts of each and every County in this Province, are hereby Directed and Required on or before the second *Tuesday* in *August,* yearly and every Year, during the Five years Support, to meet at the most publick and convenient Place in each respective County of this Province, and shall then and there Compute what the Sum Total of all the Certainties laid by this Act in the said County shall amount unto; and shall also then and there

likewise compute the Value of all the Estates, Real and Personal, given in to the said Assessors, within each of the said Towns, Divisions, Precincts or Districts in each and every County of this Province, at the Value in this Act mentioned and expressed; and after deducting the Certainties from the Quota by this Act directed and appointed to be paid by each of their respective Counties, the said Assessors shall add their own and the Collectors Fees, together with the Insolvents of the preceding year, to the Remainder, and assess such Remainder, and addition of Fees and Insolvents of the preceding year, equally on the Pound Value of all the Real and Personal Estates within each of their respective Counties, so as to make up and pay each of their several and respective Quota's, with the additional Charges of Assessing and Collecting the same, and the Deficiencies and Insolvents of the preceding year; and shall likewise do and perform all things required of them, according to the Directions and Appointment of the said Act of General Assembly, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* and be subject to the same Pains, Penalties and Forfeitures as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That each and every person Taxed, as aforesaid, shall on or before the second *Tuesday* in *October,* yearly and every year, during the continuance of this Act, pay unto the Collector of the said Town, Division, Precinct or District, chosen or to be chosen by virtue of the before recited Act of General Assembly of this Province, entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective Town and County in this Province,* the several Sums of Money that each and every of them are assessed, on the Pains and Penalties mentioned in the said recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors of the several Towns, Divisions, Districts and Precincts, chosen by virtue of the aforesaid Act of General Assembly of this Province, entituled, *An Act for the more regular chusing and electing Assessors and Collectors in each respective Town and County of this Province,* shall pay the Sum or Sums of Money he shall receive by virtue of this Act, on or before the second *Tuesday* in *November,* yearly and every year, during the continuance of this Act, under the Pains and Penalties mentioned in the before-mentioned and recited Act.

And be it further Enacted by the Authority aforesaid, That the Collectors appointed or to be appointed by virtue of this Act, shall and are hereby required and commanded to do the Duties required of them by virtue of the beforementioned Act *for the more Regular chusing and electing Assessors and Collectors in the respective Towns and Counties of this Province,* and be subject to the same Pains, Penalties and Forfeitures as in the said Act is mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That the Assessors within each respective Town, Division, District or Precinct within any County of this Province, shall, and are hereby Required and Commanded to assess over and above the Sums herein mentioned, in each County, so much as will pay themselves and the Town and County Collectors, for assessing, collecting and

gathering the same, and paying it to the Treasurers of the Province, the same as is allowed by an Act entituled, *An Act for the more Regular Chusing and Electing Assessors and Collectors in each respective County in this Province.*

And be it further Enacted by the Authority aforesaid, That the Collector of each respective County within the Eastern and Western-Division of this Province, shall, on or before the second *Tuesday* in *January,* yearly and every year, during the Five years Support, pay all such Sum or Sums of Money by him received, by virtue of this Act, to the Treasurers of this Province, and shall likewise deliver unto the said Treasurer of the said Division he belongs unto, an exact Copy of the Assessment of each Town, Division, Precinct or District, and an exact Account of the Deficiencies within each Town, Division, District or Precinct within the County for which he is Collector, to the Treasurer aforesaid, on the pain and penalty of *Fifty Pounds* for each Default therein, to be Recovered by Action of Debt, Plaint or Information, in which no Essoyn, Protection or Wager of Law shall be allowed, nor any more than one Imparlance, one half to the person who shall prosecute the same to effect, the other half to his Majesty, his Heirs and Successors, for and towards the Support of the Government of this his Majesty's Province of *New-Jersey,* with double Cost of Suit.

And be it Enacted by the Authority aforesaid, That in case any Collector appointed by this Act, shall dye, remove or refuse to act, as by this Act directed, then all the Freeholders of that County, or the major part of them, chosen by virtue of an Act, entituled, *An Act for raising of Money for Building and Repairing Goals and Court-houses within each respective County of this Province, &c.* together with three Justices of the Peace (one being of the *Quorum*) shall appoint another person to be Collector in the stead and place of him dead, removed or refusing, as aforesaid; and the Person so appointed, shall act, do and perform all whatsoever the other Collector was obliged to, and suffer the like Pains and Penalties as if he had been named in this Act.

Whereas by an Act passed in the year One Thousand seven hundred and twenty Three, entituled, *An Act for an additional Support of this Government, and making current forty Thousand Pounds in Bills of Credit for that and other purposes therein mentioned,* it is enacted, That for the better credit and sooner sinking the said Bills of Credit, &c. there shall be assessed, levyed and raised a thousand Pounds yearly for ten years, *Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same,* That the Assessors of each County in this Province, shall in the years One thousand seven hundred and twenty Six, One thousand seven hundred and twenty Seven, One thousand seven hundred and twenty Eight, add the Quota's of their respective Counties directed by the said Act, (entituled, *An Act for an additional Support of this Government, and making current forty thousand Pounds in Bills of Credit for that and other purposes therein mentioned*) to the Quota's appointed by this Act for [the] support of [the] Government, and subtract the Certainties, as by this Act directed, from the Sum Total, and levy the remainder of the whole on the Pound Value.

And be it further Enacted by the Authority aforesaid, That the Members

of this Assembly be paid their Wages for their Attendance this present sitting by the Treasurers of this Province, out of the Money paid or to be paid to the said Treasurers by the Commissioners of the Loan-Office, so much as shall be certified to them by a Certificate from the Speaker; and to the Speaker by a Certificate signed by two Members, which Certificate, with a Receipt thereon, shall be a sufficient Discharge to the Treasurer for so much.

Passed 23 Aug. 1725.
Bradford (1725) 127-137.

Laws Enacted

During the Reign of King George II

1727-1760

BY THE NINTH TO NINETEENTH
GENERAL ASSEMBLIES OF NEW JERSEY

Ninth Assembly, First Session

9 Dec. 1727 - 10 Feb. 1727/28

Perth Amboy

An ACT *for the making of* Twenty four Thousand, Seven Hundred *and* Sixty Pounds *in Bills of Credit, in Order to exchange the Bills of Credit formerly made current in this Province, by an Act passed in the Year of our Lord, 1723.*

WHEREAS by an Act of the Governour, Council, and General Assembly of this Province, Entituled, *An Act for an Additional Support of this Government, and making current Forty Thousand Pounds in Bills of Credit,* &c. the said Sum of Forty Thousand Pounds of Bills of Credit was made, for the Uses therein expressed, whereof, by what has been already sunk, and what will be sunk on the Second *Wednesday* of *May* next, there will then in all be sunk, by the Tenor of the said Act, the Sum of Fifteen Thousand, two Hundred and Forty Pounds, and thereby the Sum of Twenty Four Thousand Seven Hundred, and Sixty Pounds in Bills will then only remain current. AND WHEREAS it has been discover'd that Counterfeits have been made in *Ireland,* for several Thousand Pounds of the said Bills, Part whereof have been brought to, and passed in the Neighbouring Provinces by some of the Accomplices in the said Counterfeiting, for which some of them have been severely punished, which Accomplices have confessed that many Thousand Pounds more of the said Counterfeits were to be brought over to the Neighbouring Provinces by others of their Accomplices.

AND WHEREAS many of the Bills of Credit made current by the said Act, are very much defaced, worn and torn, which not only obstructs their Currency, but also will facilitate the imposing the said Counterfeits on the Inhabitants of this and the Neighbouring Provinces, if a speedy Remedy is not thereto applyed.

FOR REMEDYING whereof, BE IT ENACTED by the Governour, Council, and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, that Bills of Credit to the Value of Twenty Four Thousand, Seven Hundred and Sixty Pounds, Money, according to the Late Queen's Proclamation, or Seventy two Thousand, Two Hundred and Sixteen Ounces, Thirteen Penny Weight, and Eight Grains of Plate, shall within three Months after the Publication hereof, be printed, as followeth, that is to say,

ONE Thousand Bills, each of the Value of Six Pounds, or Seventeen Ounces, Ten Penny-weight of plate.

ONE Thousand Bills, each of the Value of Three Pounds, or Eight Ounces, Fifteen Penny-weight of Plate.

FOUR Thousand Bills, each of the Value of One Pound, Ten Shillings, or Four Ounces, Seven-penny Weight, and Twelve Grains of Plate.

FOUR Thousand Bills, each of the Value of Fifteen Shillings, or Two Ounces, Three Penny-weight, Eighteen Grains of Plate.

FIVE Thousand Bills, each of the Value of Twelve Shillings, or One Ounce, Fifteen Penny-Weight of Plate.

FIVE Thousand Bills, each of the Value of Six Shillings, or Seventeen Penny Weight, Twelve Grains of Plate.

SEVEN Thousand Bills, each of the Value of Three Shillings, or Eight Penny Weight, and Eighteen Grains of Plate.

EIGHT Thousand Bills, each of the Value of One Shilling and Six-pence, or Four Penny Weight, and Nine Grains of Plate.

TWELVE Thousand, Two Hundred Bills, each of the Value of One Shilling, or Two Penny-Weight, and Twenty Two Grains of Plate. Which Bills shall be indented and impressed with the Arms of *Great Britain*, on the left Side of the said Bills, and there shall be printed near the Top and Bottom thereof, the Value of each Bill so made current, and the said Bill shall be in the Form following, *viz.*

THIS Bill by Law shall pass current in New-Jersey,
for *Ounces* *Penny Weight and*
Grains of Plate.
March 25. 1728.

WHICH Bills shall be delivered to *John Stevens* and *Isaac Decow*, two of the Signers thereof, who shall, and are hereby directed and impowered, upon the Delivery of the said Bills to them by the Printer thereof, to administer to him, and he is hereby directed and required to take an Oath, or Affirmation to the Purpose following, *viz.*

I S.K. do declare that from the Time the Letters were set and fit to be put in the Press for the Printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters unset, and put in the Boxes again, I went at no Time out of the Room, in which the said Letters were, without locking them up, so as they could not be come at without Violence, a false Key, or other Art then unknown to me, and therefore to the best of my Knowledge no Copies were printed off, but in my Presence, and that all the Blotters and other Papers whatsoever printed by the said Letters, whilst set for printing the said Bills, to the best of my Knowledge, are here delivered to you, together with the Stamps for the Indents and Arms. And that I have not at any Time been privy or consenting to any other or more Bills being struck, than I now deliver to you, and that in all Things relating to this Affair, I have and shall demean my self according to the true Intent and Meaning of the said Act, to the best of my Knowledge and Understanding.

WHICH PRINTER, at the Time he has Orders to print the said Bills, shall have a Copy of this Oath, that he may govern himself accordingly: Provided always, that if any unforeseen Accident has happened, he may have the Liberty of making an Exception thereof, in his Oath, he declaring fully how it was.

AND BECAUSE the wearing and tearing of the Bills heretofore, has been in great Measure owing to the folding thereof, the PRINTER, therefore, is hereby directed to confine the Bigness of the Bills hereby directed to be made, not to exceed two Inches in Breadth, and four Inches in Length, so that there

may be no Necessity of folding them.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Bills made current by this Act, shall be all signed and Numbered by the said *John Stevens* and *Isaac Decow,* and that those issued in Exchange by the Treasurer of the Eastern Division, and those issued in Exchange by the Treasurer of the Western Division of this Province, shall, in like Manner be Signed and Indented by him. AND IN ORDER that the said Bills may be Numbered, Signed and Indented with the less Charge and Risque, and with the more Convenience and Expedition, the said Signers are to observe the Directions following, *viz.*

I*st,* BEFORE the said Signers do receive any of the said Bills, they shall take an Oath, or Affirmation, if *Quakers,* before any one or more of the Inspectors hereafter mentioned (to administer which Oath, those Inspectors are hereby impowered) for the true Signing of the said Bills of Credit, and that they will sign no more than by this Act is directed, and that to the best of their Skill they will perform what by this Act they are enjoyned as their Duty.

II*dly,* ON the receiving the Bills from the Printer, the said *John Stevens* and *Isaac Decow* shall burn and destroy the Blotters, and the fair Bills so received, they shall divide into two equal Parts, and to avoid Confusion, shall agree betwixt themselves, how the Part of each shall be numbered, having before-hand, for their better Information consulted with one or more of the Signers of the former Bills concerning the same, and the one shall take the Stamps for the Indents, and the other shall take the Stamps for the Arms.

III*dly,* Each of the said *John Stevens* and *Isaac Decow* may then carry his Part to his own House, there to be numbered and signed by him with all possible Expedition, which being done, they shall meet at a Day and Place, before, by them to be appointed and agreed on, and each deliver the Part numbred and signed by him to the other, in Order for him to sign the same, and they shall then together burn and destroy the Bills (if any be) over and above the Number hereby appointed to be issued.

IV*thly,* Each of them the said *John Stevens* and *Isaac Decow* may then carry the Part of the Bills aforesaid, so last delivered to him by the other to their respective Houses, and the half of those Sums so by each carried home (*to wit.*) the Sum of Six Thousand, One Hundred, and Ninety Pounds Money aforesaid, shall be signed with all possible Expedition, and when signed, forthwith delivered to the Treasurers of this Province, that is to say, the said *John Stevens* forthwith after the Signing of the said half last received of the said *Isaac Decow,* shall deliver the same, together with the Stamps by him received of the Printer, unto the Treasurer of the *Eastern* Division; and the said *Isaac Decow,* forthwith, after the Signing of a Moiety of the Bills by him last received of the said *John Stevens,* shall deliver the same, together with the Stamps in his Custody, to the Treasurer of the *Western* Division, each taking the Receipts of the respective Treasurers for the Sums so delivered, which when produced, shall be sufficient to discharge them the said *John Stevens,* and *Isaac Decow,* their Executors and Administrators from that Part of the said Bills.

V*thly,* The Residue of the said Bills remaining in the Hands of the said

John Stevens shall by him be carefully Kept without further signing, until Notice to him given by the Treasurer of the *Eastern* Division for the Time being, and an Order from the Inspectors of the same Division, or any two of them, signifying that the Money delivered into the Treasury of the said Division is most Part of it paid away in Exchange, and requiring him to sign the Bills then remaining in his Hands, and to deliver the same into the Treasury of the said Division, on which Notice and Order given to the said *John Stevens,* he shall forthwith sign all the Bills remaining in his Custody, and deliver them to the said Treasurer, and take his Receipt for them, which Order and Receipt for the said remaining Moiety, or Six Thousand, One Hundred and Ninety Pounds, shall be a sufficient Discharge to the said *John Stevens,* his Executors and Administrators for the said Bills; and in like Manner, the Bills remaining in the Hands of the said *Isaac Decow* (after Payment by him made as aforesaid) shall by him be safely kept, until the like Notice and Order had from the Treasurer and Inspectors of the *Western* Division, on which Notice and Order received, the said *Isaac Decow* shall also forthwith sign the said Bills remaining in his Hands, and then deliver them to the Treasurer of the said *Western* Division, whose Receipt and the Inspectors Orders for the same, shall be a sufficient Discharge to the said *Isaac Decow,* his Executors and Administrators for the said Bills.

AND BE IT ENACTED by the Authority aforesaid, that the Bills aforesaid so delivered to the Treasurers, shall be disposed of by them in exchanging of the Bills of Credit now current in this Province, by the herein before recited Act, and to no other Use, Intent or Purpose whatsoever. And in Order to the more convenient exchanging them, and that the same may be done with the less Risque to them and this Province, the said Treasurers are to observe the Directions following, *viz.*

First, BEFORE the said Treasurers do receive any of the said Bills, they shall not only take the Oath, or Affirmation, if *Quakers,* herein before prescribed, for the Signers to take, but shall at the same Time, and before the same Person, or Persons, take an Oath, or Affirmation of the Purport following, *viz.*

I A.B. *will, according to the best of my Skill and Knowledge, faithfully, impartially and truly demean my self in the Discharge of the Trust committed to me as Treasurer of the Division of the Province of* New Jersey, *by an Act of General Assembly of this Province passed in the First Year of the Reign of King* GEORGE *the Second, Entituled,* An Act for making of Twenty Four Thousand, Seven Hundred and Sixty Pounds in Bills of Credit formerly made current in this Province, *according to the Purport, true Meaning, and Intent of the said Act, so as the Publick may not be prejudiced by my Consent, Privity, or Procurement.* A *Memorandum* of the administring of which Oaths, and the Time of administring thereof shall be entered in the *Memorandum*-Book, herein after mentioned, to be kept by the Inspectors.

Secondly, IN Order that so great a Quantity of Bills being in their Hands, may be no Temptation to Robbery, they are only to indent and Sign a small Quantity of them at once, about as much as they think may be demanded in

Exchange in One Day, and so from Time to Time to Indent and Sign them as they conceive there may be a Demand for them in Exchange, and for the Interest Moneys that shall be then in their Hands, they shall in Place thereof put as much of the Bills made current by this Act unsigned and unindented, which are so to remain till the same is disposed of, by the Governor, Council and Assembly, and the same is then, and not till then, to be Indented and Signed by the Treasurers for the Time being respectively.

Thirdly, SEEING by a reasonable Computation the said Bills may be delivered to them by the First of *June* next, the said Treasurers are hereby directed on *Monday* in every Week, during the Space of six Months from the First Day of *June* next, to attend at their Houses from Nine in the Morning till Noon, and from Two in the Afternoon till Six, in Order to the delivering out the Bills so indented and signed by them as aforesaid, in Exchange for the Bills, now current in this Province, to every Person who will come for the same for which Exchange, or Exchanges at any Time or Times made, the said Treasurers, nor either of them, shall ask, exact, or take any Fee, Reward, or Gratuity whatsoever, and in Case more Persons shall come for exchanging within the said Hours than can have their Exchange within the same Hours, then the Treasurers shall not give over changing till all are served. Besides which Times, the said Treasurers on any other Days when at home, shall be and are hereby obliged to exchange as aforesaid, when, and as often as any Person or Persons shall make Application for that Purpose.

Fourthly, IN Order that so great a Quantity of Exchanged Bills being in their Hands, may be no Temptation to Robbery, the said Treasurers at the Time of exchanging them, or as soon after the Receipt of them as conveniently they can, are to put a General Mark upon them, so as they may be known again to be Exchanged Bills, such as a Stroke with a Pen thro' them, or cutting them in Part, as by the herein recited Act is directed for sinking of the Bills of Credit now current, but not to cut them so much as to separate the Pieces until they are cut, and the Pieces separated in the Presence of the Inspectors, as herein is after-mentioned.

Fifthly, AFTER the First Day of *December* next, the said Treasurers are hereby directed on the First *Monday* in every Month, during the Space of Eleven Months thereafter, to attend at their Houses, during the Hours above-mentioned, in Order to the delivering out the Bills so signed and indented by them as aforesaid, in Exchange for the Bills now current in this Province, to every Person who will come for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Bills now current in this Province, by the herein recited Act, shall only remain current betwixt Man and Man for Five Months after the said First Day of *June, viz.* till the first Day of *November* next, and that they shall be received in Exchange by the Treasurers at the Times herein before-mentioned, and for and during the Term of One whole Year thence next following, and no longer.

AND to avoid Confusion that otherwise may happen, BE IT ENACTED by the Authority aforesaid, that in Case any Deficiencies should happen in the Loan-Offices of sinking the whole Sum that ought to be sunk, of the Bills

now current upon the Second *Wednesday* of *May* next, when such Deficiencies are afterwards paid in, they shall be sunk by cancelling so much of the Bills now current, and not by cancelling any of the Bills made current by this Act: And BE IT FURTHER ENACTED, that all other and future sinking and cancelling of Bills in the Loan-Offices, shall be by sinking and cancelling of the Bills made current by this Act, and not by sinking or cancelling any of the Bills now current: But if any such shall come to their Hands for that Purpose, they shall pay them into the Treasurers, in Payment of the Interest Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Bills of Credit by this Act made current, shall continue their Currency for and during such Time as by the Act aforesaid the Forty Thousand Pounds in Bills of Credit were to continue current and no longer. And every Person or Persons counterfeiting the Bills made current by this Act, or refusing the same, on any Tender made pursuant to the former Act, or shall ask a greater Price in the said Bills for any thing by him, her, or them, sold, or shall, by any other the Ways and Means in the first Act mentioned, lessen the Credit of the Bills hereby made current, he, she, or they so offending, shall be lyable to the same Pains, Penalties, and Forfeitures, and to be recovered and inflicted in the same Manner as by the said former Act is directed in the Case of the Bills of Credit by the said Act made current.

AND for the better Prevention of Frauds and Accidents, concerning the exchanging the said Bills, and for the sooner sinking the Bills now current, and for the other Purposes herein before and after-mentioned, *John Hamilton, John Parker, John Johnstone,* and *Thomas Farmer,* Esqrs; or any two of them are hereby appointed Inspectors for the *Eastern* Division of this Province, and *John Wills, Peter Bard, John Rodman,* and *Isaac Pearson,* Esqs; or any two of them, are hereby appointed Inspectors for the *Western* Division of this Province, with Power to do all and every the Things enjoined by this Act as their Duty.

I*st,* They shall administer the Oaths or Affirmations herein directed to be administered by them to the Signers and Treasurers as herein before is directed, and in a few Sheets of Paper stitch'd together for their *Memorandum* Book to be left with the Treasurer, shall enter when and by whom, such Oaths or Affirmations were administered, and shall see the Stamps for the Indents and Arms tyed and wrapt in a Paper or Papers, and the Tyes thereof Sealed with their Seals, to be kept by the Treasurers, and enter when this was done in their said Book.

2*dly,* THEY or any two of them shall on the first *Thursday* of *September* next, and on the first *Thursday* in *December* next, and on the first *Thursday* in *November* thereafter, meet at the Treasurers, and count the now current Bills exchanged with them, and cancel the same, according to the Directions in the herein recited Act to the Justices, Freeholders and Commissioners, for the cancelling of those Bills, with this further Direction, that they number every Bundle, and enter in their *Memorandum*-Book the Numbers and Sums of each Bundle, and the Names of the Inspectors present.

3*dly,* THEY shall, on every of the said Days, after cancelling of the Bills exchanged, count over what remains in the Treasurers Hands of the Bills made

current by this Act, how many of them signed and indented, and how many unsigned and unindented, and enter also a *Memorandum* thereof in their said Book.

4*thly,* BY the first Post, after every of the said Days, they shall send in a Letter to his Excellency the Governour, a true Copy of the *Memorandums* of that last Day to be by him communicated to the Council, and entered on their Minutes.

5*thly,* THEY are on the First *Thursday* of *September* next, to cancel the Interest Moneys in the Treasurers Hands, and to see so much of the Bills made current by this Act placed in the Room thereof unsigned and unindented, and enter a *Memorandum* thereof.

6*thly,* AT the Request of the Treasurers, or when they the Inspectors think proper, they may meet at other Days besides the former for the Purposes aforesaid, in Order to inspect and count the Moneys of the several Funds in the Treasurers Hands, and to make their *Memorandum,* and transmit a Copy thereof as aforesaid.

7*thly,* IN Case it should happen that so many Bills do come to be exchanged with the Treasurer of the *Western* Division, that there is Reason to believe there will not be enough there to exchange for every one who may have Occasion, the Inspectors of the *Western* Division shall represent this Matter by Letter to the Inspectors of the *Eastern* Division, who if they think any Bills can be spared from the *Eastern* Division, they, together with the Treasurer thereof shall transmit them by a special Messenger hired by them to carry and deliver them to the Inspectors and Treasurer of the *Western* Division, upon their Receipt unsigned and unindented, which shall be Signed and Indented by the Treasurer of the *Western* Division, and given in Exchange by him; the *Memorandum* of which Matters signed by the Inspectors, shall be a sufficient Voucher to the Treasurer of the *Eastern* Division for the Bills so sent, and for the Hire of the Messenger to be paid out of the Interest Moneys in his Hands, and if the like Case happen with the Treasurer of the *Eastern* Division, then like Provision is to be applyed.

8*thly,* If any Complaint is made of the Treasurers for Non-Attendance at the stated Times for exchanging the Bills, or for Refusal to exchange them or otherwise, they are to enquire into such Complaints, and endeavour a Remedy thereto.

AND BE IT ENACTED by the Authority aforesaid, that the said *Memorandum*-Book shall be Signed by the Inspectors present each Day, which Book so signed, shall be sufficient for the Treasurers, to account with the General Assembly in that Affair; but the said Bundles numbred and referred to in the same *Memorandum*-Book shall be carefully preserved by the Treasurers, in Order that they may be inspected by the General Assembly of this Province, and compared with the same Book. And if any Suspicion should thereafter arise of Fraud, or of Counterfeits, that the same may be detected, and such Course taken therein, as to the General Assembly shall seem meet.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in Case the said Inspectors shall on any Inspection made by Virtue of this Act,

discover any Fraud on the said Treasurers, or either of them relating to the said Bills of Credit, in such Case they are hereby directed to represent the same immediately to the Governour for the Time being, that he may direct a Prosecution against the Treasurer so offending, and appoint a new one, or take such other proper Method as the Emergency may require.

AND BE IT ENACTED by the Authority aforesaid, that the Bills made current by this Act, shall be numbred at the Bottom thereof, and cancelled in all respects, in the same Method as is directed by the herein recited Act for the Bills now current, except in this, that the Triangle is to be cut from the Top of them.

AND BE IT ENACTED by the Authority aforesaid, that the said *John Stevens* and *Isaac Decow* shall for a Reward of the Services required of them by this Act, have each the Sum of Twenty Pounds, and the said Treasurers for the Services required of them by this Act, shall have each the Sum of Twenty Pounds, to be paid and retained by the Treasurers of this Province, out of the Interest Moneys now in their Hands, taking a Receipt of the said *Isaac Decow,* and *John Stevens* for the Sums to each of them paid, which Receipts and this Act shall be sufficient Vouchers for paying and retaining the same Moneys.

AND BE IT FURTHER ENACTED, that in case the said *John Stevens* shall neglect or refuse to perform the Services by this Act enjoined him, or in Case he happen to die before such Services are done and performed, in such Case *George Riscarrick* is hereby appointed in his Room and Stead. And in Case the said *Isaac Decow* shall neglect or refuse to perform the Services by this Act enjoined him, or in Case he happen to die before such Services are done and performed, in such Case *Richard Wright* is hereby appointed in his Room and Stead, which Person or Persons so appointed a Signer or Signers in the Room of any of the former Signers, appointed by this Act, SHALL BE, IS, and ARE hereby vested with all the Powers and Authorities which by this Act are vested in such former Signers as aforesaid, and shall have the like Salary or Reward. And in Case of any further Failure by Death or otherwise, of any of the said Signers, or of any Failure by Death or otherwise, of any of the said Inspectors, then his Excellency the Governour or Commander in Chief of this Province for the Time being, shall be, and he is hereby impowered to appoint a Signer or Signers, Inspector or Inspectors, to supply such Failure with such Powers and Privileges as others the Signers and Inspectors aforesaid, are hereby vested with, any thing to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Treasurers, or one of them, forthwith after the Receipt of the first Part of the new Bills, by this Act directed to be delivered them, shall cause the following Advertisement to be inserted in the Publick Newspapers of *New-York,* and *Philadelphia,* for and during the Term of One whole Year successively, *viz.*

WHEREAS many Counterfeits have been made of the Bills of Credit of New-Jersey, *bearing Date the 25th Day of* March, 1724, *which hath made it necessary to strike new Bills sufficient to exchange the former.* These are therefore, *to give Notice, that by a Law of* New-Jersey, *the Currency of the Bills of*

that Province dated as aforesaid between Man and Man, doth expire on the First Monday *of* November, 1728. *And that all who have any of the same Bills, are to have new Bills in Exchange for them at all Times, when the Treasurers are at their Offices, until the First of* November, One Thousand, Seven Hundred and Twenty Nine. *For which Purpose the Treasurers of this Province are at least to give their Attendance at their respective Offices in* Perth-Amboy, *and* Burlington, *on the* Monday *of every Week between the First Day of* June, *and the First Day of* December, One Thousand, Seven Hundred, and Twenty Eight, *and afterwards on the First* Monday *in every Month until the First Day of* November, One Thousand, Seven Hundred, and Twenty Nine; *but not after.*

FOR which Advertisement so to be Printed, the said Treasurers, or either of them, shall pay the Printers thereof out of the Interest Money now in their Hands, so much as may be reasonable for the said Services, taking the Receipts of the said Printers, for the Sums so paid them, which when produced, shall be sufficient to discharge the said Treasurers, or either of them, for so much of the said Interest Money by them, or either of them paid.

Passed 10 Feb. 1727/28.
Keimer (1728) 3-14.

An ACT *for the shortning of* Law-Suits, *and regulating the Practice and Practitioners of the Law, and other Officers.*

FOR avoiding the Delay too frequently happening in the Actions commenced in this Province, for regulating the Practice and reforming the Abuses complained of, in the Practitioners of the Law, and other Officers;

WE the House of Representatives of the Province of *New-Jersey,* do pray that it may be enacted, and be it therefore Enacted by the Governour, Council, and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, that when at any Time hereafter, any Non-Resident of this Province, shall take a Writ of *Capias,* or other Writ out of the Supream Court, against any Person within this Province, he shall give Bond to the Defendant in the Sum of Thirty Pounds Proclamation-Money, with sufficient Security residing in the said Province, on Condition, that the said Plaintiff shall pay the Defendant his Cost of Suit, if cast or non-suited, or in Case he should discontinue or withdraw his Suit without the Consent of the Defendant in such Action. AND IN LIKE MANNER, when at any Time hereafter, any Non-Resident

of the County where the Action shall be brought, takes out a *Capias,* or any other Writ against any Person within the same County, he shall give Bond to the Defendant, with Security dwelling in the said County, in the Sum of Fifteen Pounds Money aforesaid, on Condition, that if cast in such Suit, or non-suited, or in Case he should discontinue, or withdraw the said Suit, without the Leave of the Defendant, to pay him the Costs of such Suit. All which Bonds herein before-mentioned, shall be lodged in the Hands of the Clerk where such Writ issues, and shall by him be delivered to the Defendant, if it should so happen that the said Plaintiff should in such Suit be cast, or the said Bonds in any other Manner become forfeit; and if the Clerk of the Supream Court, or his Deputies, or any County-Clerk in this Province, shall neglect to take the Bonds herein respectively directed, or shall, after the Forfeiture of any such Bond, on reasonable Request to them, or any of them made, refuse to deliver up such Bond after Forfeiture to such Defendant, such Clerk or his Deputy so offending, shall be liable to pay the said Defendant his full Cost of such Suit, to be recovered against him, or them, or any of them, either by Action of Debt in any Court of Record (having Jurisdiction thereof) in this Province, wherein the Plaintiff shall recover with full Cost of Suit, or by Attachment to be granted by any such Court, upon Affidavit of Demand and Refusal of such Bond, or Neglect to deliver the same, and upon Affidavit of Demand and Refusal of the Cost taxed, or Neglect to pay the same. On which Attachment the Defendant appearing, shall be forthwith examined by the Court upon Oath, to the Truth of the Facts in the Affidavit aforesaid: And if on such Examination they appear true, it shall be so recorded, and the Clerk committed in Execution, till Payment of the said Costs taxed, together with the Costs of his Contempt.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that every Person on whom a *Capias* is served by the Sheriff or other proper Officer, shall enter his Appearance, or give Special Bail to the Action, as the Law or the Nature of the Case may require: And in case such Person does neglect, or refuse to enter such Appearance, or give such special Bail as aforesaid, the said Bail Bond, if any be taken, shall be assigned (pursuant to the Statute made in the Fourth and Fifth Years of the Reign of the late Queen ANNE) unless the Court shall think fit to allow further Time, for the putting in such special Bail, which they may do at their Discretion; always provided the Time so allowed, shall not exceed the Term of Twenty Days in the Supream Court, and Ten Days in the County-Courts.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any Sheriff, Deputy-Sheriff, or other Officer of any County, or City of this Province, to whom any Writ of *Capias* shall be directed for the taking of any Person in his or their respective Bailiwicks, and by Virtue thereof such Person shall be afterwards taken, such Sheriff, Deputy-Sheriff, or other lawful Officer, making such Arrest, shall take of the Party or Parties a Bail-Bond, with good and sufficient Bail for the Defendant's Appearance, pursuant to the Statute of the Twenty Third of *Henry* the Sixth, King of *England* of that Name, and in case of his, or their Neglect so to do, or, if on Request to him or them made, he, or they should refuse to make the Assignment by this Act directed, so that by

Reason thereof the Plaintiff, or Plaintiffs in such Suit cannot proceed it shall and may be lawful for the Court, where such Writ is returnable, from Day to Day, and from Time to Time, on the Motion of such Plaintiff, or Plaintiffs, to amerce the Officer so offending, until he procure the Party or Parties by him so arrested to enter his, her, or their Appearance, or give in Special Bail, as the nature of the Case may require. Which Amercements so made of the said Officers, shall gradually be encreased on them, in the Manner prescribed by the aforesaid Statute, made in the Fourth and Fifth Years of the Reign of the late Queen *Anne*. And for the better Recovery of the said Amercements, and of all other Amercements imposed by Courts for not obeying of their Rules, and for Service and Delivery of Writs and Declarations, BE IT ENACTED, that every Sheriff and Coroner shall constantly by himself, or Deputy, attend such Courts, on whom Rules for Amercements or other matters shall be served as they are made, and to whom Writs and Declarations may be delivered.

AND in Case such Sheriff, or Coroner, or Deputy be not in Court, then such Rules shall be served on, and such Writs or Declarations delivered to the Clerk which shall be sufficient in such Case, as if served on, or delivered to such Sheriff, Coroner, or Deputy, and when Amercements do amount to as much as the Debt or Demand, then upon Affidavit of the Service as aforesaid of the several Rules for Amercements, Execution shall be awarded forthwith by the Court, for the Sum of the same Amercements against such Sheriff, or Coroner, by *Capias ad satisfaciendum, fieri facias & Extent.*

PROVIDED always, it shall and may be lawful for the Court, by whom such Amercements are imposed, at the Request of such Officer, at any Time during the Court to which such *Capias* is returnable, or the next following, but not after, on his procuring the Defendant, or Defendants Appearance to be entered, or on giving good special Bail to the Action, as the Nature of the Case may require, and acquainting the Plaintiff or Plaintiffs, or his or their Attorneys thereof, to discharge the Amercements so imposed.

PROVIDED always, where the Plaintiff, or Plaintiffs, are delayed in his, or their Suit, by reason of any of the Omissions aforesaid, in the said Sheriff, Deputy-Sheriff, or other Officer to whom such Writ was legally directed, no such Amercements shall be discharged, but on the Payment of full Costs to the Parties grieved by such Delay.

PROVIDED also, that the Court, if they see Cause, may remit to such Sheriff, or Coroner, on whom Amercements are levied, the Overplus thereof, after Payment of the Debt or Demand, and Costs.

PROVIDED also, that if the Demand is uncertain, that it may be in the Power of such Court to award a Writ of Inquiry, for ascertaining of the Demand.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that every Plaintiff, or Plaintiffs shall file his, or their Declarations in the Clerks Office, during the sitting of the Court to which such *Capias,* or other Writ is returnable, unless longer Time shall be allowed by the Court, and then, at or before the Expiration of such Time so allowed, and shall give Oyer of all Specialties or other Instruments mentioned in the Declaration, together with

Copies of the same if desired, or leave them in the Clerks Office, on the Penalty of being non-suited if the Plaintiff or Plaintiffs neglect to do the same. And every Defendant or Defendants shall file his or their Plea, or Pleas in the Clerks Office, and give Oyer of such Instruments as are mentioned in his or their Plea or Pleas, together with Copies of the same to the Plaintiff or Plaintiffs, or his, or their Attorney, if desired, or file them in the Clerks Office, together with his or their Plea or Pleas within twenty Days after such Declaration is filed against him, her, or them: And in Case the Defendant or Defendants shall neglect or refuse so to do, Judgment may be entered against him, her, or them by Default.

AND if it so happen, that Replications or Rejoinders shall be necessary, such Replication shall be filed in the Clerks Office, where such Suit is brought, within Twenty Days after the Time before herein limited for filing of Pleas, or the Plaintiff, or Plaintiffs neglecting so to do, may be non-suited: And the Rejoynder shall be filed in the said Courts respectively within Twenty Days after the filing such Replications. And if the Defendant or Defendants neglect so to do, Judgment may be enter'd against him, her, or them, for such Default: And where further Pleadings in any Case shall be necessary, the Time thereof shall be limited at the next Court, in which such Suit may be commenced.

PROVIDED always, that no Execution shall be issued on any such Judgment by Default, as before is mentioned, until the next Court following the Entry of such Judgment.

PROVIDED also, that it shall and may be lawful for the Justices of the Court where such Judgment by Default is entered, the next Court following, but not after, to set the same aside, when, and as often as they shall find equitable Motives so to do, without the Payment of any Costs. And altho' such Judgment was fairly obtained, once in each Cause, and not oftner, it shall and may be lawful for the said Justices respectively, on the Motion of the Party concerned, to set aside such Judgment so had by Default, on the Payment of full Costs to the Party grieved, but not otherwise.

PROVIDED always, that it appear to the Court, that the suffering of such Judgment by Default, was not with the View of Delay, and that after Notice of such Judgment, such Person was willing to do, and did all in his Power to bring the Cause to a speedy Issue.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that where-ever an Issue in Fact shall be joyned in any Cause, in any Court in this Province, Fourteen Days before any Term in such Court where such Action is depending, unless the Plaintiff or Plaintiffs in such Cause shall give regular Notice, and proceed to the Tryal thereof the Term next following such Issue so joined, altho' he, she, or they, should afterward recover in such Suit, yet no Costs shall be allowed or taxed to him, her, or them, either for that Term, or any subsequent, until the Term in which such Cause shall be tryed.

PROVIDED always that the next Term after Issue so joined in the Supream Court, shall be understood the next Term happening after in the same Division where the Venue is laid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that where any Issue in Fact shall be joyned in any Cause, and the Plaintiff or Plain-

tiffs shall not proceed to the Tryal thereof the next Term following, it shall and may be lawful for the Defendant or Defendants by the proper Pleadings in the Office to make up an Issue-Roll in the Supream Court, and without it in any of the County-Courts, to give regular Notice, and to bring on such Cause to a Tryal by *Proviso*. And in case the Defendant's Attorney shall neglect so to do the next Term following the Plaintiff's Default as aforesaid, altho' the Defendant or Defendants may afterwards happen to have a Verdict pass in his, her, or their Favour, yet no Costs shall be allowed or taxed for him, her or them, for any Term or Terms which the said Cause may after depend, between the Time, he, she, or they might have so tryed it by *Proviso,* and the Term of Tryal, any Law, Usage or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that where any Issue in Law, or Demurrer shall be joyned, in any Cause, in any Court of Record in this Province, Fourteen Days before any Term of the Court, where such Action shall be depending, such Demurrer shall be argued by the Parties so demurring, the next Court after such Demurrer so joined, or Judgment shall be enter'd against him, her, or them, in Default thereof: And in Case the said Demurrer shall be argued by the Rule herein directed, then the Party joining in Demurrer, shall speak to that Argument, either the same Term, or the First Day of the next, at his, her, or their Election; and the other Side shall reply the same Term, unless the Court shall see Cause to grant Time to the first Day of the Term following; and the Arguments then concluded, so as to be left to the Judgment of the Court: Which Judgment shall be given the same Term in which the Argument is concluded in the County-Courts, and in the Supream Court the same or the next Term after such Argument, at farthest, or in Default thereof it shall be esteemed a Neglect and Delay of the Duty of the Court, and a Delay or Denial of Justice.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that when in any Cause which shall hereafter depend in any Court of Record in this Province, a Verdict shall be had therein for the Plaintiff or Plaintiffs, and the Defendant or Defendants shall think fit to assign any Reason in Arrest of Judgment, such Reasons shall be assigned during the Term in which such Verdict was obtained, unless enlarged by the Court, and the Arguments thereupon so had, as that the Judgment shall be entered or stayed by the Court the next Term following such Verdict in the County-Courts, and the next but one following such Verdict in the Supream Court, at the farthest, and in Default of Judgment so rendred by the respective Courts, it shall and may be lawful for the Party or Parties for whom such Verdict was found, to enter up Judgment, and issue Execution thereon, in like Manner as if no such Reasons in Arrest of Judgment had been offered, any Law, Usage, or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that all frivolous Pleas and Pleadings be as much as may be, discouraged and discountenanced by the Justices of the respective Courts in this Province, that the Pleadings be succinct, free from Repetitions, and as brief as may be, and in the *English* Tongue; and that all the Statutes of Jeofails, or Statutes of aiding the

Imperfections in the Process, Pleadings, and other Defects of Suits whatsoever, which now are in Force in that Part of *Great Britain,* called *England,* shall be, and are hereby declared to be in Force in this Province; and that any Person desiring the same, may enter his own Appearance, or give Bail to the Cause, as the Nature of the Suit requires, and plead the same himself, or by his Attorney, or by both, at his Election in any Court of Record in this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Person or Persons whatsoever, after the Publication hereof, shall commence, sue or prosecute any Suit or Action whatsoever in the Supream Court of Judicature of this Province, wherein the true and real Cause of Action shall not exceed Twenty Pounds, Money aforesaid (Causes wherein Titles of Land are any ways concerned only excepted) and in case any such Suit shall be so commenced contrary to the Tenor of this Act, and wherein the Plaintiff in such Suit shall not over and above his Cost of Suit, recover the said Sum of Twenty Pounds, the said Plaintiff or Plaintiffs shall lose his Cost of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Suit or Action whatsoever (except where Titles of Land are any ways concerned) shall be removed from the County-Courts of this Province, either by Writ of *Habeas Corpus,* or otherwise, saving only by Writ of Error after Judgment, except the Sum or Value of the Suit or Action commenced exceed the Sum of Twenty Pounds, Money aforesaid; but in case any Writ do issue for the Removal of such Actions, the Court to which the same is directed, shall return thereon, that the Action or Actions depending against the Defendant, are under Twenty Pounds, which shall be sufficient, in lieu of the Body and the Cause: And such Courts shall proceed, as if no such Writ had been directed to them.

AND in case, one or more Actions should be at the same Time depending in such Courts, against the same Defendant, for above Twenty Pounds, while others are there depending under Twenty Pounds, the Defendant before the Removal of the Causes above Twenty Pounds, shall give special or common Bail in all the Causes under Twenty Pounds, as the Nature of the Cases may require; and then the Court shall return the Body with all the Causes above Twenty Pounds, and proceed in all the Causes under Twenty Pounds; and in case the Defendant neglects or refuses to give in Bail as aforesaid, in the Causes under Twenty Pounds, that Delay or Refusal shall be returned on the Writ of Removal, and the same Court shall in such Case proceed in all the Causes there depending, notwithstanding any such Writ.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Suit or Action shall be brought in any of the County-Courts of Common-pleas, or Mayor's-Court in this Province, wherein the true and real Cause of Action, the Value of the Thing demanded, or Damages sustained, does not exceed the Sum of Forty Shillings Proclamation-Money: And in case any such Suit shall hereafter be brought, the Defendant or Defendants may demand the Plaintiff's Oath or Affirmation, that the Cause of Action exceeds the Sum of Forty Shillings, which if the Plaintiff neglect or refuses to give, and if the Defendant will make Oath or Affirmation that he owes not the Plaintiff Forty Shillings, the Writ shall abate, and the Defendant shall have Judgment for his Costs.

AND in Case the said Plaintiff or Plaintiffs shall take such Oath or Affirmation as aforesaid, nevertheless if it so happen, that the Jury upon the Tryal of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or assess the Damages under Forty Shillings, Money aforesaid, then the Plaintiff or Plaintiffs in such Action, shall not have or recover any Costs; any Law, Usage, or Custom to the contrary, in any wise notwithstanding.

PROVIDED always, that nothing herein contained shall be construed to extend to voluntary and malicious Trespasses, or to any Suit or Action wherein the Title to any Land was controverted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any Person or Persons at any Time hereafter, in any Action by them brought in any Court of Record in this Province, on an Issue joined by the Defendant or Defendants in such Cause, shall have a Verdict by the Jury found for him, her, or them, if Damages shall be the principal Thing recovered in such Suit, and found by the Verdict entire, where Part appears to be not actionable, yet Judgment shall not be arrested, but a *Venire facias de novo* may be issued, by a Rule of Court had for that purpose, as upon an ill Verdict; and upon a new Trial, the Party may sever his, her, or their Damages, any Usage to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any Person or Persons shall hereafter bring a Writ of Error on a Judgment obtained in any Court of Record in this Province, returnable to any superior Court, such Person or Persons, before such Writ shall be allowed, shall give Security to pay double Costs to the other Party, in case such Judgment should be affirmed; and in Default of such Security given, and Notice thereof to the Defendant or Defendants, in Error, or his, her, or their Attorney, he, she, or they may proceed to Execution on the said Judgment, the Writ of Error notwithstanding.

AND for the more Ease in obtaining such Writs of Error on any Judgment given in any of the County-Courts of this Province, it shall and may be lawful for the Party or Parties who may think him, her, or themselves aggrieved by the Judgment so given, to make Application to either of the Justices of the Supream Court, who on such Security as aforesaid, first given, shall allow the Party or Parties, his, her, or their Writ of Error, under the Seal of the Supream Court, directed to the Court where such Judgment may be given; which Writ so granted, shall be as good and effectual as if the same had issued out of the Court of Chancery of this Province, any Law, or Usage to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that from and after the Publication of this Act, no Attorney at Law, Sheriff, Clerk, or any other Officer of any Court in this Province, shall in their Bills of Cost be allowed any Fee or Reward, for any Service or Services by them respectively charged, and not actually done and performed; nor shall they, or either of them, in such Bills, be allowed for any Articles or Services actually done, but such only as shall be absolutely necessary in the Management of such Cause, wherein it was so done. And in Case any Dispute shall arise, whether such Service or Services were done, either on Suspicion of the Judge, or the Request of the

opposite Party, the Party pretending the Services done shall be examined on Oath or Affirmation touching the Truth thereof, and in case any such Attorney, Sheriff, Clerk, or other Officer, shall knowingly exact or take any such Fee or Reward for such pretended Services as abovesaid, contrary to the Meaning of this Act, he or they so offending, and being duly thereof convicted, shall forfeit Ten Pounds to every Person thereby so aggrieved, to be recovered in any court of Record in this Province with full Costs of Suit.

AND that the Irregularities of this Kind may be the Better discovered and prevented, the Attorney for the Party for whom a Judgment shall be given, in any Court of this Province, shall before he issues his Execution, leave in the said Office, a true Copy of his Bill of Costs, as the same shall have been taxed by the Judge, and for that Copy so left, shall in his Bill of Cost be allowed Six-pence; a Copy of which Copy, any Person concerned, or desiring the same of the Officer, where the same is left, shall be admitted to have, paying for the same, Six-pence; and in case any extravagant Charge is therein contained, which may have escaped the Judge who taxed the same, the Person thereby aggrieved may make Application to the next Court, who as they find Cause, shall abate the said Bill, and award a Return of the Money so abated to the Party grieved, in case it was paid by him before that Time. And if it shall so happen, that the Attorney, or other Officer, shall refuse so to do, he shall be subject to be punished in like manner as for contemning a Rule of Court.

PROVIDED always, that where Complaint is so made, which on Examination appears to be without Cause, in such Case the Court where such Complaint may be lodged, shall award the Attorney or other Officer, so unjustly complained of, his or their Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that any Attorney at Law that shall undertake any Cause, and by his Neglect or Mismanagement thereof the Cause shall miscarry, he, or they shall be liable to make good all Damages sustained by his or their Employers, to be recovered by Action in any Court of Record in this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that every Attorney at Law shall at the Time of the issuing Execution in any Cause, indorse on the Execution, or annex thereto, a true Account of the Debt and Costs justly due to the Plaintiff or Plaintiffs, and shall either authorize the Clerk who issues the said Writ, or some other Person in the County where the said Writ is directed, of which Notice shall be left in the Clerk's Office, to receive the Debt and Costs so due, or it shall be lawful for the Defendant to pay, and the Sheriff or Coroner to whom such Writs are directed, to receive such Debt and Costs which he shall bring into Court, the next Court following, and pay to the Plaintiff or his Attorney, as upon a *Fieri facias,* on Payment of which Debt and Costs to the Sheriff or Coroner, or Person impowered as aforesaid, the Person taken in Execution shall be discharged. And if such Attorney shall neglect to indorse, or affix as aforesaid, such Account of the Debt and Costs, he shall for the first Offence forfeit the Sum of Ten Pounds, and Damages to the Party grieved, with Costs of Suit; and for the Second Offence, not permitted to practise as an Attorney on Record, in any Court of Record of this Province, any

Law, Usage, or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that forasmuch as there is no Cursitor's-Office established in this Province, it shall and may be lawful for the Clerk of the Supream Court of this Province, or any of the Clerks of the Courts of Common-pleas, of any of the Counties in this Province, on Application to them made by any Person or Persons, to grant to the Person or Persons so requiring the same, a Writ or Writs of Replevin, *Audita Querela,* or any other Legal Remedial Writs, in any Causes or Cases cognizable in the said Courts respectively; which Writs shall be made returnable in the Court whence they issued, and shall be as effectual to all Intents and Purposes, as if the same had issued out of the Court of Chancery of this Province, any Law, Usage, or Custom to the contrary notwithstanding.

Passed 10 Feb. 1727/28.
Disallowed 25 Nov. 1731.
Keimer (1728) 14-25.

An ACT *for the Limitation of* Actions, *and for avoiding Suits in Law.*

FOR Quieting Mens Estates, and avoiding of Suits, BE IT ENACTED by the Governour, Council, and General Assembly of this Province; and it is hereby Enacted by the Authority of the same, That all the Statutes now in Force in that Part of *Great Britain* called *England,* concerning the Limitation of Actions real and personal, shall, and are hereby declared to be in Force in this Province, from the Publication hereof, as fully and effectually as if every of them were herein at Length repeated and Enacted, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Passed 10 Feb. 1727/28.
Keimer (1728) 25.

An ACT *for the frequent Meeting and calling of the* General Assembly *of this Province, and for the alternate Sitting thereof.*

WHEREAS by the Fundamental Constitutions and Usage of this Province during the Proprietary Government, the Choice of the House of Representatives and sitting of the General Assembly was to be once each Year at the least; AND WHEREAS, upon the Surrender of the said Government the Crown was pleased to condescend, that all Laws or reputed Laws then in Being, should be revised, and such of them as might be of Benefit to the said Province corrected, amended, and Re-enacted: AND WHEREAS, the frequent Meeting of the General Assembly of this Province, may be of Great Benefit, and may tend very much to the Union and good Agreement between the Governour and the People here: AND WHEREAS it is highly necessary for the Safety and Welfare of this Province, that the House of Representatives should, as much as possible, be preserved free from Byass; Therefore, we the House of Representatives of this Province do pray, That it may be Enacted, AND BE IT ENACTED by the Governour, Council, and General Assembly of the Province aforesaid, and by the Authority of the same, that from henceforth a General Assembly shall be holden once in three Years at the least, which Assembly so to be held, shall alternately meet and set at *Burlington* in the *Western* Division, and *Perth-Amboy* in the *Eastern* Division of the Province aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that within Three Years at the furthest, from and after the Dissolution of this present Assembly, and so from Time to Time for Ever hereafter, within three Years at farthest, from and after the Determination of every other Assembly, Legal Writs under the Great Seal of this Province shall be issued by Direction from the Governour for the Time being, for calling and holding another New Assembly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that from henceforth no General Assembly whatsoever, that shall at any Time hereafter be called, assembled, or held, shall have Continuance longer than for Three Years only at the farthest, to be accounted from the Day on which by the Writ of Summons the said Assembly shall be appointed to meet.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that this present Assembly shall cease and determine on the Twenty Fifth Day of *October,* which will be in the Year of Our Lord, One Thousand, Seven Hundred and Thirty; unless by Order of the present, or any future Governour; or otherwise the said Assembly shall be sooner dissolved.

Passed 10 Feb. 1727/28.
Dissallowed 25 Nov. 1731.
Keimer (1728) 26-27.

An ACT *prescribing the Forms of Declaration of Fidelity, the Effect of the* Abjuration-Oath *and* Affirmation, *instead of the Forms heretofore required in such Cases; and for repealing the former* Acts *in the like Cases made and provided.*

WHEREAS divers Statutes having been made concerning the Affirmations or Declarations allowed instead of Oaths, to the People called *Quakers;* but the Inconveniencies to them, and others requiring their Testimony and Service in many Cases, not being sufficiently avoided, by reason of Difficulties which happened relating to the Forms of the Declarations, Affirmation and Abjuration prescribed by the said Statutes, It pleased the late KING and Parliament of Great Britain, by another Statute made in the Eighth Year of the said King's Reign, to grant further Ease and Relief in that Behalf, by Enacting other Forms of Affirmation or Declaration for the said People.

NOW FORASMUCH as the Legislature of *Great Britain* were pleased to acknowledge in the said Statute, that the said People called *Quakers,* had given Testimony of their Fidelity and Affection to our said late King GEORGE, and the Settlement of the Crown in the Protestant Line, and had not abused the Liberty and Indulgence allowed them by Law; and since the like Testimony may be given concerning the said People inhabiting this Province, and that those that conscientiously scrupled the Forms of the Affirmation or Declaration heretofore used, are Persons of like Probity and Justice with those who were not under those Scruples; and by the King's Instructions are admitted to Places of Trust and Profit in this Province; and as it is reasonable the People called *Quakers* in this Colony should enjoy the like Ease and Indulgence that those of the same Community are favoured with, in the Kingdom of *Great Britain,* and in some of the Neighbouring Colonies;

THEREFORE BE IT ENACTED by the Governour, Council and General Assembly of this Province, and it it hereby Enacted by the Authority of the same, That from and after the Publication hereof, the People commonly called *Quakers* within this Province, may take an Affirmation in the Words following, pursuant to the said Statute, *viz.*

I A.B. *do Solemnly, Sincerely, and Truly declare and Affirm.*

WHICH Affirmation shall be admitted, allowed and taken instead of an Oath in the usual Form, and is hereby Enacted and declared to be of the same Force and Effect to ALL Intents, Constructions and Purposes, in ALL Courts of Justice, and in ALL other Places, where, by Law an Oath is required or permitted, within this Province of *New-Jersey.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in all Cases where, by Law any of the said People called *Quakers,* are, or shall be required or permitted to make and subscribe a Declaration of Fidelity, or to take the Effect of the Abjuration-Oath, such Declaration of Fidelity so to be subscribed, shall, pursuant to the said Statute, be in the Words following, *viz.*

I A.B. *do solemnly and Sincerely promise and declare, that I will be true and faithful to King* George the Second, *and do solemnly, sincerely and truly profess, testify and declare, that I do from my Heart abhor, detest and renounce as impious and heretical, that wicked Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be deposed or murthered by their Subjects, or any other whatsoever. And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have any Power, Jurisdiction, Superiority, Preheminence, or Authority Ecclesiastical, or Spiritual within the Realm of* Great Britain, *or the Dominions thereunto belonging.*

AND for the Effect of the Abjuration-Oath, every such *Quaker* shall take the Effect thereof, pursuant to the said Statute, in the following Words, *viz.*

I A.B. *do solemnly, sincerely and truly acknowledge, profess, testify, and declare, that King* George the Second *is lawful and rightful King of the Realm of* Great Britain, *and of all other his Dominions and Countries thereunto belonging, and I do solemnly and sincerely declare, that I do believe the Person pretending to be the* Prince of Wales, *during the Life of the late King* James, *and since his Decease pretending to be, and taking upon himself the Stile and Title of* King of England, *by the Name of* James the Third, *or of* Scotland, *by the Name of* James the Eighth, *or the Stile and Title of* King of Great Britain, *hath not any Right or Title whatsoever to the Crown of the Realm of* Great Britain, *nor to any other the Dominions thereunto belonging; and I do renounce and refuse any Allegiance or Obedience to him, and I do solemnly promise, that I will be true and faithful to King* George the Second, *and to him will be faithful against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown and Dignity, and I will do my best Endeavours to disclose and make known to King* George the Second, *and his Successors, all Treasons and traiterous Conspiracies, which I shall know to be made against him, or any of them, and I will be true and faithful to the Succession of the Crown, against him the said* James, *and all other Persons whatsoever, as the same is and stands settled by an Act entituled,* An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown to the late Queen *Anne,* and the Heirs of her Body being Protestants, *and as the same by one other Act entituled,* An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, *is, and stands settled and entailed after the Decease of the said late Queen, and for Default of Issue of the said late Queen, to the late Princess* Sophia, *Electoress and Dutchess Dowager of* Hanover, *and the Heirs of her Body being Protestants: And all these Things I do declare according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or secret Reservation whatsoever, and I do make this Recognition, Acknowledgement, Renunciation, and Promise, heartily willingly, and truly.*

AND for, and instead of the Teste, every such *Quaker* shall take the Effect thereof, in the Words following,

I A.B. *do solemnly, Sincerely and truly profess, testify and declare, that I*

do believe, in that which is commonly called the Sacrament of the Lord's-Supper, *there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ,* At *or* After *the Consecration thereof by any Person whatsoever, and that the Invocation or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifices of the Mass as they are now used in the Church of* Rome, *are Superstitious and idolatrous. And I do solemnly profess, testify and declare, that I do make this Declaration and every Part thereof in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by* English Protestants, *without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the* Pope, *or any other Authority or Person whatsoever; or without any Hope of such Dispensation from any Person or Authority whatsoever; or without thinking that I am, or can be acquitted before God or Man of this Declaration, or any Part thereof, altho' the* Pope, *or any other Person, or Persons, or Power whatsoever, should dispense with, or annul the same, or declare that it was null and void from the Beginning.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, that any of the said People called *Quakers,* when legally elected or appointed, and taking and signing the Declaration of Fidelity and Allegiance, and the Effect of the Teste, and of the Abjuration-Oath in the Manner by this Act herein prescribed, together with the Solemn Affirmation, first by this Act directed, for the Discharge of their respective Trusts as the Case may require, are hereby declared capable of serving in the General Assembly of this Province, or on any other Place of Profit, or Trust whatsoever.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any *Quaker* taking the aforesaid Affirmation, and shall be lawfully convicted of wilful, false and corrupt affirming or declaring any Matter or Thing, which if sworn in the common and usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending, shall incurr and suffer such and the same Pains, Penalties and Forfeitures, as are inflicted or Enacted by Law against Persons convicted of wilful and corrupt Perjury.

AND BE IT ENACTED by the Authority aforesaid, That all former Acts of this Province, prescribing the Form of Declaration of Fidelity, Abjuration, and Affirmation, shall be, and are hereby repealed, and made null and void.

Passed 10 Feb. 1727/28.
Keimer (1728) 27-31.

An ACT, *the better to prevent the concealing of* Stray-Cattle, Horses, *and* Sheep.

WHEREAS the Provision already made by the Law of this Province, Entituled, *An Act to Prevent the concealing of* Stray-Cattle *and* Horses, has not, on Experience been found fully to answer the End for which it was design'd, THEREFORE BE IT ENACTED by the Governour, Council, and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, that the Inhabitants and Freeholders of each Town and Precinct, in the several Counties of this Province, shall, and may annually and every Year hereafter, assemble and meet together at the Time directed by an Act of the General Assembly of this Province, entituled, *An Act for the more regular chusing and electing of Assessors and Collectors,* &c. which is on the Second *Tuesday* in *March* Yearly, and then and there by Plurality of Voices to elect a Person to be Clerk of the respective Town or Precinct for the Year ensuing, which Clerk so elected, shall provide and keep at the Cost and Charge of the City, Town or Precinct, a Book for the Purposes herein after directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that from and after the Publication of this Act, any Person, or Persons whatsoever, who at any Time hereafter, between the Sixteenth Day of *November,* and the First Day of *April* in any Year ensuing, shall have any Stray-Cattle, Horses or Sheep upon his, or their improved Land, shall forthwith give Notice thereof to the Clerk of the respective Town, or Precinct where such Estrays shall happen to be found, with their, and each of their several Ages, Colour, and Marks Natural and Artificial, as near as may be, and for so doing, such Person, or Persons shall have as a Reward for that Trouble, One Shilling the Head for all Neat Cattle and Horses, and Three Pence a Piece for all grown Sheep so given Notice of; on which Notice so given, the Clerk of such Town or Precinct chosen as aforesaid, shall forthwith make an Entry in the Book provided as aforesaid, of the Age, Colour, and Marks natural and artificial, of such Estrays; for which Entry so made, the said Clerk shall be paid One Shilling the Head for all Neat Cattle and Horses, and Three-Pence a Head for all Sheep as aforesaid; which said several Sums, for the Notice given, and Entry as aforesaid made, shall be paid by the respective Owner or Owners of such Cattle, Horses, or Sheep, together with reasonable Charges for the keeping of them; but in case no such Owner or Owners shall be found in the Space of Six Months after such Entry so made, then the Possessor of the said Horses, Cattle or Sheep, shall pay for the Entry so made in the said Book, and shall detain the said Cattle until the Owner of them shall be found, which Owner, when appearing, shall repay the Possessor the said Sums of Money so laid out, together with the Sums herein awarded for the Notice given, and all other necessary and reasonable Cost and Charges for the keeping such Cattle, Horses, or Sheep; and in Case the said Possessor, after the Expiration of the said Six Months after Entry made as aforesaid, and no Owner appearing, shall refuse or neglect to pay the

Sums herein directed to the respective Clerks for the Entries so made, such Clerks respectively shall, and may recover the same, by Action of Debt, before any Justice of the Peace of the respective County, together with Cost of Suit.

PROVIDED always that the Possessor of such Stray-Horses, Cattle or Sheep, shall, and are hereby required to sell the same by Publick Sale to the highest Bidder, at the Expiration of one whole Year after the first Notice given to the Clerk as aforesaid, and to retain the Money arising from such Sale in his or her Hands, until the Owner or Owners of such Strays shall appear, who shall be paid the remaining Part of the Money, by the Possessor, deducting only the Clerk's and other Fees allowed as aforesaid, with reasonable Charges for keeping the same, and the Charge of the Sale aforesaid.

PROVIDED always, that the said Owner or Owners appear, and demand the same within a Year after such Sale as aforesaid, and the Owner or Owners of such Strays that does not make their Demand within the Time aforesaid, shall be and is hereby precluded and debarr'd for ever after from recovering of the Possessor, that has pursued the Directions of this Act, All, or any Part of the Money arising from such Sale, but the Remainder, after the Deduction as aforesaid, shall be paid in to the Overseers of the Poor in the City, Town, or Precinct, where the said Strays are found, and shall by the Overseers aforesaid be applied to the Use of the Poor of the same City, Town, or Precinct, and the Receipt of the Overseers to the Possessors aforesaid, shall be, and hereby is declared to be a Legal Discharge to the Possessor or Possessors aforesaid, any Law, Custom or Usage to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Person or Persons whatsoever that hath, or hereafter may have any Stray-Horses, Cattle, or Sheep upon his or their improved Land, or in his or their Possession, between the said Sixteenth Day of *November,* and the First Day of *April,* in each and every Year hereafter, and shall not give the Notice prescribed by this Act, in the Space of Twenty Days thereafter, such Person or Persons so offending, shall not only lose any Demand he or they might otherwise have, for the keeping and feeding such Horses, Cattle and Sheep, but shall also forfeit to the Owner or Owners thereof Twenty Shillings for any wilful Neglect, to be recovered as aforesaid, with full Cost of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Books so to be kept by the respective Clerks of each Town and Precinct, shall always by them be kept free and open for any Person or Persons, who at any Time, shall have Occasion to search therein for any such Estrays, for which Search, such Clerk shall not ask, demand, or exact any Fee, Gratuity, or Reward, on the Penalty of Twenty Shillings for each Offence, to be recovered by the Party grieved in Manner aforesaid, with Cost of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in Case of the Death or Removal of any of the Clerks chosen as aforesaid, one Justice of the Peace of the County, with the Two Freeholders chosen for the City, Town or Precinct, where such Death, or Removal doth happen, shall, and are hereby required to chuse a Clerk in the Room and Place of him or them so removed, as aforesaid, and the Clerk so chosen shall, to all Intents and Pur-

poses, have the same Power, and be under the same Restriction and Penalties as the Clerks chosen are before directed by this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that from and after the Second *Tuesday* of *March* next, the Act entituled, *An Act to prevent the concealing of Stray-Cattle or Horses,* is hereby repealed and declared null and void.

Passed 10 Feb. 1727/28.
Keimer (1728) 31-34.

An ACT *for preventing malicious Prosecutions on Indictments, and other Suits of the* Crown, *and rectifying sundry Abuses in the Proceedings thereon.*

WHEREAS by the Contrivance of evil disposed Persons, unjustly designing to vex and oppress their Neighbours, divers Indictments and other Suits have been maliciously contrived, preferred and carried on, against People altogether innocent, who on a Tryal by the Country, have been fairly acquitted, and yet have notwithstanding been condemned to the Payment of large Sums of Money for the Costs of such Prosecutions so carried on against them, contrary to Natural Justice, and to the great Oppression, Injury and impoverishing of divers of the Inhabitants of this Province. FOR THE PREVENTION WHEREOF, and the like Inconveniences for the future, WE the House of Representatives of the Province of *New Jersey,* do pray that it may be Enacted, AND BE IT ENACTED by the Governour, Council and General Assembly convened, and by the Authority of the same, That on all Indictments already found by the Grand Jury, and now depending in any Court in this Province, or which at any Time hereafter may be found by any Grand Jury in the Courts aforesaid, or any of them, or in any other Suit whatsoever now depending, or which may hereafter depend at the Suit of the Crown, where-ever the Petty Jury, who shall try the Cause, shall find a Verdict for the Defendant therein; or where-ever the Judgment of the Court shall in such Suit or Indictment be given for the Defendant, either after Verdict, on Demurrer, or for quashing any such Indictment, no Costs on any Pretence, or Colour whatsoever, shall be awarded by the respective Courts against such Defendant, either to the Prosecutor of such Suit against him, or any other; but the said Defendant, on such Verdict found for him, or Judgment given in his Favour, shall be, and is hereby

thereof acquitted and discharged; any Law, Usage, or Custom to the contrary thereof notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that where several Persons already are, or hereafter may be joyntly indicted for one and the same Offence, and shall be thereof legally convict; yet nevertheless the Costs of such Prosecutions shall not be taxed severally against each Offender, as heretofore unjustly hath been used, but in such Case the Costs of such Suits shall be jointly taxed against such Offenders; and to the Officers of the Courts aforesaid, or any of them to whom the same shall be taxed, shall not amount to more than if the said Prosecution was against one particular Person, and not otherwise, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Passed 10 Feb. 1727/28.
Keimer (1728) 34-35.

An ACT *for appropriating a Part of the* Interest-Money *paid into the* Treasury, *by Virtue of a Law of this Province, to the incidental Charges of this Government, and for subjecting the Residue to future Appropriations.*

WHEREAS by an Act of the General Assembly of this Province, Entituled, *An Act for an Additional Support of this Government, and for making current Forty Thousand Pounds in Bills of Credit, for that and other Purposes,* divers Sums of Interest-Money arising by the Loan of the said Bills, have been, and ought to be Yearly paid in to the Treasurers of this Province, which by the Intention of the said Act was designed for the Support of this Governement; but the Provision thereby made, not so well adapted to suit that Purpose as it might have been: AND WHEREAS it is necessary some Provision should speedily be made for the incidental Charges of this Government on this emergent Occasion; and there being no Fund raised whereout such Payments can be made, but out of the said Interest-Money; and the said Act having sufficiently otherwise provided for sinking of the said Bills, without immediately cancelling the said Interest-Money;

THEREFORE BE IT ENACTED by the Governour, Council and General Assembly of this Province, and it is hereby enacted by the Authority of the same, That the Sum of Seventeen Hundred and Twenty Five Pounds, Nineteen Shillings, Money, according to the late Queen's Proclamation, Part of the said

Interest-Money now in the Hands of the Treasurers aforesaid, shall be, and is hereby given unto his Majesty, his Heirs and Successors, to be paid out by the said Treasurers, or either of them, by Warrants to be pass'd in Council under the Hand and Seal of the Governor, or Commander in chief of this Province, for the Time being, by and with the Advice of the Council, for and towards the defraying the incidental Charges of the Government since the last Session of Assembly, and during this present Session, and for and towards the defraying the Expences of the Gentlemen of the Council, at Six Shillings *per Diem* to each, during the Time of their Attendance this present Sitting of this Assembly; and to the Representatives of the Province, at the Rate of Six Shillings *per Diem,* to each Representative, during the Time of their Attendance this Sitting of Assembly; and for the Agent of this Province, at the Court of *Great Britain,* and for an Additional Salary to the Secretary of this Province, and for drawing the Bills passed this Session, and for Printing the Minutes and Acts of the Assembly passed this Sitting, and for re-printing the Bills of Credit, in Order to exchange the present Bills of Credit, and for the Clerk and Door-keeper of the Assembly, and Serjeant at Arms, and for Expresses and other the incidental Charges of the Government of this Province.

AND WHEREAS, partly by Reason of Deficiencies in the Revenue of this Government, and partly by Reason that the Taxes may not be brought in so as to enable the Treasurers to pay such Warrants for the Governour's Salary as may be due to him at his Departure from this Province, BE IT THEREFORE ENACTED, that it shall, and may be lawful for the Treasurers of this Province, to pay such Warrants out of the Interest-Money aforesaid. And when the Taxes for the Support of the Government, are paid in to them, that they shall place back so much of the Support-Money in Lieu of the Interest-Moneys so paid on the said Warrants.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Treasurers, or either of them shall, in like Manner, pay out of the said Interest-Money, to all and every of the Members of the House of Representatives, Six Shillings *per Diem*, Money aforesaid, for so many Days as they shall have attended this Session of Assembly, upon a Certifiacte to be produced to the said Treasurers, or either of them, by each of the said Members, signed by the Speaker of the said Assembly, expressing the Number of Days each Member may have attended the Service aforesaid, and the Receipt of each Member endors'd on his Certificate, shall be a sufficient Discharge to the said Treasurers, or either of them, their Executors, or Administrators, for so much of the said Interest-Money; and a Certificate for the Speaker's Service in the Assembly, shall be signed by any two of the Members of the House, which Certificate so signed, and the Speaker's Receipt endors'd on the same, shall likewise be to the said Treasurers, or either of them, a sufficient Discharge for so much of the said Interest-Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Residue of the said Interest-Money, which shall remain in the Hands of the said Treasurers, or either of them, after the several Payments aforesaid made, and all such future Payments of the said Interest-Money, which by Virtue of the Act

aforesaid, is made payable to the Treasurer aforesaid, shall on such Payments made, be and remain in their Hands, (and there carefully kept uncancelled,) subject to such future Appropriations as by the Governour, Council, and General Assembly shall be hereafter directed.

Passed 10 Feb. 1727/28.
Keimer (1728) 35-37.

An ACT *for the Amendment of the Law relating to* High-ways *and* Bridges*: For explaining certain Clauses in several former* Acts *concerning the Power of the* Justices *and* Free-holders *therein mentioned: And for directing the Method for raising of Money to pay for the* Bridge *last built over* South-River.

WHEREAS the several Acts of the General Assembly of this Province, relating to the Alteration of High-ways, and the building and repairing of Bridges, have on Experience, been found to stand in Need of Amendment:

AND WHEREAS some Doubts and Misconstructions have been made concerning several Acts of Assembly now in Force, touching the Duty and Power of the Justices and Freeholders in the said several Acts named:

AND WHEREAS by the Laws now in being, there is not any Method prescribed, by which Money can, or may be raised in the County of *Middlesex,* for the Payment of *Margaret Leonard,* Widow, and Administratrix of *John Leonard,* deceas'd, for the Bridge by him in his Life-Time, built over the said *South-River.* And since it is highly reasonable, that Payment should be made, THEREFORE BE IT ENACTED by the Governour, Council, and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That all Roads, or publick High-ways of Four Rods broad, which on Experience have been, or hereafter may be found inconvenient to any County, City, Town or Precinct in this Province, thro' which the said Roads may lie, or may be over much disadvantageous to the Owner or Owners thereof, shall be subject to Alteration and Regulation by the Surveyors of the High-ways in the respective County, joyned with the Surveyors of the County next adjacent, and most concerned in the said Alteration, Nine of whom agreeing, may cause any such Roads to be altered and regulated at their Discretion.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that

where at any Time hereafter, the Surveyors of any County in this Province, shall have Occasion to make Application to the Surveyors of the County next adjacent, for any of the Purposes aforesaid, on such Application made, and due Notice given of the Time and Place, when, and where the Assistance of the Surveyors of such adjacent County is required, "the said Surveyors shall attend and give their Assistance according to the Directions of this Act: And in case they, or any of them, on such reasonable Notice as aforesaid, shall neglect, delay, or refuse the Duty herein enjoyned them, each Surveyor so offending shall forfeit Ten Pounds, Proclamation-Money, to any one who will sue for the same, to be recovered by Action of Debt. in any Court of Record in this Province, with full Costs of Suit.

AND WHEREAS the Place where *South-River* Bridge was last erected, is alledged to be less convenient and more expensive to the Publick than a Place may be found, therefore BE IT ENACTED by the Authority aforesaid, that it shall and may be lawful for the Surveyors of the County of *Middlesex,* to make Application to the Surveyors of the County of *Monmouth,* in the Manner above directed, for the Alteration of Roads and High-ways, and in Conjunction with the said Surveyors of the said County of *Monmouth,* to take a View of the said *South-River,* and on such View so taken, any Nine of them the said Surveyors agreeing, shall and may appoint the Old or any new Place which they may think the most convenient for the Publick, and least expensive to the County, where the said Bridge over the said River shall for the future be built, re-built and amended, as Occasion shall require. And if any of the said Surveyors of the said County of *Monmouth,* on reasonable Request made, shall refuse the Duty herein enjoyned them, such Surveyor so offending, shall be liable to the same Penalties and Forfeitures, and to be recovered in the same Manner as is herein before imposed and directed in Case of Neglect, Delay, or Refusal in the Assisting in the Alteration, and Regulation of High-ways.

PROVIDED nevertheless, that if the said Surveyors shall not agree upon any other Place for building the said Bridge, by the Space of Two Months after the Publication of this Act, that then, and in such Case, the said Bridge shall be erected, and built in the same Place where it formerly stood.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Justices of the Peace for the said County of *Middlesex*, or any Three of them, shall forthwith, after the Publication of this Act, give Notice to the Free-holders of the said County, chosen by Virtue of an Act of the General Assembly of this Province, Entituled, *An Act for the raising of Money for the building Goals,* &c. or the Major Part of them to assemble and meet together at some convenient Time and Place, as soon as possibly may be, then and there, in Concurrence with the said Justices, to contract and agree with such Tradesmen and others, as they shall think fit, to build a new Bridge over the said *South-River,* either in the Old Place, where the last Bridge was built, or in such new Place as shall be appointed by the Method in this Act prescribed, and the Sum, or Sums of Money, which shall be necessary for the Payment of the Bridge last built over the said *South-River,* as well as for the building of a new One in Manner aforesaid, shall be assessed and collected in the said County of *Middlesex,* by the

Assessors and Collectors of the several Townships and Districts in the said County, chosen by Virtue of an Act of the General Assembly of this Province, Entituled, *An Act for the more regular choosing and Electing of Assessors and Collectors in the respective Towns and Counties of this Province;* and in case the said Justices, Freeholders, Assessors, or Collectors, or any of them, shall neglect, delay, or refuse the several Duties by this Act enjoined them, each Justice, Freeholder, Assessor or Collector so neglecting, delaying, or refusing, shall forfeit the Sum of Five Pounds, Proclamation-Money, to any one who shall sue for the same, to be recovered as aforesaid, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Collectors aforesaid, shall, so soon as the Money aforesaid is collected, pay thereout unto the aforesaid *Margaret Leonard,* in case the said Bridge shall be re-built at any new Place, the Sum of Fifty Two Pounds, Six Shillings, Proclamation-Money, for the aforesaid Bridge built by her said Husband, in his Life-Time, over the said River: But in case it be rebuilt in the old Place, then thirty Pounds Money aforesaid, and no more; which Money so paid into her Hands, when by her received, shall be Assets in her Hands, as of her said late Husband's Estate, on Payment whereof, the said Collectors shall take the said *Margaret Leonard's* Receipt, which, when produced, shall be a sufficient Discharge to the said Collectors, their Executors and Administrators for so much of the Money which may be in their Hands: And in Case the said Collectors, who shall receive the said Money, shall neglect, delay, or refuse to pay to the said *Margaret,* their respective Parts of the Sum of Money hereby directed, each Collector so neglecting, delaying, or refusing, shall forfeit to her the said *Margaret,* the Sum of Eighty Pounds, to be by her recovered by Action of Debt, in any Court of Record in this Province, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Residue of the Money so assessed, and collected as aforesaid, shall be paid out by the said Collectors, as by the said Justices, and major Part of the Freeholders aforesaid, shall from Time to Time, be directed towards the rebuilding of the said Bridge, and the said Collectors shall, from Time to Time, render an Account of the Money by them received, to the said Justices, and the Major Part of the said Freeholders, as they from Time to Time, may require: And in case any Money shall be remaining in the said Collectors Hands, more than may be sufficient to rebuild the said Bridge or Bridges, the said Money shall be reserved for amending and repairing thereof when Occasion may require; and if the Collectors, or any of them, shall refuse to render such Accounts, when at any Time thereunto in a reasonable Manner required, such Collector, and every of them so refusing or neglecting, shall forfeit the Sum of Ten Pounds, Proclamation-Money, for each Refusal or Neglect, to any one who will sue for the same, to be recovered as aforesaid, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Bridge, and all other Bridges in the said County of *Middlesex,* which may require Carpenters Work, in Order to compleat them from Time to Time, and as often as may be necessary, shall be built, re-built and amended at the Expence of the said County in General, and the Sum or Sums of Money which now

are, or hereafter may be requisit to be raised for the Payments of the said Bridges, or any of them, shall be assessed, levyed and collected in the same manner as is herein before directed in the Case of the said Bridge over *South-River;* and any Officer, Freeholder, or other Person or Persons neglecting, delaying, or refusing the Duty respectively enjoyned them, shall be liable to the same Pains and Penalties, and to be recovered in the like Manner, as is before directed, in relation to the said *South-River* Bridge.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that when, where, and as often as Occasion may require, the building, re-building, or amending of any Bridge or Bridges, which doth or may lie between any two Counties in this Province, such Bridge or Bridges shall be built, re-built, amended and paid for (unless otherwise specially provided for by the Laws of this Province) by the two next adjacent Towns or Precincts in the Manner directed by *An Act for the building, re-building, repairing, or amending of Bridges,* &c. the County of *Middlesex* only excepted, and if any Person, or Persons, who by that Act are enjoined any Manner or thing touching such building, re-building, amending, or raising of Money, to pay for such Bridge or Bridges, shall delay, neglect, or refuse to perform the Duties respectively enjoyned them, each Person so offending, shall forfeit the Sum of Five Pounds, Money aforesaid, to any one who will sue for the same, to be recovered as aforesaid, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that as soon as may be conveniently, after the Publication of this Act, there shall be a Bridge built over the *Bound-Brook,* in the most commodious Place on the *North-East-Side* of the Road, as it now lies from *Piscataway,* in the County of *Middlesex,* up *Rariton-River,* which Bridge so to be built, shall be built, re-built, and amended at the equal Expence of the County of *Middlesex* aforesaid, and the two upper Precincts of the County of *Somerset;* and the Expence and Charge of building, re-building, and amending thereof shall be assessed and collected, as is by Law provided in the Case of the Bridges last aforesaid; and any Person, or Persons neglecting, or refusing any Duty by this Law prescribed, or enjoined them, relating to the said Bridge over the said *Bound/Brook,* shall be liable to the same Pains and Penalties as Persons neglecting or refusing their Duty in or about the said last mentioned Bridges, to be recovered in the same Manner, with full Costs of Suit.

AND for removing all Doubts and Misconstructions relating to the Powers and Authorities given to the Justices and Freeholders, by several Acts of Assembly of this Province therein named, BE IT FURTHER ENACTED by the Authority aforesaid, that the Majority in every of the said Acts mentioned, was intended, and shall for the future be always understood, a Majority of the said Justices present, together with a Majority of the said Freeholders chosen for the said County, who were, and are hereby declared to be vested with the said Powers and Authorities, and that any other and different Constructions and Proceedings that may be made, will be illegal and void.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that any and every Act of Assembly of this Province, so far as the same are repugnant to this Act, are hereby repealed, made null and void.

Passed 10 Feb. 1727/28.
Keimer (1728) 38-43.

An ACT *for lessening the* Salaries *of the* Commissioners, *appointed to manage the* Loan-Offices, *in the several Counties of this Province.*

WHEREAS by an Act of the Governor, Council, and General Assembly of this Province, Entituled, *An Act for an additional Support of this Government, and making current Forty Thousand Pounds in Bills of Credit, for that and other Purposes therein mentioned,* certain Yearly Salaries were appointed the Commissioners named therein for managing the several Loan-Offices of this Province, which said Salaries have proved a sufficient Recompence for all the Services by them done in pursuance of that Act, and will be more than a sufficient Reward for any future Services, which by the said Act is enjoined them.

WHEREFORE, for the more equal proportioning their several Salaries to the Services yet expected from them, BE IT ENACTED by the Governor, Council, and General Assembly of this Province; and it is hereby Enacted by the Authority of the same, That in Lieu and Stead of the several Salaries by the afore-mentioned Act allotted to be paid the several Commissioners aforesaid, for so many Years and Times of Payment, as by the said Act are yet behind and unpaid, and no longer, there shall be paid Yearly, and every Year at the Time, and in the Manner by the said Act directed to the several Commissioners aforesaid, for the Services by the said Act required, the several Sums following, *to wit.*

TO every of the Commissioners of the County of *Bergen,* Nine Pounds, Fifteen Shillings.

TO every of the Commissioners of the County of *Essex,* Ten Pounds, Ten Shillings.

TO every of the Commissioners of the County of *Middlesex,* Nine Pounds, Ten Shillings.

TO every of the Commissioners of the County of *Somerset,* Five Pounds, Ten Shillings.

TO every of the Commissioners of the County of *Monmouth,* Twelve Pounds, Ten Shillings.

TO every of the Commissioners of the County of *Hunterdon,* Ten Pounds.

TO every of the Commissioners of the County of *Burlington,* Nine Pounds, Ten Shillings.

TO every of the Commissioners of the County of *Gloucester,* Seven Pounds.

TO every of the Commissioners of the County of *Salem,* Eleven Pounds.

TO every of the Commissioners of the County of *Cape-May,* Four Pounds, Ten Shillings.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in case any of the several Commissioners aforesaid, who now are, or hereafter may be appointed to manage any of the Loan-Offices aforesaid, shall neglect, delay, or refuse to perform the Duty by the before-mentioned Act enjoined, for the Salary by this Act appointed; or in case any such Commissioner or Commissioners shall desire to be discharged from his or their Services, such Discharge may be obtained, and one or more Commissioners, as Occasion may require, shall be appointed by the Method in the afore-mentioned Act prescribed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the several Commissioners aforesaid, shall only retain so much of the Interest-Money mentioned in the aforesaid Act as shall be sufficient to pay the Salaries to each of them herein directed, as the same shall from Time to Time become due; and the Residue of the said Interest-Money shall, by the said Loan-Officers, be paid from Time to Time, as the same is received in to the Treasurers of the respective Divisions of this Province, there to remain for the Use of the Publick, and to be appropriated in such Manner, as by the Governour, Council, and General Assembly of this Province, shall hereafter be directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that so much of the afore-mentioned Act as is any way repugnant to this Act, shall be, and is hereby repealed to all Intents and Purposes.

PROVIDED always, that nothing herein mentioned, shall lessen or affect the Salaries for the Commissioners aforesaid, appointed by the herein recited Act, during Six Months of this current Year, but that the same Commissioners may retain in their Hands, proportionably to the Salaries appointed by the said former Act, as if this Act were not made, and for the Residue of the said Year proportionable to the Yearly Salaries appointed by this Act, and not otherwise.

Passed 10 Feb. 1727/28.
Keimer (1728) 43-45.

An ACT *for vesting the Right of Election of* Representatives *to serve in the* General Assembly *of this Province, in the County of* Hunterdon, *in the Western Division thereof, and for suspending the Choice of the Town of* Salem, *until some future Provision made.*

WHEREAS our late King GEORGE, by his Instructions to our present Governour, was pleased to declare his Royal Pleasure, that the County of *Hunterdon,* aforesaid, should, for the future, have the Choice of two Representatives, to serve in the General Assembly of this Province, and by Virtue thereof a Writ has been issued by our said Governour, for making an Election pursuant to the Tenor of the said Instructions, directed to the Sheriff of the said County, who has thereupon returned, that he hath accordingly caused to be chosen for Representatives of the said County, to serve in the Assembly aforesaid, *John Porterfield* and *Joseph Stout,* Esqrs; AND WHEREAS it is highly reasonable, the Inhabitants and Freeholders of the said County, who are now numerous, should have the Choice of Representatives for the Service aforesaid, as well as the other Counties in this Province. AND SINCE by the Constitution of this Province, the Representatives of the two Divisions thereof ought to be equal in Number, there is a Necessity of suspending the Choice of some two of the Representatives formerly used to be chosen in the said *Western* Division, until some other Provision can be made, by adding the Choice of two Representatives to the *Eastern* Division aforesaid.

THEREFORE we the House of Representatives of the Province aforesaid, do pray, that it may be Enacted, and BE IT ENACTED by the Governor, Council, and General Assembly of this Province; and it is hereby Enacted by the Authority of the same, That for and until such Time as some Provision shall be legally made for the Addition of two Representatives to serve in the Assembly aforesaid, some where in the *Eastern* Division of this Province, no Writ for the future shall issue or be directed to the Constable, or other Legal Officer of the Town of *Salem* aforesaid, for the Choice of Representatives for the Service aforesaid; but the Inhabitants, Freeholders of the said Town, until such Provision as aforesaid is made, shall join in all future Elections of Representatives for the Service aforesaid, with the Inhabitants, Freeholders of the County of *Salem,* and not otherwise, any Law, Usage, or Custom to the contrary thereof notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that when, and as often as any General Assembly of this Province, for the future, shall be called, there shall be legal Writs under the Great Seal of this Province issued, to the Sheriff of the said County of *Hunterdon* directed, commanding him, that he cause to be chosen two Representatives for the said County, to serve in the General Assembly of this Province, the Electors and Elected being qualified as by Law is directed in the other Counties of this Province, which

Representatives so chosen, shall, and may sit, vote, and act as Members of the General Assembly aforesaid; and be entituled to the same Rights, Privileges and Immunities as by the Law the other Representatives of the several Counties of this Province are entituled to.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Election already made by the Freeholders of the said County of *Hunterdon,* of the aforesaid *John Porterfield,* and *Joseph Stout,* Esqrs; to represent the said County in the General Assembly aforesaid, now sitting, shall be, and is hereby declared firm and effectual to all Intents, Constructions and Purposes: And that the said *John Porterfield* and *Joseph Stout,* first qualifying themselves by taking the several Oaths or Affirmations by Law enjoined, may and shall sit and act as Members of the said House of Representatives, for and during such Time, and until the Dissolution of this Assembly, unless by some future Acts of theirs, they shall be legally disabled.

Passed 10 Feb. 1727/28.
Keimer (1728) 45-47.

An ACT *concerning the acknowledging and registring* Deeds *and* Conveyances *of* Land, *and declaring how the Estate or Right of a* Feme Covert *may be conveyed or extinguished.*

WHEREAS the Inhabitants of this Colony are under great Inconveniencies, Trouble and Expences, by Reason there is no Record of Deeds and Evidences of Lands kept within the respective Counties thereof: For remedying of which,

BE IT ENACTED by the Governor, Council, and General Assembly; and it is hereby Enacted by the Authority of the same, that all Deeds, Conveyances and Evidences of Land shall be acknowledged by the Grantor, or proved by one or more of the Witnesses, either before any of the Justices of the Supream Court, or one of his Majesty's Council, or either of the Judges, or any two of the Justices of the Inferior Courts of Common-pleas, within their respective Counties, and indorsed on the said Deeds before they shall be recorded.

AND BE IT ENACTED by the Authority aforesaid, That all Deeds and Conveyances made, or to be made, by a Man and his Wife, of the Estate, or Right of Dower of the Wife, being acknowledged, or proved to have been made by the Husband as aforesaid, and being acknowledged by the Wife on private

Examination, before any of the Justices of the Supream Court, or any of his Majesty's Council, or any one of the Judges, or any two of the Justices of the Inferiour Court of Common-Pleas, within their respective Counties, to have been made, by her freely, and without Fear, Threats, or Compulsion of her Husband, shall be good and effectual to convey the Lands, Estate, or Right thereby mentioned to be conveyed.

AND IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, that the Clerk of the Common-Pleas of each respective County within this Colony, shall keep a Book or Books, wherein all Deeds, Conveyances and Evidences of Lands lying within the same County already made, or hereafter to be made, shall, or may be recorded by him, he giving sufficient Security in the Sum of Five Hundred Pounds lawful money of the said Colony, for the good and faithful Discharge of the said Office; and that all Persons concerned, may have Recourse to the said Records, as they shall, from Time to Time, have Occasion, paying the lawful Fees; the Records of which Deeds, Conveyances and Evidences so acknowledged or proved, produced by the said Clerk in any Court, shall be as good, valid and effectual in the Law, to all Intents, Constructions and Purposes whatsoever, as if the original were then and there produced and proved in Court, any Law, Custom, or Usage to the contrary notwithstanding.

PROVIDED always, and it is hereby further Enacted, that neither this Act, nor any Clause thereof shall be construed to debar the Secretary of this Colony from recording or registering any Deed or Evidences relating to Titles of Land in his said Office, the said Deeds and Evidences being first proved as above directed, which Register or Record shall be admitted to be good and lawful Evidence in any Court, within this Colony, any thing in this Act to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in the County or Counties where the Secretary's Office is, or shall for the future be kept, Deeds and Evidences relating to Titles of Land shall only be recorded in the said Secretary's Office.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Books of Record formerly kept by the respective Clerks of the several Counties in this Province, wherein Deeds and other Writings and Conveyances, relating to Lands (having been first proved or acknowledged in the Manner by this Act prescribed) have been recorded, shall be, and are hereby declared to be, as good and valid Evidence, when produced in any Court, as if the Original Deed or Deeds so recorded, were then and there produced, any Law or Usage to the contrary notwithstanding.

AND all such Books of Record shall upon Demand be delivered to the respective Clerks of the Counties by the Persons in whose Hands they now are, or shall at any Time hereafter happen to be.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any Person or Persons in whose Hands any of the said Books of Record now are, or shall hereafter be, shall refuse to deliver the same to the respective Clerks of the Counties to which the said Books of Record belong, after Demand made, such Person so refusing, shall, for every such Refusal, forfeit the Sum of Fifty Pounds, to be recovered by the said Clerk or Clerks so making Demand, in any

Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance, one Half to the Use of such Clerk or Clerks who shall sue for the same, and the other half for and towards the Support of Government.

AND in Order that the Records hereafter may be exact, BE IT FURTHER ENACTED by the Authority aforesaid, that upon the recording of any Writing, the Record shall be examined carefully with the Original, by the Officer recording it, and at the End of the Record of such Writing, there shall be noted all Interlineations in the Record, (no Rasures or Obliterations so as not to be read, being permitted to be made, on any Pretence of Mistake) as also there shall be noted all Rasures, Interlineations and Obliterations, if any be, in the Writing to be recorded, and the officer, after such Notes, shall under-write, *Examined per* and sign his Name thereto.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Copies of Records hereafter taken out of the Secretary's Office, or out of the Surveyor-General's Office, shall be examined carefully with the Records by the Officer, Keeper of such Records, together with some other Person or Persons upon Oath or Affirmation, (to administer which Oath or Affirmation, such Officer is hereby impowered) and at the End of such Copies there shall be noted all Interlineations therein, (no Rasures or Obliterations which cannot be read being therein) and the Officer, after such Note, or under such Copy, if no such interlineation be, shall under-write a Certificate in these Words, *A true Copy examined and compared with the Record pursuant to an Act of Assembly of this Province;* to which Certificate, the Officer and Person examining with him, shall both subscribe their Names, which Copies produced upon the Tryal of any Cause, in any Court in this Province, and the Officer certifying thereof, or the Person so examining the same also appearing on such Tryal, ready to depose to the Truth of such Copy, if required by the opposite Party, if it appear to be justly taken, such Copies shall be admitted as good Evidence as the Records themselves, in all Courts of this Province.

AND BE IT FURTHER ENACTED, that every Officer and his Deputy already impowered to record any Writings, shall, before he records any Writings, after the Publication hereof, take an Oath or Affirmation to the Purpose following, *viz.*

I A.B. *will well and truly perform the Duty enjoined me, by the Act of* Assembly *of this Province, Entituled,* An Act concerning the acknowledging and registering Deeds and Conveyances of Land, and declaring how the Estate or Right of a *Feme Covert* may be conveyed or extinguished, *to the best of my Knowledge.*

WHICH Oath, or Affirmation, any Person, who is hereby directed to take the Acknowledgment of Deeds, is hereby impowered to administer, a Certificate of which Oath or Affirmation being administered and taken, shall be entered in the Book of Records, and signed by the Person administring, and the Officer taking the same; and in like Manner all such Officers, to be appointed pursuant to this Act, (before entring on their respective Offices) shall take such Oath, or Affirmation to be administred to them, and a Certificate thereof signed as above.

PROVIDED always, and BE IT FURTHER ENACTED, that all Deeds and Conveyances of Proprieties, or Shares of Proprieties shall be recorded before Location of the Land due thereon; and when produced for Warrants for the Location, the Surveyor General of the respective Divisions, or his Deputy, shall enter a Minute of the Substance of the Deeds, and the Place, Book, and Leaf where the same is recorded, in a Book to be kept by him, for that Purpose, and to be transmitted to his Successor in Office, for which Entry so made, he shall take no Fee, Reward, or Gratuity whatsoever, of the Person producing such Deeds.

PROVIDED ALSO, that nothing in this Clause contained, shall be deemed, construed, or taken, to affect any Locations of Land already made in Right of such Proprieties, or Shares of Proprieties; but that such Locations already made, shall remain as if this Act had not been made.

Passed 10 Feb. 1727/28.
Disallowed 25 Nov. 1731.
Keimer (1728) 47-51.

"This Act was disallowed by the King in Council the twenty-fifth Day of November 1731, until which Time all Acts done under it being valid, some Titles may depend on a Publication of the Law, the most material Sections whereof are here given at full Length."—**Allinson, 80.**

An Act for naturalizing *John Boshart, Ann Rosina* his wife, *Christopher Boshart* and *Dorothy Boshart,* their Children, being Infants.

Allinson, 82, title only. Text not found.

Ninth Assembly, Second Session
12 Dec. 1728 - 9 Jan. 1728/29
Burlington

No acts passed.

Tenth Assembly, First Session
7 May - 8 July 1730
Perth Amboy

All acts passed 8 July 1730

An ACT *for the more speedy Recovery of Legacies that have been, or may be given in this Province; and for affirming such Acts of Administrators,* Bona Fide, *done before Notice of a Will.*

FOR AS MUCH as the Laws of this Province relating to the Recovery of Legacies which have been or may be given by the last Will and Testament of any Person or Persons are defective; For remedying thereof,

Be it Enacted by the Governour, Council, and General Assembly of this Province, And it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons whatsoever to whom any Legacy, Devise, or Bequest of any Sum or Sums of Money, or other Personal Goods or Chattels, have been or may be made by the last Will and Testament of any other Person or Persons legally made, to commence, sue or prosecute an Action of Debt or Detinue for such Legacy after it becomes due; if it amount to the Value of *Twenty Pounds* or upwards, in the Supream Courts of this Province, or any other Court of Record; and if upward of *Forty Shillings,* and under *Twenty Pounds,* in any of the Courts of Common-Pleas in any of the Counties of this Province; and if of the Value of *Forty Shillings,* or under, then and in such Case before any Justice of the Peace of any of the Counties in this Province: In which Action or Actions so to be commenced, if it shall appear that the Legacy or Legacies are due, and there be sufficient Assets in the Hands of the Executors to discharge the just Debts of the Testator, and the Legacy and Legacies bequeathed, the Plaintiff or Plaintiffs shall recover with Costs of Suit, any Law Usage or Custom to the contrary notwithstanding. But in Case there shall be Assets to discharge all the Debts of the Testator, with an Overplus not amounting to a Sum sufficient to discharge all the Legacies that may be given, then an Abatement shall be made in Proportion to the Legacies so given; and where any Legatee or Legatees are or may be under Age at the Time when such Legacy or Legacies shall become due, in such Case such Legatee or Legatees shall and may maintain an Action for their respective Legacies so given, by Guardian or next Friend, as fully amply and largely as by Law they may do in any other Actions whatsoever. *And be it further Enacted by the Authority aforesaid,* That the respective Courts where the said Actions may be commenced, upon the Plea of Want of Assets to pay all the Debts and all the Legacies, shall appoint Auditors to examine the Accounts of the Executors, who after full Hearing thereof, at such Time and Place, or Times and Places, as by the said Auditors shall be appointed, with Notice to the Executors and the Plaintiffs, or their respective Attornies, shall procure the Auditors aforesaid to report how the Accounts of the Executors do stand, and how much Assets will remain after Payment of the whole Debts, and what Part of the remainder is the Proportion that ought to go towards paying of

the Plaintiff's Legacies, for which Proportion only the Court shall then award Execution upon the Judgment to be had in the said Suit; which Judgment shall remain a Security for Payment of the Remainder of the said Legacies and Costs, when sufficient Assets for Payment thereof come to the Executors Hands; which Court is also hereby impowered upon Exception of either Party, and hearing of the Parties, to correct and amend any Mistakes or Errors that may happen in the Accounts so reported.

Provided always, That no such Suit shall be maintained for any such Legacy or Bequest, until reasonable Demand made of the Executor or Executors, who ought to pay the same, and an Offer made of two sufficient Securities to the said Executor or Executors, who, if they think proper to accept thereof, shall become bound to them, the said Executor or Executors, in double the Sum of the said Legacies or Bequests, with Condition under written, that if any Part or the whole thereof, shall at any Time after appear to be wanting, to discharge any Debt or Debts, Legacy or Legacies, which the said Executor or Executors may not have other Assets to pay, that then and in such Case he the said Legatee will return his said Legacy, or such Part thereof as may be necessary for the Payment of the said Debts, or for the Payment of a proportional Part of the said Legacies; and if the said Executors should not think proper to accept thereof, then the said Legatees shall file such Bond in Court before obtaining any Process against the said Executor or Executors, otherwise the same Process for Want thereof shall abate.

And, *Be it Enacted by the Authority aforesaid,* That the said Courts upon Consideration of the Report of the Accounts of the Executors, shall according to Justice and Equity, either award no Cost or Costs out of the Testator's Estate; or in Case the Executors have been faulty, in delaying to pay the Legacy demanded, or a proportional Part thereof, without sufficient Excuse, then out of the proper Estate of the Executor or Executors, any Thing herein contained to the contrary notwithstanding.

And, *Be it further Enacted,* That all lawful Acts done, or to be done, *Bona Fide,* by any Administrator before Notice of a Will, and all Purchases made of such Administrator, *Bona Fide,* before such Notice, shall remain good, and shall not be impeached or altered by any Executor or Executors on such Will after appearing. *Provided always,* That when at any Time after such Will shall appear, the Executor or Executors shall have the same Remedy against such Administrator or Administrators, for the Goods and Chattels, Rights and Credits, remaining unadministred, as he, she, or they, might have had before the making of this Act.

Provided also, That where there are or may be several Legatees, and a Return of Part of the said Legacy shall afterwards appear necessary, in such Case each Legatee shall only be compelled to return a proportional Part of his Legacy, so as to make up the whole Sum wanting.

Provided also, That where no Time in and by any last Will and Testament is limited for the Payment of any such Legacies, that then and in such Case the said Executor or Executors shall have the Space of one Year to discharge the same.

Provided also, That nothing in this Act contained shall be construed to enforce the Payment of any Legacies to the Prejudice of Creditors, or to enforce any last Will and Testament not warranted by the former Laws of this Province.

And, *Be it Enacted,* That this Act shall remain in Force for Seven Years, and from thence to the End of the next Session of the Assembly thereafter, and for all Suits that may be commenced for Legacies in that Time to the final Determination of the same Suits and no longer.

Bradford (1730) 3-6.

An ACT *for securing the Freedom of* Assemblies.

FORASMUCH as it may highly conduce to the Welfare of this Province, that the Members of the House of Representatives should act with Freedom and Integrity, disregarding Self-Interest, or any private Views of their own, when put in Competition with the Publick Good; and since the accepting of Offices of Profit after their Election may be supposed to influence their Conduct in a Legislative Capacity, but more especially since the Parliament of *Great Britain* have deem'd it necessary on the like Occasions:

Therefore, We the House of Representatives of the Province of *New-Jersey,* being desirous to follow so good an Example, do pray that it may be enacted, and *Be it therefore Enacted by the Governor, Council and Representatives aforesaid, in General Assembly convened, and by the Authority of the same,* That from and after the Publication of this Act, if any Person, being chosen a Member of the House of Representatives of this Province, shall accept of any Office of Profit from the Crown, or from the Governor for the Time being, during such Time as he shall continue a Member, his Election shall be, and is hereby declared to be void, and a new Writ shall issue for a new Election as if such Person so accepting was naturally dead; *Nevertheless,* such Person shall be capable of being again Elected, as if his Place had not become void as aforesaid.

And, *Be it further Enacted by the Authority aforesaid,* That every Person, who by Reason of any Office, Pension or Salary from the Crown, are by the Laws of *Great Britain* disabled to be elected, or to sit or vote in the House of Commons there, shall be, and are hereby disabled to sit or vote in any House of Representatives hereafter to be summoned in this Province; and if any Person

hereby declared incapable to sit or vote in any General Assembly hereafter to be summoned shall nevertheless be returned as a Member to serve for any County, City or Town in this Province, in any such Assembly, such Election and Return are hereby enacted and declared void to all Intents and Purposes whatsoever. And if any Person disabled, and declared incapable by this Act to be elected, shall presume to sit or vote in any House of Representatives which may hereafter be summoned, such Person so sitting or voting shall forfeit the Sum of *Fifty Pounds* current lawful Money of this Province, to be recovered by such Person as shall sue for the same, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed, and only one Imparlance.

Bradford (1730) 6-7.

An ACT *to inforce the Payment of the incidental Charges of this Government out of the* Interest Money *by a former Law of this Province subjected to future Appropriations.*

WHEREAS by an Act pass'd in the First Year of the Reign of our Sovereign Lord the King, entituled, *An Act for appropriating Part of the Interest Money paid into the Treasury,* &c. *And for Subjecting the Residue to future Appropriations.* There hath been, and is to be, divers Sums of Money paid into the Hands of the Treasurers of this Province, which by the same Act are subjected to such future Appropriations as the Governor Council and General Assembly should thereafter direct and appoint; and there being no other Fund out of which the Charges of this present Session and other necessary Charges can be defrayed: Therefore,

Be it Enacted by the Governor, Council, and General Assembly of this Province; And it is hereby Enacted by the Authority of the same, That the Treasurers aforesaid or either of them shall pay or cause to be paid out of the Interest Money that now is, or hereafter may be, paid into the Treasury aforesaid, or any other Money that now is, or hereafter may be, paid into the said Treasury in lieu of the said Interest money, to His Excellency, *John Montgomerie,*[1] Esq; his Executors Administrators or Assigns, or his or their Order, the Sum of *Three Hundred Pounds* Proclamation Money for his Charges in attending the last Session of Assembly, and this present Session, and other in-

cidental Charges since his Accession to this Government until this Time.

And, *Be it further Enacted by the Authority aforesaid,* That the Treasurers aforesaid, or either of them, out of the Interest Money aforesaid, or any other Money paid into the Treasury in lieu thereof, shall pay *Six Shillings per Diem* to each of the Council during the Time of their Attendance the last Sessions of Assembly at *Burlington,* and during such Time as they shall have attended this Sessions, upon Warrants by them to be produced past in Council, signifying the Number of Days each may have attended, which Warrants indorsed by the said Counsellors respectively, shall be sufficient Vouchers for the said Treasurers, or either of them, to discharge them, their Executors and Administrators, of so much of the said Interest Money,

And, *Be it further Enacted by the Authority aforesaid,* That the said Treasurers, or either of them, shall in like Manner pay out of the said Interest Money to every of the Members of the last Assembly who attended at *Burlington,* and to each of the Members who have attended this Session, *Six Shillings per Diem* for so many Days as they respectively have or shall have attended, upon a Certificate to be produced to the said Treasurers or either of them, by each of the Members, sign'd by the Speaker, expressing the Number of Days each Member may have attended the Service aforesaid; which Warrants indors'd by the respective Members, shall be sufficient Vouchers to the said Treasurers, or either of them, their Heirs, Executors and Administrators, for so much of the said Interest Money, and a Certificate for the Speaker's Service, signed by any Two of the Members of the said House of Representatives, with the said Speaker's Indorsement thereon, shall in like Manner be a sufficient Discharge to the said Treasurers or either of them, their Executors and Administrators, for so much of the said Interest Money.

And, *Be it further Enacted by the Authority aforesaid,* That the Treasurers of the said Divisions, or either of them, shall in like Manner pay unto the several Persons hereafter named the several Sums following, *viz.*

To the *Clerk* of this House, for his Attendance last Session, and this Session, the Sum of *Eight Shillings* Proclamation Money *per Diem,* and also *Twenty Pounds,* Money aforesaid, for his Copying the Laws, providing Pen Ink and Paper, and other Services done at the said Sessions.

To *Samuel Keimer,* or his Order, for the Ballance of his Account due for Printing, the Sum of *Twenty Five Pounds,* Proclamation Money.

To *William Bradford,* for Printing the *Votes,* the Sum of *Twenty Shillings,* Money aforesaid, for each Sheet.

To *John Burrowdell,* Serjeant at Arms, for his Attendance at *Burlington* last Sitting, the Sum of *Three Shillings,* Money aforesaid, *per Diem.*

To the Door-keeper, the same Sitting, the Sum of *Three Shillings,* Money aforesaid, *per Diem.*

To *John Loofbourow,* Serjeant at Arms attending this Session, *Three Shillings,* Money aforesaid, for each Day he hath attended, or may attend, this Session; and also *Four Shillings,* Money aforesaid, more for each Day he hath rode, or may ride, this Session, on the Service of the House of Representatives.

To the Door-keeper attending this Session of Assembly, *Three Shillings*

per Diem.

To the Signers who are appointed to sign the Bills of Credit to be made current by an Act passed this Session, after their respective Services done, each the Sum of *Twenty Five Pounds,* Money aforesaid.

To *John Hamilton, John Parker, John Rodman* and *Isaac Pearson,* for attending to see the old Bills cancelled, (which were exchanged for new) each *Five Pounds,* Money aforesaid.

To *Isaac Decow* and *Robert Smith,* for inspecting the Press when the said new Bills were printed, to exchange the old Bills, each *Five Pounds,* Money aforesaid.

To *Isaac Decow* and *Daniel Smith,* Junr. for inspecting the Press when the Bills shall be printed to by made current by an act passed this Session, each *Five Pounds,* Money aforesaid.

To the Printer who shall print the Bills of Credit, the Books of Mortgages, and other Books directed to be provided and bound up, by an Act passed this Session, so much Money as *Isaac Pearson, Richard Smith,* Junr. and *Joseph Cooper,* Junr. or any two of them shall agree with the said Printer, for doing the said Services.

To the Speaker, for drawing Bills this Session and the last, and for his Costs and Charges about corresponding with the Agent of this Province, *Thirty Pounds,* Money aforesaid.

To the Printer who shall be agreed with for Printing the Acts past this Session, and shall Re-print the Acts now in Force, and Bind the same, so much Money as shall be agreed to be given to the said Printer by the Speaker aforesaid, for the said Services.

All which Payments are to be made by the said Treasurers or either of them, by Virtue of Warrants past in Council in Manner aforesaid, and the said Warrants, when produced, and Indorsements thereon by the Persons to whom they may be respectively made payable, shall be sufficient Vouchers for the said Treasurers or either of them, their Executors or Administrators, for so much of the said Interest Money.

Bradford (1730) 7-10.

1. John Montgomerie (?-1731) was appointed governor succeeding William Burnet in 1728. He died in office in July 1731.

An ACT *for appropriating the* Money *directed to be raised by the Act, entituled,* An Act for the additional Support of this Government, *&c. And for raising a further Support of Government for one Year.*

WHEREAS by an Act of the General Assembly of this Province, passed in the tenth Year of the Reign of the late Lord the King that then was, entituled, *An Act for the additional Support of this Government,* &c. It was thereby directed and enacted, That the Sum of One Thousand Pounds Money, according to the Proclamation of the late Queen *Anne,* should be levied, raised and collected, for each of the Years of Our Lord, One Thousand Seven Hundred and Thirty One, One Thousand Seven Hundred and Thirty Two, One Thousand Seven Hundred and Thirty Three, and One Thousand Seven Hundred and Thirty Four, for the Support of this Government, and to be appropriated in such Manner as the Governor, Council and Assembly should thereafter direct. And *Whereas* the Provision made for the Salaries of the Governour for the Time being, and other Officers of this Government, will expire on the Twenty Third Day of *September* next; and it is reasonable that farther Provision should be made for the Paying the said Salaries, and other Charges,

Therefore, *Be it Enacted by the Governor, Council and General Assembly of this Province; and it is hereby Enacted by the Authority of the same,* That the said several Sums of *One Thousand Pounds,* Money aforesaid, by the said Act directed to be levied, raised and collected, for each of the said Years, One Thousand Seven Hundred and Thirty One, One Thousand Seven Hundred and Thirty Two, One Thousand Seven Hundred and Thirty Three, and One Thousand Seven Hundred and Thirty Four, amounting in the whole to the Sum of Four Thousand Pounds, Money aforesaid, shall be, and is hereby given unto our Sovereign Lord the King, His Heirs and Successors, for and towards defraying the necessary Charges and Salaries of the Officers of the said Province for the said Four Years, to be paid out accordingly by the Treasurers for the Time being, by Warrants to them to be directed past in Council, under the Hand and Seal of the Governor or Commander in chief for the Time being, by and with the Advice and Consent of the Council, for the Purposes aforesaid.

And, *Be it further Enacted by the Authority aforesaid,* That for and towards the Support of this Government, and for defraying the necessary Charges and Salaries of the Officers aforesaid, for the Year of our Lord, One Thousand Seven Hundred and Thirty Five, there shall be then assessed, levied, raised and collected in this Province, in the Manner herein after directed, the Sum of One Thousand Pounds, Money aforesaid, the Quotas of each County to be proportioned as in and by the said Act, Entituled, *An Act for the additional Support of this Government,* &c. is directed; and when the said Sum is collected, the same shall be paid out for the Purposes aforesaid by the Treasurers aforesaid, in like Manner as is herein before directed for the first four Years Support. And forasmuch as the Method prescribed by the Laws now in Force for giving

the Lists of Estates real and personal, made rateable by the same Laws, on Experience have been found deficient, and not to answer the End designed; Therefore, for the remedying thereof, and preventing of Frauds, in concealing of any Part of the said Estates real or personal, made rateable by the Laws aforesaid,

Be it further Enacted; And it is hereby Enacted by the Authority aforesaid, That all and every of the Inhabitants and House-holders of each County in this Province annually, and every Year, on the first Day of *June,* or between that Day and the fifteenth Day of the same Month, in every of the five Years aforesaid, on Application to them made by the Assessors of the respective Townships, Precincts and Districts in Manner and Form, as by a former Law of this Province is directed, shall give a true List in Writing of their Names and Sirnames, and an Account of their Estates real and personal, made rateable by an Act, entituled, *An Act for the Support of the Government of His Majesty's Province,* &c. passed in the Eighth Year of the Reign of His late Majesty, unto the Assessors chosen and elected, or to be chosen and elected, by Virtue of an Act, entituled, *An Act for the more regular chusing and electing Assessors and Collectors in the respective Towns and Counties within this Province,* for the Time being, for the Town, Division, District or Precinct they reside in; and in Case any of the said Inhabitants or House-Holders shall at any Time neglect or refuse to give in such List or Lists of their said Estates real or personal, such Person or Persons so neglecting or refusing shall be assessed and rated the Double of the Sum of what the said Assessors, in their Discretion, may suppose the said Person or Persons neglecting or refusing, might, otherwise in proportion to their Estates have been Rated at; and in case the said Assessors or any of them, shall at any time within the Space of Thirty Days, after the said List of Estates are given in, have certain Knowledge, or Vehemently suspect that any Person or Persons have concealed, or not given in a full Account of their Estates Real or Personal, made Rateable, as aforesaid, then, and in such Case, it shall and may be Lawful for the said Assessors respectively, and they are hereby commanded and enjoyned to make a Catalogue of the Names of the Persons so offending, or supposed to have offended, and deliver the same to some one Justice of the Peace of the respective County, who is hereby authorized, impowered and commanded to summon such Person or Persons so delinquent, or supposed to be delinquent, at a Day and Place to be prefix'd, to be examined touching the Lists of their respective Estates so given in, or touching other Matters which may any Way concern the Premisses, if one of the People called *Quakers* on his or her Affirmation, if of any other Perswasion, on his, her or their Oaths; and if on such Examination, or otherwise, it shall appear that any Person or Persons have been guilty of concealing or not giving in any Part of their Estates made rateable as aforesaid, such Person or Persons shall forfeit the Treble Value of what the respective Rates would have amounted to on that Part of their Estates so concealed; and if any Person or Persons duly summoned to be examined as aforesaid, shall neglect to appear at the Day to be prefix'd him, her or them, and not having reasonable Excuse for such Default, every Person, so making Default, shall pay double the Value of what the said Assessors re-

spectively may in their Discretions suppose the said Delinquents might otherwise have been rated in Proportion to their Estates; for all which Penalties, the said Justice, on due Conviction as aforesaid, shall give Judgment with reasonable Cost, and issue his Warrant directed to the Constable of the Town or Precinct, for distraining the same on the Goods and Chattels of the Offender, and in Case no such Goods or Chattels can be found, then to take the Bodies of the Offenders, and them convey to the Goal of the said Counties, there to remain in the Sheriff's Custody until the said Penalties and Costs shall be paid: And the same Penalties when recovered shall be paid into the Treasurer of the respective Division, towards the Support of this Government.

Provided always, That if any Person or Persons shall think him, her or themselves agrieved by any such Judgment, it shall and may be lawful for such Person or Persons, in the Space of four Days then next following, to appeal from the said Judgment to the next Court of General Quarter Sessions of the Peace of the same County, but not after, who upon due Examination thereof, shall and may give such Relief therein as may be agreeable to Justice.

And, *Be it further Enacted by the Authority aforesaid,* That the Assessors aforesaid respectively shall in reasonable Time annually and every of the Years aforesaid, deliver to the Collectors of each Township, District and County, true and exact Duplicates, containing in distinct Columns therein to be made for that Purpose, as well an exact Account of the particulars of the rateable Estate given in by each Person, as also an Account of the Assessments thereon made; and the said Collectors shall after their Collections respectively made, deliver the same, or true Copies thereof, annually and every Year, during the said five years, to the Treasurer of the respective Division, that the said Collectors may be duly charged with the several Sums by them collected, and that the General Assembly may inspect the same for the better setling the Publick Accounts of the Province, and ascertaining the Quota of each County when Occasion may require.

And, *Be it further Enacted,* That in Case any of the Assessors or Collectors aforesaid shall neglect or refuse to deliver Duplicates of the Assessments as aforesaid, such Assessor or Collector, so neglecting or refusing, shall forfeit for each Offence, in not delivering the Duplicates aforesaid, the Sum of *Twenty Pounds ;* and it shall and may be lawful for the Treasurers of the respective Divisions, and they are hereby respectively enjoyned and required to sue for the same in any Court of Record in this Province, to be recovered with Cost of Suit, one Third to the Use of the Treasurer so suing, and the Residue for the Use of the Lord the King that now is, His Heirs and Successors, towards the Support of this Government; and in Case the said Treasurers or either of them shall wittingly conceal or neglect to sue any such Assessors or Collectors so delinquent as aforesaid, for the Space of Six Months after Notice of the said Offence or Offences, then and in such Case such Treasurer so offending shall forfeit *Twenty Pounds,* Money aforesaid, for each Offence, to be recovered by any Person who will sue for the same, one Half to the Use of our said Sovereign Lord the King, His Heirs and Successors, towards the Support of this Government, the other half with Cost of Suit to such Person so suing, wherein no Essoyn, Protection or Wager of Law shall be allowed, and only one Imparlance.

And in Case any of the Assessors or Collectors aforesaid shall in any other Duty, Matter or Thing enjoyned them by this Act, or any Act or Acts herein recited and referred to, neglect or refuse the same, such Assessor or Collector shall for each Offence forfeit the Sum of *Forty Shillings,* Money aforesaid, to be recovered by any Person who will sue for the same before any Justice of the Peace of the said County with full Costs of Suit, one Half thereof to be applied to the Support of this Government, the other Half for the Use of the Party who shall sue for the same to Effect.

And, *Be it further Enacted by the Authority aforesaid,* That the said several Sums directed to be annually raised by the before recited Act, entituled, *An Act for an additional Support of this Government,* shall be assessed, levied, raised, collected and paid, in such Manner, by such Persons, and at such Days and Times as by the said Act is directed and appointed, save only that Regard be had to such Change or Alteration therein to be made as in and by this Act is or may be directed.

And, *Be it further Enacted by the Authority aforesaid,* That the said Sum of *One Thousand Pounds,* by this Act herein before directed to be levied for the Year of our Lord, One Thousand Seven Hundred and Thirty Five, shall be assessed, levied, raised, collected and paid in such Manner, and at such Days in the same Year as in and by the said Act, entituled, *An Act for the Support of His Majesty's Province of* New-Jersey *for five Years, to commence the Twenty Third Day of* September, 1720, *and to end the Twenty Third Day of* September, 1725, is directed and appointed; but so always that Regard be had to such Alterations in the Manner thereof as by this Act is appointed.

And, *Be it further Enacted by the Authority aforesaid,* That the Collectors of the several Counties of this Province shall on the second *Wednesday* of *May* annually, and every Year, during the aforesaid Five Years, be Elected by the Majority of the Free-holders chosen for each County; which said Collectors, so annually Elected, being approved of by any Three Justices of the Peace, whereof one shall be of the *Quorum,* shall be Collector for the Year next ensuing such Election.

And, *Be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for the Justices of the Peace of each County in this Province, or any Three of them, *Quorum unus,* and the Majority of the Free-holders aforesaid, to call the County Collectors that now are or hereafter may be, to an Account concerning the Money by them already collected, or that may be hereafter collected in the said Counties, at such Time or Times, and as often as they the same Justices and Free-holders may deem convenient; and in Case any of the said County Collectors now have or hereafter may have any of the money by them collected remaining in their Hands after the Quota of the County shall be paid into the Treasurer of the respective Division, (above the Fees usually allowed for assessing and collecting) it shall and may be lawful for the Justices and Free-holders aforesaid to apply the same to any such other Use of the County for which they are by any Act of Assembly now in Force, or that may hereafter be in Force, directed and authorized to levy Money of the said Counties respectively; and in Case the said Collectors or any of them shall neglect or refuse to

render Account as aforesaid on reasonable Notice to them given, or shall neglect or refuse to pay out such Superplus Money in such Manner as the Justices and Free-holders shall direct, each of the said Collectors so offending shall for each Offence forfeit *Thirty Pounds,* Money aforesaid, one Half to the Use of our said Sovereign Lord the King, His Heirs and Successors, towards the Support of this Government, the other Half to any one who shall sue for the same to Effect in any Court of Record in this Province, to be recovered with full Costs of Suit.

And, *Be it further Enacted by the Authority aforesaid,* That so much of the before recited Acts which may be repugnant to this Act, or any other Acts of this Province, so far as the same are inconsistent or contrariant herewith, shall be; and are hereby declared null, void, and of no Effect.

And, *Be it further Enacted by the Authority aforesaid,* That in Case His Excellency, *John Montgomerie,* Esq; present Governor of this Province, shall by Death or otherwise cease to be Governor thereof, at any Time after the passing of this Act, and before the Twenty Third Day of *September,* which will be in the Year of our Lord, One Thousand Seven Hundred and Thirty Five, that then it shall and may be lawful for the Treasurers of this Province for the Time being, and they are hereby directed, authorized and commanded to pay to His said Excellency, *John Montgomerie,* Esq; his Executors, Administrators and Assigns, or his and their Orders, out of the said Sums directed to be raised as aforesaid, all such Sum or Sums of Money as at the Time of his ceasing to be Governor as aforesaid shall remain in Arrear and unpaid to him for his Salary.

Bradford (1730) 10-16.

An ACT *to encourage the killing of* Wolves *and* Panthers.

Be it Enacted by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the Justices of the Peace and Free-holders, chosen Yearly in each Town and Precinct of every County, for raising of Money for building of Goals and Court-houses, shall also direct the raising of such Sum and Sums of Money as shall be found necessary for defraying the Charge of killing of Wolves and Panthers Yearly, which Money so directed to be raised, shall be assessed and collected by the Assessors and Collectors annually chosen by the Act, entituled, *An Act for the more regular chusing and electing Assessors in the respective Towns and Counties in this Province,* in

such Manner as in and by the said Act is directed.

And, *Be it further Enacted by the Authority aforesaid,* That every Person or Persons who shall kill any Wolf or Panther, and carry the Head of the same to any Justice of the Peace, such Justice of the Peace, on Examination being satisfied that such Wolf or Panther was killed in that County after the Publication of this Act, shall give him or them a Certificate (after he has cut off the Ears thereof) to the Collector of the respective Town, District or County, or any of them, who upon Sight thereof, shall pay to the Person bringing such Certificate, the Sum of *Twenty Shillings,* Proclamation Money, and for every Whelp of a Wolf that cannot prey the Sum of *Five Shillings,* Money aforesaid, and for every Panther the Sum of *Fifteen Shillings.*

And, *Be it further Enacted by the Authority aforesaid,* That if any of the Justices, Free-holders and Assessors aforesaid, or any of them, shall refuse or neglect to perform the Duty and Services required of them by this Act, such Refuser or Neglector, for each Fault, shall forfeit the Sum of *Forty Shillings,* to be levied on the Goods and Chattels of the Defaulters, by the Constable having a Warrant from any Justice of the Peace, one Third Part to the Informer, the other two Third Parts to be paid to the Collector, for and towards paying for killing of Wolves and Panthers as aforesaid.

And, *Be it further Enacted by the Authority aforesaid,* That if any Person or Persons shall neglect or refuse to pay their Assessments to the Collectors aforesaid, the same shall be levied by Warrant from any Justice of the Peace, on the Goods and Chattels of such Delinquents, by the Constable, and immediately paid to the Collector: The Fees of the Assessors shall be *Six Pence per* Pound, of the Justices and Free-holders *Twelve Pence per* Pound, of the Collectors *Twelve Pence per* Pound, and the Constable *Twelve Pence* for each Distress, all Money according to the late Queen's Proclamation. And, *Be it Enacted by the Authority aforesaid,* That all the Laws heretofore made concerning Wolves, Panthers and Red Foxes, be and are hereby repealed. Provided always, That all Wolves, Panthers and Red Foxes, killed at any Time before the Publication of this Act shall be paid in such Manner as in and by the said former Laws of this Province were directed and appointed, any Thing therein contained to the contrary notwithstanding.

Bradford (1730) 16-17.

A Supplementary ACT, *explaining certain Clauses in an Act, entituled, An Act for the Amendment of the Law relating to High-ways and Bridges,* &c.

WHEREAS the Bridge to be built over *Bound Brook,* between the County of *Middlesex* and *Somerset,* according to the Direction of an Act passed in the first Year of the Reign of our Sovereign Lord the King that now is has hitherto met with Obstructions, arising from Mistakes concerning the Meaning and Intention of the said Act: For Remedy whereof, and to prevent any further Delay that may be made in building the said Bridge so much wanted for the publick Use, *Be it Enacted by the Governor, Council and General Assembly; and it is hereby Enacted by the Authority of the same,* That as soon as conveniently may be after the Publication of this Act, there shall be a Bridge built over the *Bound Brook,* on the most commodious Place on the North East Side of the Road now used, as it lies from *Piscataway,* in the County of *Middlesex,* up *Rariton River,* which Road, as the same is now used, shall be deemed and taken for the Road or High-way, and good and sufficient Causeways laid and made to the said Bridge in the said Counties; which Bridge so to be built, and Causeways so to be laid and made, shall be built, laid and made, and at all Times hereafter, re-built, kept up, repaired and amended, one Third Part at the Expence of the County of *Middlesex* aforesaid, the other two Third Parts thereof at the Expence of the County of *Sommerset* aforesaid, and the Expence and Charge of building and re-building, laying, making, repairing and amending the said Bridge and Cause-ways shall be assessed and collected as in and by the said recited Act, is mentioned, prescribed and directed, and all Persons neglecting or refusing to do or perform the Duty enjoyned them relating to the said Bridge over *Bound Brook* and Cause-ways leading thereto, shall be lyable to the Pains and Penalties in the before recited Act contained, to be recovered according to the Directions thereof with full Costs of Suit.

Bradford (1730) 18.

An ACT *for preventing Small* Stone-Horses *running at large in this Province.*

WHEREAS by long Experience it hath been found that Small Stallions running at large in the Woods have been and still are very hurtful to the Breed of Horses in this His Majesty's Province of *New-Jersey,* by causing the Breed to be small, and so rendring them less serviceable to the Inhabitants thereof.

Be it therefore Enacted by the Governor, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the

Publication of this Act, any Free-holder or Free-holders that shall find any Stone-Horse running at large of the Age of Eighteen Months, and not of the full Height of Fourteen Hands from the lowest Part of the Hoof to the highest Part of the Withers, (accounting four Inches to the Hand) it shall and may be lawful for any such Free-holder or Free-holders to take up such Horse or Horses under the Size aforesaid at any Time between the first Day of *April* and the first Day of *September* yearly, and geld or cause to be gelt any such Horse or Horses, who shall receive from the Owner or Owners of such Horse or Horses *Ten Shillings* in current Money of this Province for each Horse so gelt at any Time after one Month after gelding as aforesaid, and upon Neglect or Refusal of such Payment it shall be deemed a just and lawful Debt to the Person or Persons aforesaid, who shall geld or cause to be gelt the said Horse or horses as aforesaid, to be recovered from the Owner or Owners of such Horse or Horses, before any Justice of the Peace of the Town or County to which they belong; but if any Person shall not think fit to geld such Horse so taken up, then he may convey any such Horse to the Owner, and shall receive of the said Owner the same Sum, and recover it after the same Manner as is hereby directed to be received and recovered if he had gelt such Horse as abovesaid. *Provided,* That if any such Horse so gelded as aforesaid should happen to dye within one Month after being so gelt, That then and in that Case the Owner or Owners of such Horse or Horses shall be free and clear from the Payment of the *Ten Shillings* aforesaid.

And, *Be it Enacted by the Authority aforesaid,* That if any Person or Persons who are not Free-holders shall at any Time or Times hereafter range the Woods, and drive up and geld any such Horse or Horses contrary to the true Intent and Meaning of this Act, shall pay the full Value of each Horse so gelt, if he should happen to dye within One Month after his being so gelt to the Owner of the same, to be recovered in any Court of Record within this Province; and the Act heretofore made concerning Stone Horses shall be and is hereby repealed to all Intents and Purposes.

Bradford (1730) 19-20.

An ACT *for setling the* Militia *of the Province of* New-Jersey.

WHEREAS the Security and Preservation of this Province greatly depends upon the *Militia* being put into such Methods as may make the same most use-

ful for the Defence thereof, and Honour of his Majesty. *And Whereas* the former Act for setling the *Militia* of this Province is expired by its own Limitation:

Be it therefore Enacted by the Governor, Council and General Assembly, and by the Authority of the same, That every Captain within this Province, already appointed, or that shall hereafter be appointed, shall make a true and perfect List of all the Men that are at present, or that shall hereafter happen to be within the Districts or Divisions of which they are Captains, between the Age of Sixteen and Fifty Years (except the Gentlemen of His Majesty's Council, and the Representatives of the General Assembly, Ministers of the Gospel, the civil Officers of the Government, and all Field Officers and Captains that heretofore bore Commission in the *Militia* of this Province, and all that now do or shall hereafter bear such Commission, Physicians, School-Masters, millers, bought Servants and Slaves) every of which so listed shall be sufficiently armed with one good sufficient Musquet, or Fuzee, well fixt, a Sword or Bagonet, a Cartouch-box or Powder-horn, three Charges of Powder, and three sizeable Bullets, who shall appear in the Field so armed twice every Year, the first *Monday* in *April,* and the second *Monday* in *October,* (except the County of *Cape-May,* which shall thus appear, the third *Monday* in *April,* and the third *Monday* in *October*) yearly, at the Places appointed by their Captains or Superior Officers, and continue in Arms but one Day at each Time, beside at other Times when they shall be called together by an Order in Writing under the Hand of the Captain General or Commander in chief for the Time being, at such Places as shall be by Him appointed, to be taught the Use of their Arms, and then and there shall and are hereby subjected to the Command of their proper Officers, and upon Disobedience shall and are hereby made liable to the Penalties and Punishments of the Martial Law, so that the Punishment do not extend to the taking of Life or Member.

And, *Be it Enacted by the Authority aforesaid,* That every Person so listed that doth appear at the Times and Places abovesaid, who shall not be armed and provided with Ammunition as aforesaid, shall forfeit as followeth, *viz.* For Want of a Musket or Fuzee, *Two Shillings,* if not well fixed, *One Shilling,* For want of a Sword or Bagonet, *One Shilling,* for Want of three Charges of Powder and three sizeable Bullets, *One Shilling;* all which Fines to be levyed by the Serjeant or Corporal of the Company by a Warrant from the Captain upon their Goods and Chattels, if they refuse to pay their Forfeitures: Which Forfeitures shall be applied towards providing the Company with Drums and Colours.

And, *Be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for the Captain General or Commander in chief for the Time being, in Case of any Invasion of any Enemy, to call all or so many of the Persons aforesaid together, for the repelling the Force of any Enemy, or order such Detachments for the common Defence as he shall think fit, to follow and pursue the Enemy into any of the Neighbouring Governments, for expelling the Enemy and Preservation of His Majesty's Subjects and Government.

And, *Be it further Enacted by the Authority aforesaid,* That every Person so listed that doth not appear at the Place appointed as aforesaid, shall contri-

bute and pay towards the Relief of the Poor of the Town or Precinct to which they belong the Sum of *Three Shillings and Sixpence,* Proclamation Money, for each of the said Days Absence, to the Captain or Commanding Officer for the Time being of their respective Companies (excepting in Cases of Sickness or any other reasonable Excuse to be allowed of by the Captain) which Sum so raised by the said Captain or Commanding Officer, shall from Time to Time be paid unto the Overseer of the Poor of the Town or Precinct to which they belong. And if any Person or Persons shall refuse or neglect to pay as aforesaid, the said Captain or Commanding Officer is hereby impowered and required to make out his Warrant to one of his Serjeants or Corporals to make Distress upon every Person's Goods and Chattels so neglecting or refusing to pay as aforesaid; *Provided,* That such Distresses be made in a reasonable Manner, and but once a Year for all the Defaults that have been committed within the said Year before the Time of such Distress, and shall expose the said Goods to publick Sale, and after Sale thereof, shall pay the Forfeitures as aforesaid, and return the Overplus (if any be) to the Owners thereof after deducting of *One Shilling* for his Trouble, which he is hereby allowed to take.

And, *Be it further Enacted by the Authority aforesaid,* That the said Overseer for the Time being shall keep a true and perfect Account of all the Money collected as aforesaid, and shall have for his the said Overseer's Trouble *Ten Pounds* for every *Hundred Pounds* received by Virtue of this Act, and so in Proportion for a greater or lesser Sum. Which Sum or Sums of Money so raised shall be annually accounted for to the next succeeding Overseer of the Poor, to be applied to the Uses aforesaid.

And, *Be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for such Captains, or other Commanding Officers, as live on or near the Sea Side, or Indians, on any Descent or Invasion by any Enemy, to call all or so many of their several and respective Companies together as shall be thought necessary to expel the said Enemy.

And, *Be it further Enacted by the Authority aforesaid,* That when the Governor or Commander in chief for the Time being shall think fit to direct in Time of War or Danger any Watch to be kept in any Place or Places within this Province, the Colonel, Lieutenant-Colonel, Major, or other Commanding Officer of the Regiment to whom such Directions is signified shall issue out his Orders to the several Captains under his Command, to appoint such and so many Men to appear with their Arms at such Time and Places as such Colonel or Commanding Officer shall appoint: Which Watch so appointing shall be equally relieved by Order of the Commanding Officer of said Company, and so equally thro' all the Companies of the said County. And every Person or Persons neglecting or refusing to appear himself, or send a sufficient Man in his Room, to watch during the Time and at the Place appointed, shall forfeit the Sum of *Ten Shillings* for each Offence; and any Person that shall leave the said Watch until relieved by some other Person appointed to watch in his stead, every such Person, so leaving as aforesaid, shall forfeit the Sum of *Forty Shillings,* Money of the said Province, to be recovered before any Justice of the Peace of the County where the Offence is committed, one Half to the Informer

who shall prosecute the same to Effect, the other Half to be appropriated to the Use or Uses as is before appointed by this Act. *Provided always,* That no Person shall be obliged to continue longer on the Watch than Twenty Four Hours at one Time.

And, *Be it further Enacted by the Authority aforesaid,* That if any Person appointed by the Captain to be a Serjeant or Corporal shall refuse the said Office, every such Person so refusing shall forfeit the Sum of *Twenty Shillings,* to be recovered by Warrant from any one Justice of the Peace.

Provided always, That none be appointed Serjeants or Corporals but such as have or shall appear in Arms as aforesaid; and any Serjeant or Corporal who shall refuse or neglect to distrain as aforesaid, shall forfeit the Sum of *Twenty Shillings* for each Default, to be recovered before any one Justice of the Peace, and applyed as it is before directed by this Act.

And, *Be it further Enacted by the Authority aforesaid,* That every Person listed within this Province shall always be provided with one good sufficient Musquet or Fuzee, well fixt, a Cartouch Box or Powder-horn, Half a Pound of Powder and twelve sizeable Bullets in his House; and as often as any Person shall be deficient in the Arms and Stores herein mentioned, shall forfeit to the Uses first before mentioned, and for paying the Serjeants and Corporals for their Pains, the Sum of *Three Shillings,* and the respective Captains are hereby impowered to appoint their Serjeants and Corporals to examine the same once a Year.

And, *Be it further Enacted by the Authority aforesaid,* That this Act shall continue and be in Force for Seven Years after the Publication hereof, and from thence to the End of the first Session of Assembly thereafter next ensuing.

Bradford (1730) 20-23.

An ACT *for the building of a* Town-House *and* Goal *in the County of* Monmouth.

WHEREAS the Court-House and Goal belonging to the said County of *Monmouth* were by Accident lately burnt down, and no Law in this Province having provided for building thereof, and it being highly necessary it should be built, Therefore,

Be it Enacted by the Governor, Council and General Assembly of the said Province, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for any three Justices of the Peace of the said County, whereof one to be of the *Quorum,* and they are hereby enjoyned, commanded and required, in Conjunction with the Freeholders, chosen by Virtue of *An Act for raising of money for building and repairing of Goals and a Court-House,* &c. to meet together as soon as it may be conveniently, after the Publication of this Act, at the House of *Thomas Carnan,* in the same County; and then and there, draw Advertisements, to be fix'd up on the most publick Place in each Township of the same County, thereby giving Notice to all Persons who by Law are Qualifyed to give their Votes for the choice of Representatives in the said County, to Assemble themselves together at the Place where the old Court-House stood, some Day by the Justices and the Majority of the fore-mentioned Freeholders to be appointed, not exceeding Forty Days, nor less then Twenty Days, from the time of the affixing up such Advertisements, then and there by Plurality of Votes to Elect the Place, whereon such Court-House and Goal shall be built.

And be it further Enacted by the Authority aforesaid, That on the Day so appointed, the said Justices shall take the Votes of such of the said Freeholders, as may appear, and are Qualifyed to give their Votes as aforesaid; and the said Freeholders shall be judges of the Poll at the said Election, and have Power to adjourn from day to day, not exceeding the space of three Days, as the Majority of the said Freeholders shall agree, until all the Votes are taken of the Persons Qualifyed and Attending for that Purpose, and then the said Justices and Freeholders shall Number the Persons Voting, and for what place so ever a Majority of Voices shall happen for building the said Court-House and Goal, in that place, and not elsewhere, the same shall be built.

And be it further Enacted by the Authority aforesaid, That in Order to raise Money to Build and Compleat the said Court-House and Goal; it shall and may be lawful for any three Justices (one being of the *Quorum*) and Freeholders aforesaid, from time to time, and as often as occasion may require to meet together, at the Place where the old Court-House stood, to appoint Assessors, Collectors and Managers, for Raising and Collecting of Money, Employing of Workmen, and carrying on the said Work, in the same Manner, as in and by the before-recited Act is appointed; and every Person who by this Act are Enjoyned any Matter or Thing and shall neglect or refuse to perform the same, such Person or Persons shall be liable to the same Penalties and Forfeitures, and to be recovered in like manner, as by the said recited Act is inflicted and directed.

And be it further Enacted by the Authority of the same, That the Justices, Freeholders, and Assessors aforesaid, and those who may be at any time appointed and chosen in any succeeding Years, shall be, and are hereby impowered to build, carry on, amend and repair the Court-House and Goal aforesaid; and to do and perform every other matter or thing relating to the same, as fully, amply and largely, as the Justices, Freeholders and Assessors, by the same Act

are appointed and authorised to do, touching or concerning any of the Court-Houses and Goals, therein particularly mentioned.

Bradford (1730) 23-25.

An ACT *for the preventing of* Lotteries, *and for regulating* Pedlars.

WHEREAS the frequent Use and Practice of vending Goods and Merchandizes of late in this Province by Way of Lottery and Rafling is very prejudicial to the fair and honest Traders in the same, and hath given Opportunity to ill minded Persons to cheat and defraud divers of the honest Inhabitants thereof; which Persons in Order to put off their unsaleable and sometimes almost useless Wares and Merchandizes, and for the Desire of unlawful Gain, have not only imposed upon the said Inhabitants in the Quality of the Wares and Merchandizes so vended, but also by setting extravagant Prices on the same, to the great Impoverishment of this Province: For the Prevention whereof for the future,

Be it Enacted by the Governor, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That no Person or Persons whatsoever from and after the Publication hereof shall presume to vend or dispose of, or offer to vend or dispose of, any Goods, Wares or Merchandizes within this Province, by Way of Lottery, Raffling, Ballotting, Voluntary Subscription, or by any other Method whatsoever that shall depend upon or be determined by Lot or Chance; and if any Person shall vend or dispose of, or offer by Advertisements or otherwise, to vend or dispose of, any Goods, Wares or Merchandizes, by any of the Ways and Methods in and by this Act prohibited, contrary to the true Intent and Meaning thereof, he, she or they so offending, shall forfeit and pay double the Value of all such Goods, Wares and Merchandizes, so vended or disposed of, or offered to be so vended or disposed of, to be recovered by any Person or Persons that shall sue for the same, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed, any Law, Custom or Usage whatsoever to the contrary thereof in any wise notwithstanding. Of all which Forfeitures, to be recovered as aforesaid, one Half shall be paid to the Treasurers of the respective Divisions of this Province for the Time being, for the Use of His Majesty, His Heirs and Successors, for and towards the Support of this Government, and the other Half to the Person or Persons who shall sue for the same as aforesaid.

And whereas many idle and vagrant Persons under Pretence of being Hawkers or Pedlars, and of carrying Goods for Sale from House to House in this Province, have greatly imposed upon many People in the Sale of such Goods; and under Colour of selling their Wares have entered into the Houses of many honest and sober People in the Absence of the Owner or Owners of the said Houses, and committed divers Misdemeanours, to the great Prejudice of the Inhabitants of this Province: For the preventing of such evil Practices for the future, and to the Intent that no Person be allowed to follow the Business of Hawkers or Pedlars within this Province but Persons of known Honesty and civil Behaviour, *Be it further Enacted by the Authority aforesaid,* That after the Twenty Third Day of *September* next no Person or Persons whatsoever shall follow or imploy him her or themselves in the Business or Imployment of a Hawker, Pedlar or Petty Chapman, or in going from Town to Town, or to other Mens Houses, and travelling with Horse or Horses, or other Beasts of Burden, or otherwise, within this Province, (except as herein after is excepted) or carry or sell, or expose to Sale, any Goods, Wares or Merchandizes within the same Province, until such Person or Persons shall have obtained a Recommendation from the Justices of the Peace of the County where he or she dwells, at their Quarter Sessions, certifying their Opinion of the Honesty of the Person recommended, and that he or she is a Liver within this Province, and intends to travel with one or more Horse or Horses or other Beasts of Burthen, or on Foot; and shall thereupon have obtained a Lycense from the Governor, and shall have given Bond in the Clerk's Office of the Quarter Sessions of the said County in His Majesty's Name, with one Surety at least, in any Sum according to the Discretion of the said Justices in their Quarter Sessions, not exceeding *Fifty,* nor under *Twenty Pounds,* conditioned that such Person or Persons shall be of good Behaviour during the Continuance of the said Licence, and shall well and duly satisfy and pay all such Taxes and Duties as shall be legally assessed upon him, her or them, within the County where he, she or they shall obtain the said Recommendation, and shall have taken a Certificate of the said Clerk of his her or their having given Bond as aforesaid; for which License there shall be paid to the Governor the Sum of *Twenty Five Shillings* by every Person obtaining a License to travel with a Horse or other Beast of Burthen, and the Sum of *Fifteen Shillings* for every Person licensed to travel on Foot, and to the Clerk for the said Bond and Certificate *Three Shillings.*

And if any Person or Persons not being qualified as aforesaid, shall be found Hawking, Pedling, or travelling from House to House to sell Goods as a Hawker, Pedlar or Petty Chapman, he or she so offending, if travelling with one or more Horses or other Beasts of Burthen, shall forfeit the Sum of *Fifteen Pounds,* Proclamation Money; and if travelling on Foot, shall forfeit the Sum of *Ten Pounds,* to be recovered in like Manner, and applied to the like Uses as the other Forfeitures in this Act are before directed to be recovered and applied. And that every Person so trading, who upon Demand made by any Justice of the Peace, Mayor, Constable, or other Person being a Free-holder, in any Town, Place or County within this Province, where he or she shall so trade, shall refuse to produce and show unto such Justice or other Person his or her Licence for so

trading, to be granted as aforesaid, and Certificate of his having given Bond as aforesaid, shall forfeit for not producing and showing such License the Sum of *Forty Shillings,* and for not producing and showing such Certificate the Sum of *Twenty Shillings,* to be recovered and applied in Manner as aforesaid.

Provided always, and it is hereby further Enacted, That nothing herein contained shall extend or be construed to extend to hinder any Person or Persons from selling or exposing to Sale any Sort of Goods or Merchandizes in any Publick Market or Fair within this Province, or to hinder any Person from carrying about from Town to Town, and from House to House, any Goods, Wares or Merchandizes being of the Growth, Product or Manufacture of this or the neighbouring Provinces; but that such Person or Persons may do therein as they lawfully might have done before the making of this Act, any Thing herein contained to the contrary notwithstanding.

And, *Be it hereby further Enacted,* That if any Dispute shall happen to arise about the said Goods, Wares or Merchandizes, concerning the Place of the Growth, Product or Manufacture of the same Goods, the Person or Persons so carrying about or exposing the same to Sale in Manner as aforesaid shall be obliged to declare upon Oath or Affirmation before any Justice of the Peace or other Magistrate of the County, Town or Place where he she or they shall carry about or offer the same to Sale, whether such Goods, Wares or Merchandizes be of the Growth, Product or Manufacture of this Province.

And, *Be it further Enacted by the Authority aforesaid,* That all the former Acts of Assembly of this Province any Way relating to pedlars shall be and are hereby repealed, made null and void to all Intents and Purposes.

Bradford (1730) 25-28.

An ACT *for Naturalizing* Christina Elrington, *Widow, and* Susanna Roeters.

HUMBLY praying His Excellency the Governor, Council and General Assembly of the Province of *New-Jersey,* now convened, *Christina Elrington,* Widow of *Francis Elrington* deceased, and *Susanna Roeters,* Daughters of *Abraham Roeters* and *Sophia* his Wife, born at *Amsterdam,* out of the Allegiance of the King of *Great Britain,* but professing the true Protestant Religion, and having given good Testimony of their humble, dutiful and loyal Affections to His Majesty *George* the Second, of *Great Britain,* &c. King, and the present Establishment of the Succession to the Crown of *Great Britain* aforesaid, that it

may be Enacted:

And be it Enacted by the Governor, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That the said *Christina Elrington* and *Susanna Roeters,* and each of them, be from henceforth adjudged and taken to all Intents and Purposes Naturalized, and as freeborn Subjects of this Province, and they are and shall be from henceforth adjudged, reputed and taken to be in every Condition, Respect and Degree, as free to all Intents and Purposes as if they had been and were born within the Province of *New-Jersey* aforesaid.

Bradford (1730) 28.

An ACT *for the better enabling divers Inhabitants of the Province of* New-Jersey *to hold Lands, and invest them with Priviledges of natural born Subjects of the said Province.*

WHEREAS *Godfrey Peters, Hendrick Bast, Johan Willem Snoek, Nicholas Signe, Johannes Laux, Willem Guise, Jacob Moor, Hieronimus Keyser, Joseph Bast, Rudolph Herley, Anthony Hubbach, Johan Moor, Johan Ludowick Rightmier, Jacob Houselt, Johannes Yager, Johannes Peter Yager, Paul Flag, Jacob Peer, Hendrick Dirdorf, Christian Cornelius, Carel Hierlogh, Bartholomeus Melsbagh, Hendrick Yager, Jacob Eigh, Christian Hassel, Johan Housilt, Johan Philip Kaes, Johan Peter Rockefelter* and his two Sons, namely, *Peter Rockefelter* and *Johannes Rockefelter, Peter Bodine, Jacob Engle, Jacob Sartor* and his two Sons, namely, *Johannes Sartor* and *Hendrick Sartor, Johan William Berg* and his three Sons, namely, *Johannes Berg, Pieter Berg* and *John Berg, John Gerig Miller, Johan Young, Martin Fisher* and his two Sons, namely, *Jacob Fisher* and *Philip Fisher, Koenraet Kull, Hendrick Snoek, William Han, Christopher Snider, Jacob Gerhart, Willem Engle, Pieter Fisher, Pieter Young, Herbert Homer, Koenraet Heinerigh, Adam Homer, Willem Bellesfelt, Willem Kaes, Paul Kole, Hieronimus Horn, Matteys Smith, Carel Maret, Johannes Giddeman,* and his Son *Hendrick Giddeman, Mattys Kaalsitt, Hendrick Weever, Ann Stagg, Anthony Dirdorf* and his four Sons, namely, *Peter Dirdorf, John Dirdorf, Anthony Dirdorf* and *Christian Dirdorf,* were born under the Leigance of the Emperor of *Germany,* and other Princes in Amity

with the Crown of *Great Britain,* and have settled themselves and their Effects in this Province of *New-Jersey,* and are desirous of enjoying the Privileges and Benefits which natural born Subjects of the Crown of *Great Britain* enjoy, and have by their humble Petition prayed Leave to bring in a Bill for Naturalizing them the said Petitioners; and as the said Petitioners do profess the Protestant Religion, and have given Testimony of their Duty, Loyalty and Affection to His Majesty, King *George* the Second, and the Succession of the Crown in the Protestant Line.

May it please the Governor at the humble Suit of the said Petitioners, that it may be Enacted; And, *Be it Enacted by the Governor, Council and General Assembly now met and assembled and by the Authority of the same,* That *Godfrey Peters, Hendrick Bast, Johan Willem Snoek, Nicholas Signe, Johannes Laux, Willem Guise, Jacob Moor, Hieronimus Keyser, Joseph Bast, Rudolph Herley, Anthony Hubbach, Johan Moor, Johan Ludowick Rightmier, Jacob Houselt, Johannes Yager, Johannes Peter Yager, Paul Flag, Jacob Peer, Hendrick Dirdorf, Christian Cornelius, Carel Hierlogh, Bartholomeus Melsbagh, Hendrick Yager, Jacob Eigh, Christian Hassel, Johan Housilt, Johan Philip Kaes, Johan Peter Rockefelter* and his two Sons, namely, *Peter Rockefelter* and *Johannes Rockefelter, Peter Bodine, Jacob Engle, Jacob Sartor* and his two Sons, namely, *Johannes Sartor* and *Hendrick Sartor, Johan William Berg* and his three Sons, namely, *Johannes Berg, Pieter Berg* and *John Berg, John Gerig Miller, Johan Young, Martin Fisher* and his two Sons, namely, *Jacob Fisher* and *Philip Fisher, Koenraet Kull, Hendrick Snoek, William Han, Christopher Snider, Jacob Gerhart, Willem Engle, Pieter Fisher, Pieter Young, Herbert Homer, Koenraet Heinerigh, Adam Homer, Willem Billefelt, Willem Kaes, Paul Kole, Hieronimus Horn, Matteys Smith, Carel Maret, Johannes Giddeman,* and his Son *Hendrick Giddeman, Mattys Kaalsitt, Hendrick Weever, Ann Stagg, Anthony Dirdorf* and his four Sons namely, *Peter Dirdorf, John Dirdorf, Anthony Dirdorf* and *Christian Dirdorf,* are and shall be to all Intents and Purposes deemed taken and esteemed his Majesty's natural born Subjects of this Province of *New-Jersey,* as if they and each of them had been born within the said Province, and shall and may, and every of them shall and may within this Province take, receive, enjoy and be entitled to all Rights, Priviledges and Advantages of natural born Subjects, as fully to all Intents, Constructions and Purposes whatsoever as any of His Majesty's natural born Subjects of this Province can do or ought to enjoy by Virtue of their being His Majesty's natural born Subjects of his Majesty's said Province of *New-Jersey.*

Provided always, and it is hereby declared, That this Act nor any Thing therein contained shall be construed so as to enable the several Persons herein named to be capable of being of His Majesty's Council of this Province, or to be Member of General Assembly, or enjoy any Office or Place of Trust or Profit, or by taking any Grant from the Crown, or from the Governor for the Time being, any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

Bradford (1730) 29-30.

An ACT *for regulating* Fences.

WHEREAS it hath been found by Experience prejudicial that by a former Act of Assembly of this Province, entituled, *An Act for regulating Fences,* all such Fences as thereafter should be made and esteemed lawful, must be Four Foot and Six Inches high.

Be it therefore Enacted by the Governor, Council and Representatives now met in General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publication hereof all Fences made of Posts and Rails shall be esteemed lawful if Four Foot and Two Inches high, and all other Fences to be lawful if Four Foot and Six Inches high, measuring from the Level or Surface of the Earth, and close, strong and sufficient to prevent Horses and Neat Cattle going through and under the same, (Sheep only excepted.)

And, *Be it further Enacted by the Authority aforesaid,* That all such Cattle and Horses that shall jump over, or break down any such Fence, shall be pounded, and the Owner of the Beast shall pay the Damage to the Person damnified, which shall be appraised by two sufficient men of the Neighbourhood, equally chosen by both Parties; but if the Owners of such Creatures shall refuse or neglect to chuse one of the said Appraisers, then the Party damnified may chuse them both himself, who shall also view the Sufficiency of the Fence; and it shall and may be lawful for the Person injured to pound such unruly trespassing Horses and Cattle within his Field or Yard the Space of Twenty Four Hours, he giving Notice thereof to the Owner of the said Trespassers, if known or easy to be found, and if they are not redeemed within the said Twenty Four Hours Space, then he shall lead or drive them to the Town or Precinct Pound, where the Pound-keeper shall receive and keep them 'till the Damages and Charges of the Trespass, Driving and Pounding is paid, and the Pound-keeper shall have for letting in and out of the Pound, *Two Pence per* Head, and for Feeding, Pounding and Tending *Six Pence per* Head, for every Twenty Four Hours they shall continue in the Pound.

And, *Be it further Enacted by the Authority aforesaid,* That where any Person sets his fence in the Partition Line between him and his Neighbour, and his Neighbour improves the Lands or Meadows adjoyning thereto by Inclosure, for Tillage, Mowing or Pasturage, they shall make and maintain the said Division Fence equally between them, close, strong and fit to turn Sheep; and if either of them neglect or refuse so to do, then the other may make and repair the same wholly, and shall recover half the Charges of the Party refusing, by Action of Debt if *Forty Shillings* or under, before any one Justice of the said Town or County, and if above *Forty Shillings,* within any Court of Record for holding the Pleas in the County where such Trespass may be done, as the same shall be valued by two honest Men of the Neighbourhood indifferently chosen by both Parties; but if the Party neglecting to make or repair said Fence, shall refuse to chuse one of the said Appraisors, then the other may chuse them both himself, and in Case the Persons so chosen to value the same Fence cannot agree

touching the Value thereof, then they the said Neighbours so chosen may chuse a third Person of the Neighbourhood to joyn them in that Service, and any two of them agreeing on the Sum shall be conclusive to the Parties, and if either of the Parties first chosen shall refuse to joyn in the Choice of such Third Person, then the other may chuse him alone; or if they should so disagree that no Third Person could be chosen, then the Party who made the Fence may maintain an Action on the Case for so much as he deserved for that Service, to be recovered in Manner aforesaid, and the Value, if under *Forty Shillings,* to be determined by any Justice of the Peace of the County, and if upward, within any Court of Record for holding of Pleas.

And, *Be it further Enacted by the Authority aforesaid,* That to avoid the Difficulty that may arise touching the placing of any such Partition Fence, if the Parties cannot agree on the Place themselves, nor to name any of their Neighbours for that Purpose, it shall and may be lawful for the Person who desires to have the Fence made, to apply to the Surveyors of the High-way of that Township or District in which the Land may lie, who on hearing the Allegations and Proofs of the parties, are hereby authorized and commanded to fix the Place where such Fence shall be set up, and when set up in the Place so directed, it shall be sufficient to entitle the Party so setting the same up to his Pay as aforesaid for that Service, altho' it should not happen to be exactly in the Division Line between the said Parties. *Provided always,* That the Place so directed for setting up the said Fence shall not be so conclusive to either Party as to exclude them or either of them of any just Claim to a greater Quantity of Land, but such Person or Persons may maintain his her or their Action for the same in such Manner as heretofore they might have done, any Thing in this Act to the contrary notwithstanding.

And, *Be it further Enacted by the Authority aforesaid,* That the Place where such Partition Fence doth or is to stand, shall be equally divided, Regard being had to the Quantity of the Fence it will take, and other Conveniencies of Fencing, and each Party shall take an equal Share of such Fence to make and maintain, so that when such Fence is made, each Person may know which Part thereof is his own; and if the Parties cannot agree in making such Division, then the Surveyors of the High-way abovementioned are hereby authorized and commanded to make such Division, and determine which Part of such Fence each Person is to make and maintain; and where any Person or Persons shall neglect or refuse to make and repair his Part of the Partition Fence between him and his next adjacent Neighbour, according to the Direction of this Act, so that his own or the Creatures of any other Person shall break in, enter into or upon his Land over or through the said Fence, so that he be damnified thereby, the Person or Persons upon sufficient Notice given, so neglecting or refusing as aforesaid, is hereby rendred liable to make good all Damages sustained thereby, and to be recovered, pursuant to the Directions of this Act: And if the Creatures of the Person or Persons who shall have made up his or their Share of the Partition Fence according to the Directions of this Act should trespass on his next adjacent Neighbour thro' that Part of the Fence by him so neglected to be made up as aforesaid, he shall not be liable to have his Creatures impounded, or have

any Action commenced against him thereon to recover any Damage accrueing thereby.

And, *Be it further Enacted,* That when any Stray Cattle or Horses are impounded for trespassing at any Time between the First Day of *April* and the Sixteenth Day of *November* yearly and every Year, the said Pound-keeper is hereby required forthwith to give Notice to the Owner, if known, or to set up Papers at the most publick Places in the Township and County to which the Pound belongs, and the two next adjoyning Towns, Precincts or Districts, giving publick Notice and Description of the said Strays; and if the Owner of such Stray, or some Person by his Order, do not appear and redeem them within two Months after such publick Notice given, the Pound-keeper shall sell such Strays at publick Vendue, (he setting up Papers on said publick Places, giving Notice of the Time and Place of Sale six Days before the Sale) and out of the Money receiv'd for such Strays he shall pay for the Trespass aforesaid, and other incident Charges, and return the Overplus to the Owner of the said Stray, or to his Order, provided he appear and demand the same within one Year after such Sale; and if the Owner, or some other Person by his Order, doth not appear within the Time aforesaid, then the Pound-keeper shall pay the said Overplus Money to the Overseers for the Use of the Poor of that Town or Precinct.

And, *Be it Enacted by the Authority aforesaid,* That if any Owner or Possessor of Land within this Province shall neglect or refuse to make and keep in good Repair the Fence and Fences about his Land in Manner as is before described, and for Default thereof the Horses or Cattle of any other Person shall break in, or enter into or upon the said Land, over or thro' such Fence, that the Owner of the said Cattle or Horses shall not be liable to any Action, nor the Cattle or Horses be impounded for any Damage committed; and if any Action be commenced thereon, then the Owner of such Cattle and Horses do plead the General Issue and give this Act in Evidence to justify the same.

Provided always, That this last Clause be not taken nor esteemed to affect Partition Fences so but that Partition Fences shall be regulated, and Damages recovered for Creatures entring into or upon any Person's Land over or thro' such Fence after the same Manner as by this Act is directed.

And, *Be it further Enacted by the Authority aforesaid,* Where any Partition Fence hath or hereafter shall be made between any two Neighbours, if either of them shall see Cause to give up his Improvement, or leave the same common, such Person or Persons shall be and are hereby debarred from taking up or removing such Fence so made between them without giving Twelve Months Warning to the other Party concerned or joyning thereto.

And, *Be it Enacted by the Authority aforesaid,* That where there is not a Pound kept within the Town or Precinct, then the Person damnified by such Cattle or Horses trespassing as aforesaid, may pound them in his, her or their own Field or Yard 'till redeemed, and he shall act in such Cases in all Things as the Pound-keeper should or ought to have done by this Act, any Thing herein to the contrary notwithstanding.

And, *Be it further Enacted by the Authority aforesaid,* That the Act, entituled, *An Act for Regulating Fences,* made in the Month of *March, Anno* One

Thousand Seven Hundred and Thirteen, be and is hereby repealed to all Intents and Purposes.

Bradford (1730) 31-34.

An ACT *imposing a Duty on Persons convicted of heinous Crimes; and to prevent poor and impotent Persons being imported into this Province of* New-Jersey; *and for Amendment of the Law relating to Servants.*

WHEREAS many Persons trading into this Province have for Lucre and private Gain imported, sold or disposed of, and daily do import Passengers and Servants into this Province, who by Reason of Age, Impotency or Idleness have become a heavy Burthen and Charge upon the Inhabitants thereof; and likewise do frequently import divers Persons convicted of heinous Crimes, who soon after their coming into this Province do often commit many Felonies, Robberies, Thefts and Burglaries, to the great Hurt of His Majesty's good Subjects trading to and inhabiting the same.

Be it therefore Enacted by the Governor, Council and General Assembly now met and assembled, and it is hereby Enacted by the Authority of the same, That all Masters of Vessels, Merchants or others, who shall transport, land, or bring into any Port or Place belonging to this Province at any Time after the Publication of this Act, any Person in the Condition of a Servant, or otherwise, within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape, Sodomy, Forgery, Perjury, or any Felony at any Time before such Importation or Coming into this Province, shall, before the said Convicts be landed or put on Shore, pay the Sum of *Five Pounds* for every such Convict so imported or otherwise brought in, one Moiety thereof to be applied towards the Support of Government of this Province, and the other Moiety to the Collector of the Division where the said Convicts shall be landed or put on Shore, or to the Informer; and shall further become bound with one sufficient Security at least, living in, and having an Estate of Free-hold in this Province, to the Treasurer of either Division for the Time being, in the Sum of *Fifty Pounds* for the good Behaviour of such Convict Person for the Space of one whole Year after their becoming so bound.

And, *Be it Enacted by the Authority aforesaid,* That if any such Convict as aforesaid, or Servant, or Passenger, being poor and impotent Persons, shall

be imported into this Province after the Publication of this Act, and shall be found within the same at any Time within the Space of Twelve Months next after their being so brought, whether such Person or Persons were landed within this Province or elsewhere, it shall and may be lawful for the aforesaid Collectors, or their lawful Deputies for the Time being, or for any Justice of the Peace, or principal Magistrate of any City, County or Town in this Province, and they are hereby required to cause to be apprehended, taken up, and to examine upon Oath or Affirmation all such Convicts as aforesaid, or Passengers, or Servants, being poor and impotent Persons; and all other Persons who may be supposed to be able to make any Discovery of the Time and Manner of their being imported into this Province, and from whence they came last, how long they have been come from Parts beyond the Seas, of what Country, and in what Vessel, and who was the Master or Merchant of such Vessel, and whether such Vessel at the Time of such Person or Persons being shipped or coming on board was bound to or designed for this Province; and whether the Persons shipped themselves with Intent to come into this Province; and if upon Examination it shall appear to any two Justices of the Peace of the City or County where they were to be imported, that the said Persons were shipped or took their Passage for this Province, then the said Magistrates before whom such Examination is taken shall demand and compel the said Persons, if Convicts immediately to comply with the Directions of this Act, by paying the Duties hereby imposed on them, and giving the Security required in the Case of Convicts by this Act; and are hereby required, authorized and impowered to send for the Master and Merchant of such Vessel, or either of them, in which the said Persons were supposed to be imported, and to examine such Master or Merchant upon their Oath or Affirmation, concerning the Passengers, Servants or Convicts, and their Importation or Coming into this Province; and if it shall appear that the Persons so apprehended and taken up, or any other Person or Persons being Convicts as aforesaid, were shipped or taken on board to be brought into this Province, and put on shore or permitted to go on shore by such Master or Merchant in any of the adjacent Governments without making Report and complying with the Directions of this Act, then in such Case the said Master or Merchant shall be obliged forthwith to give Security for his Appearance at the next General Quarter Sessions of the Peace held for said County where such Examination is taken; and if upon Presentment he or they shall be legally convicted of such fraudulent Practice, he, she or they so offending shall forfeit the Sum of *Twenty Pounds* for every Person so by him or them brought in as aforesaid, and put, or permitted to be put on shore, and afterwards at any Time within the Space of Twelve Months next after their being landed or put on shore, shall be found within this Province without making such Entry, and paying the Duties, and giving the Security required by this Act, one Moiety thereof for Support of this Government, and the other to either of said Collectors or the Informer, and shall further pay the same Duties, and give the same Security for such Convicts as aforesaid as if such Persons had been imported into this Province, and Report thereof made according to the Direction of this Act.

And, *Be it further Enacted by the Authority aforesaid,* That upon Infor-

mation given to any two Justices of any County within this Province that any Old Persons, Infants, Maimed, Lunatick, or any Vagabond or Vagrant Persons are imported, come, or are brought into this Province, the said Justices of the Peace shall cause such Persons to be brought before them, and if upon Examination they shall judge that such Person or Persons are likely to become chargeable to the City, Town or County where they are found, or were imported, it shall and may be lawful for the said Justices as aforesaid by Warrant or otherwise to send for the Master, Merchant or other Person who imported any such Persons that are likely to prove chargeable as aforesaid, and upon Proof made of their being the Importers or Owners of such suspicious Persons as aforesaid, any two Justices of the Peace as aforesaid shall and may compel the said Master, Merchant or Importer of such suspicious Persons to give sufficient Security to carry and transport such Persons to the Place or Places from whence such Persons were imported, or otherwise to indemnify the Inhabitants of this Province from any Charge that may come or be brought upon them by such Infant, Lunatick, Maimed, Aged, Impotent, Vagabond or Vagrant Person or Persons, coming into or living within this Province.

Provided always, That if any Person or Persons shall apprehend him or themselves aggrieved with such Order of Judgment of Justice or Justices of the Peace, or other Magistrate who shall give the same, the Person or Persons so aggrieved may appeal to the next Court of Quarter Session of the Peace to be held for the City or County where such Order shall be made, whose Judgment then shall be conclusive and final; but before such Appeal be allowed of, the Person or Persons so appealing shall enter into Recognizance with one good Surety at least, to pay the Cost and Charges if the said Order happen to be confirmed.

And for the better discovering of such Convicts, and poor, and impotent, or idle and vagrant Persons who shall be hereafter imported into this Province, and shall be likely to become chargeable to the Inhabitants thereof, *Be it Enacted by the Authority aforesaid,* That all Masters of Vessels, Merchants and others who shall hereafter bring into any Port or Place belonging to this Province by Land or by Water any Men or Women Passengers, or Servants, shall within the Space of 24 Hours after such Arrival forthwith make Entry to the Collector of the Division where they shall arrive, and give or cause to be given upon Oath or Affirmation to such Collector for the Time being, a true and just Account of all the Names of the Servants and Passengers so imported and brought in; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to any two Justices of the Peace of the County where they shall be so brought in; and the said Justices are hereby required, enjoyned and authorized immediately by Warrant or otherwise to call before them the said Master, Merchant, or other Person or Persons importing such Servant or Servants, or Passengers as aforesaid, and to examine upon Oath or Affirmation the said Master, Merchant, and all other Persons who may be supposed to have any Knowledge of the Character and Circumstances of such Servants or Passengers, and thereupon shall grant unto the said Master, Merchant or Owner, or other Person having the Charge or Care of any Servant or Servants, or Passen-

gers, so imported or brought into this Province, a Certificate containing the Names of all the Servants or Passengers which such Justices shall judge fit to be landed or disposed of as Servants, and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act, or such as do not appear to them to be such as may become chargeable to the Inhabitants of this Province; for which Examination, Permit and Certificate, there shall be paid to the Justices aforesaid the Sum of *Nine Pence per* Head, and to the Collector aforesaid the Sum of *Nine Pence* for every Person so imported; and there shall likewise be paid to said Collector for each Bond he shall take in Pursuance of any Thing required to be done by Virtue of this Act the Sum of *Two Shillings* and *Six Pence,* and no more.

Provided nevertheless, and it is hereby further Enacted, That if after such Examination taken, and Certificate granted as aforesaid, it shall be made appear that any of the said Persons so landed or imported are Convicts, the Master, Merchant, or other Person who imported such Convicts, shall be liable to pay the same Duty, and give the same Security as if no such Examination had been taken, or Certificate granted, any Thing in this Act contained to the contrary notwithstanding.

And if any Servant or Servants, or Convict or other Person shall be imported, or brought into and landed in any Port or Place within this Province without making such Entry as aforesaid, in the Manner before directed, and paying the Duty and giving the Security required by this Act, and within the Time limited by this Act for that Purpose, and obtaining such Certificates as aforesaid, every such Master of a Vessel, Merchant, and other Persons so importing, bringing in or landing such Servants or other Persons, shall forfeit and pay for each Servant or other Person so imported, brought in or landed contrary to the Directions of this Act, the Sum of *Ten Pounds,* one Half, after the Charge of Prosecution deducted, to be applied to the Support of the Government, and the other Half, after such Charges as aforesaid deducted, to the said Collector, or to such Person or Persons as will sue for the same in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed.

And for preventing many Abuses that have and may happen relating to Servants, *Be it further Enacted by the Authority aforesaid,* That if any Person or Persons whatsoever being Retailers of strong Liquors in this Province, shall give or sell to any Servant or Servants any strong Drink, or shall permit any Servant or Servants to sit, drink or tipple in any of his, her or their Houses without the Leave of the Master or Mistress of such Servant, every Person or Persons so offending shall forfeit for every such Offence the Sum of *Twenty Shillings,* to be recovered by the Master or Mistress of such Servant before any one Justice of the Peace, who is hereby directed to give Judgment for the same. *Provided always,* The Party so offending be convicted within three Months after the Offence committed.

And, *Be it further Enacted by the Authority aforesaid,* That if any bought White Man Servant of any Person or Persons inhabiting in this Province shall beget a Child on the Body of any bought White Maid Servant of any other Per-

son or Persons in this Province, and they the said Servants shall thereupon be duly convict of Fornication, in such Case the Master or Mistress of both shall pay each one half of the Charges that the Prosecution shall amount unto; and the Justices of the Court where such Conviction may happen shall adjudge such Man and Maid Servants respectively to serve so much longer to their respective Masters or Mistresses as they in their Discretion may think reasonable to make Satisfaction for such Offence. *Provided always,* That the Costs of the Prosecution aforesaid shall not amount to more than *Forty Shillings,* Proclamation Money, for each Person, to be divided in such Manner as the Court in which such Prosecution may happen shall see meet.

Disallowed 13 Apr. 1732.
Bradford (1730) 35-39.

An ACT *the better to enable the Inhabitants of this Colony to support Government, discharge their Engagements in the Loan-Offices, and for Relieving their other Necessities by making Current Twenty Thousand Pounds in Bills of Credit.*

FOR Encreasing the Currency of this Colony, (now too small) for Enabling the Inhabitants thereof, the better to support the Government, to discharge their Engagements in the Loan-Offices, pay their Debts, and to relieve their other Necessities, We the House of Representatives do pray that it may be enacted, and,

Be it Enacted by the Governour, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That Bills of Credit to the Value of Twenty Thousand Pounds current Money of *America,* according to an Act of Parliament made in the sixth Year of the Reign of the late Queen *Anne,* entitled, *An Act for Ascertaining the Rates of foreign Coins in her Majesty's Plantations in* America, shall be printed, made and prepared, as followeth, *viz.*

Five Hundred Bills, each of the Value of Six Pounds, or Seventeen Ounces Ten Penny Weight of Plate.

One Thousand Bills, each of the Value of Three Pounds, or Eight Ounces Fifteen Penny Weight of Plate.

Two Thousand Bills, each of the Value of One Pound Ten Shillings, or

four Ounces, seven Penny Weight, and twelve Grains of Plate.

Four Thousand Bills, each of the Value of Fifteen Shillings, or two Ounces, three Penny Weight, and eighteen Grains of Plate.

Six Thousand Bills, each of the Value of Twelve Shillings, or one Ounce fifteen Penny Weight of Plate.

Six Thousand Bills, each of the Value of Six Shillings, or seventeen Penny Weight twelve Grains of Plate.

Eight Thousand Bills, each of the Value of Three Shillings, or eight Penny Weight eighteen Grains of Plate.

Ten Thousand Bills, each of the Value of One Shilling and Six Pence, or four Penny Weight, nine Grains of Plate.

Thirteen Thousand Bills, each of the Value of One Shilling, or two Penny Weight twenty two Grains of Plate.

And be it further Enacted by the Authority aforesaid, That there shall in like Manner be printed in Bills of Credit aforesaid, the Value of Five Thousand Pounds, Money aforesaid, and the said Bills shall be of the several Kinds or Values herein before set forth, and the Number of each sort thereof shall be proportioned to the several Numbers of the several Bills first mentioned, *that is to say,* One fourth Part of the Number of each sort of the said Bills, which Bills shall be disposed in the Manner hereafter to be directed.

And be it further Enacted, That the whole Number of Bills aforesaid, shall be printed on good Paper, and impressed with the Arms of *Great Britain* on the left Side, near the bottom thereof, and the Words and Form of the said Bills shall, as near as may be, resemble those now current by the Act, entitled, *An Act for the making of Twenty four Thousand seven Hundred and sixty Pounds in Bills of Credit, in Order to exchange the Bills of Credit formerly made current,* save only in the Date of the same Bills and such Alteration in the Colour of each sort thereof, as in the Discretion of the Inspectors of the Press, may seem necessary, to distinguish them from the Bills now current. And for preventing any fraudulent Practice, during the Printing of the said Bills, the Printer thereof shall, before his being authorized to print them, take the like Oath or Affirmation (if one of the People called *Quakers*) and be under the same Regulations concerning the said Bills, as in and by the before recited Act, in respect to the Bills thereby made current, is directed and appointed.

And be it further Enacted by the Authority aforesaid, That the said Sum of Twenty Five Thousand Pounds in the Bills of Credit aforesaid, when printed, shall be, by the Printer thereof, delivered, together with the Stamps for the Indents and Arms, unto *Richard Smith, Caleb Raper, Andrew Johnston* and *Michael Kearney,* the first mentioned 20,000 £. part of the Bills of Credit aforesaid, by them, or any three of them, to be numbred, signed and Indented, and the Residue to be by them kept, in Order to be delivered to exchange such Part of the Bills of Credit hereby made current, as may hereafter be so worn and ragged, as to render them unfit to pass. And when the said 20,000 £. shall be so numbered, signed and indented, and the aforesaid Sum of 5000 £. counted out for the Use aforesaid, the Residue of the Bills so printed (if any) shall be destroyed by burning, or otherwise.

And be it further Enacted by the Authority aforesaid, That in case it should so happen that the said *Richard Smith* or *Caleb Raper* should happen to dye, or otherwise be disabled, before the Bills of Credit aforesaid, shall be signed, that then and in that case, *Samuel Bickley* is hereby appointed a Signer, in lieu of such Person so dying or being disabled. And in case of the Death or other Disability of *Andrew Johnston* or *Michael Kearney,* or either of them, then *John Stevens* is hereby appointed a Signer in the Place or Stead of the said Person so dying or being disabled; which Signers so appointed, in case of the Disabilities before mentioned happening, shall be and are hereby vested with all the Powers and Authorities, which by this Act are vested in the first named Signers.

And be it further Enacted by the Authority aforesaid, That before any of the said Signers shall begin to Sign any of the said Bills, they shall take the like Oath, (or Affirmation if *Quakers*) as in and by the aforesaid Act, in respect to the Bills now Current, is directed and appointed.

And be it further Enacted by the Authority aforesaid, That the aforesaid first mentioned Twenty Thousand Pounds, in Bills aforesaid, when prepared and signed, as aforesaid, shall be delivered to the Commissioners of the Loan-Offices in the several Counties of the said Province, as followeth, *viz.*

To the Commissioners of the County of *Bergen,* for the Use of the said County, the Sum of *One Thousand Six Hundred and Thirty eight Pounds.*

To the Commissioners of the County of *Essex,* for the Use of the said County, the Sum of *Two Thousand Seven Hundred and Twenty two Pounds.*

To the Commissioners of the County of *Middlesex,* for the Use of the said County, the Sum of *Two Thousand Two Hundred and Ninety Eight Pounds.*

To the Commissioners of the County of *Monmouth,* for the Use of the said County, the Sum of *Three Thousand Three Hundred and Ninety One Pounds.*

To the Commissioners of the County of *Sommerset,* for the Use of the said County, the Sum of *Seven Hundred and Eighty Pounds.*

To the Commissioners of the County of *Burlington,* for the Use of the said County, the Sum of *Two Thousand Four Hundred and Seventy Pounds.*

To the Commissioners of the County of *Gloucester,* for the Use of the said County, the Sum of *One Thousand Seven Hundred and Fifteen Pounds.*

To the Commissioners of the County of *Salem,* for the Use of the said County, the Sum of *Two Thousand Eight Hundred and Eighty Two Pounds.*

To the Commissioners of the County of *Hunterdon,* for the Use of the said County, the Sum of *One Thousand Four Hundred and Eighty Pounds.*

To the Commissioners of the County of *Cape May,* for the Use of the said County, the Sum of *Six Hundred and Twenty four Pounds.*

For which Sums the Commissioners of the said several Loan-Offices, respectively, to whom the said Bills shall be delivered, shall give their Receipts to the said Signers, which Receipts to them, their Heirs, Executors and Administrators, shall be sufficient Discharges for the Bills so delivered.

And be it further Enacted by the Authority aforesaid, That the said Commissioners of the said several Loan-Offices, before they are entitled to the Receipt of the said Bills, shall take the like Oath, (or Affirmation if *Quakers*) as in and by the said Act is directed, relating to the Bills therein made current. And

the Bonds by them respectively entered into, for the Discharge of their several Duties, as Loan-Officers enjoyned by former Acts, shall stand and remain in full Force and Virtue, as Securities for the Duty by this Act enjoyn'd them; and in case of Forfeiture, to be recovered and applyed to the like Use. *Provided always,* That where any of the Justices and Freeholders, or the greater Number of each, shall deem the Security taken insufficient, or where, in any of the said Counties, any of those who now are Securities for the said Loan-Officers, shall object against continuing bound for them, in such Cases, the said Loan-Officers, at any Time before their entring upon the Duty reposed in them by this Act, may and shall provide new Bonds, Men to become bound for them, respectively, to be approved of by the said Justices and Freeholders. And the said Commissioners shall produce the like Certificate thereof, and of their having taken the Oath or Affirmation herein enjoyned them, as they were enjoyned to do at their first entring into their respective Offices; and until such Certificates produced, the said Signers shall not deliver to them the Bills by this Act directed to them respectively to be delivered, any Thing herein contained to the Contrary notwithstanding. *Provided also,* That if any of the Loan-Officers shall neglect or refuse to give such new Security, where required as aforesaid, that then a new Person shall be nominated and chosen for a Loan-Officer, in the Manner by a former Act directed, in the Cases therein mentioned, which Loan-Officer, shall be and is hereby declared fully vested with the Powers and Authorities lodged in such a Loan-Officer, by the said first-mentioned Act, and the Loan-Officer neglecting, delaying or refusing to give such new Security, shall be totally excluded.

And be it further Enacted by the Authority aforesaid, That the said Loan-Officers, as to all the Purposes required, and Duties enjoyned them by this Act, shall be and are hereby declared to be vested with the like Powers and Authorities, in pursuance of their respective Trusts, as in and by the former Acts of this Province, for the Purposes therein mentioned, they were vested with and entitled to.

And be it further Enacted by the Authority aforesaid, That when the said Commissioners of the Loan-Offices have qualified themselves, as is above directed, and have received the Bills by this Act made Current, they shall then let out the same at the Rate of *Five Pounds Interest* for every Hundred so let out, for the Space of Sixteen Years, they the said Commissioners observing the like Method in letting out the said Money, taking Security for the same, giving Notice of the Letting thereof, minuting their Proceedings and the Demands made by the Borrowers, viewing the Premises offered in Mortgage, enquiring into the Title and Value thereof, taking Oath or Affirmation of its being free of Incumbrances, and the Fee-Simple of the Borrower, releasing the Premisses mortgaged, and in all other Respects relating to the Money, by this Act directed to be let out, and in respect to the Persons borrowing, the Premisses mortgaged, and all other the Duties, Trusts or Authorities enjoyn'd and given by this Act, the said Commissioners shall proceed and behave themselves in like manner, as in relation to the Money they formerly let out, the Persons borrowing, Premisses mortgaged, and all other Duties, Trusts and Authorities formerly en-

joyned and given them the said Loan-Officers by the Act, entitled, *An Act for an Additional Support of this Government,* &c. they were directed and appointed to do, so always that due Regard be had to this Act, wherein any Alteration shall therein be made.

And be it further Enacted by the Authority aforesaid, That the several Sums of Money lent out, in pursuance of this Act, shall be paid in again in Manner following, *That is to say,* Each Borrower shall annually, and every Year, after the Time of his borrowing, on the Twenty-fifth Day of the Month of *March,* in each Year, pay into the Loan-Office, one sixteenth Part of the Sum borrowed, together with the Interest thereof, computed at the Rate of *Five Pounds per Cent. per Annum,* until the whole Sum borrowed, with the Interest thereof, annually computed at the Rate aforesaid, shall be paid in. *Provided always,* That it shall and may be lawful for any such Borrower, at any of the annual Times of Payment aforesaid, to pay in the whole Sum so borrowed, if such Borrower shall so think fit, in the same Manner as he, she or they might have done, or may do in relation to the Bills of Credit already let out by a former Act of this Province. And the Money so paid in, shall be again let out by the said Loan-Officers to any other Person or Persons who may incline to borrow the same, at the Interest aforesaid, so that such Borrower or Borrowers shall pay, in such equal and proportional Parts of the Sum borrowed, that the whole Sum, so again lent out, may be repaid, with Interest computed as aforesaid, at the Expiration of the Time limited for the Currency of the said Bills.

And be it further Enacted by the Authority aforesaid, That all the principal Sums of Money which shall be so paid in by the said Borrowers, during the first eight Years of the Time limited for the Currency of the said Bills of Credit, but not after, may and shall be annually re-emitted by the said Loan-Officers, respectively, upon Loan to any Person or Persons whatsoever, and at the Interest aforesaid, they the said Loan-Officers, in the Re-emitting or Lending out again the said principal Sums so paid in, taking such Security, and observing the like Rules, as are directed in relation to the first Lending thereof, *So always,* That Care therein be taken, from Time to Time, that the whole Sums, so re-emitted, shall be again paid in, in equal proportional Parts, that the whole thereof, and the Interest annually, shall be repaid at the Time limited for the Currency of the said Bills.

And be it further Enacted by the Authority aforesaid, That the said Commissioners shall be, in like Manner, accountable for any Matter, Cause or Thing by them done by virtue of this Act, and may obtain their Discharges from the said Office, and new ones be appointed, in Case of their, or any of their Neglect, Delay, Refusal or Death, under the same Paints, Penalties and Forfeitures, as by the said former Act is directed.

And be it further Enacted by the Authority aforesaid, That in Case any Person or Persons who shall borrow any Money, by this Act directed to be let out, and shall make Failure of the Payments herein appointed, or any of them, on the Days and Times herein before mentioned, and for the Space of thirty Days after, then and in such Case the said Loan-Officers shall become seized of an Estate in Fee-simple absolute in the Premisses mortgaged, foreclosed of any

Equity of Redemption, and shall and may proceed to give Notice, and make Sale thereof, on the same annual Days, and proceed with the Money thereon arising, in the same Manner, as in respect to the Premisses mortgag'd, Sale thereof, Money arising thereon, and all Things relating thereto, in such sort, manner and form as by the last mentioned Act was required and enjoyned them.

And be it further Enacted by the Authority aforesaid, That if it should so happen that after any of the Money lent out on Security, as aforesaid, it should be discovered that the Borrower had no good Title to the Premisses mortgaged, in such Case the Loan-Officers shall and may proceed in the like Manner, and are hereby in every respect thereto, as fully impowered, as in and by the said former Act they were and are impowered to do, concerning the Money formerly lent out; and the Mortgager shall in all Respects be liable for the Money borrowed on this Act, and the Security given on such borrowing, and the Penalties accruing thereon, in case he should have no Title, as in and by the said former Act were inflicted and directed.

And be it further Enacted, That the Bills of Credit by this Act to be made, shall be and continue Current for and during the Time of sixteen Years from the Date of the same Bills, between Man and Man, but shall be received by the Commissioners aforesaid, and the Treasurer of the respective Divisions of this Province, for the Space of six Months thereafter, and no longer; which said Bills so made Current, shall be received and paid for the Value exprest upon each Bill, for Lands, Goods, Chattels, or any other Thing bought or sold, by all Persons whatsoever residing in or passing through this Province; and a Tender of the said Bills at any Time (during their Currency) made to any Person or Persons whatsoever, in the said Province, for the Payment or Discharging of any Debt or Debts, Bargains, Sales of Land, or other Things, Bonds, Mortgages, Specialties and Contracts whatsoever, already made, or hereafter to be made, either for Sterling Money, Silver Money of *America,* or any other Species of Gold, Silver, or any other Quantity of Plate or Gold, shall be as effectual in Law, to all Intents and Purposes, as if the Species contracted for, had been tendered for the same.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons residing in this Province, Party or Parties to any Contract, Covenant, Bargain or Agreement already made, or hereafter to be made, shall, upon a Tender of the Bills of Credit hereby to be made Current, refuse the same, or shall ask a greater Price for any Thing by him, her or them offered to sale, or shall by any other the Ways and Means in the former Acts of this Province mentioned, lessen the Value of the Bills hereby made current, or shall counterfeit the same, he, she or they so offending, shall be liable to the same Pains, Penalties and Forfeitures for so doing, as in respect to the former Bills by the said former Acts are directed.

And to the End, the intent of the said Acts may not be eluded, *Be it Enacted by the Authority aforesaid,* That if any Person or Persons shall at any Time hereafter be apprehended or taken into Custody, on Suspicion of having counterfeited any of the Bills of Credit now current in this Province, or which by this Act shall be hereafter made current, in such Case the Prosecutor on the part of

the Crown, in the Indictment exhibited against the said Person or Persons, shall alledge the Fact or Facts to be done where in Truth the same was done, and if upon the Tryal thereof, sufficient Proof doth appear, that the same was done in the Place where it is alledged in such Indictment or Indictments, or in any other Place, the Party or Parties duly convict thereof, shall suffer in such and the same Manner as if the same were alledged and proved to have been done in some County of this Province, and the Juries on the Tryals of all such foreign Issues shall be returned from the Bodies of the County of *Burlington* or *Middlesex,* or one of them, any Law, Usage or Custom to the Contrary thereof notwithstanding.

And be it further Enacted by the Authority aforesaid, That the respective Loan-Offices of this Province shall be kept annually, and every Year, during the space of the said Sixteen Years, at the Times and Places which in the said former Act is appointed. And it shall and may be lawful for the several Loan-Officers to keep and retain in their Hands, out of the Interest Money arising on the Bills hereby made current, so much thereof as will pay them the Salaries annually due and appointed by this Act, and the residue shall be annually and every Year, within three Months after Receipt thereof, paid in to the Treasurer of the respective Divisions of this Province, for the Time being, to be disposed of, and for the Support of the Government of this Province, in such sort, manner and form as by the Governour, Council and General Assembly shall be directed. And the said Treasurers, on receiving thereof, shall give the said Loan-Officers their respective Receipts for the Sums received, which shall be sufficient to discharge them, the said Loan-Officers, their Heirs, Executors and Administrators for the said Interest Money. And in case the said Loan-Officers shall neglect, delay or refuse to pay the said Interest Money unto them, the said Treasurers, at the several Days and Times herein before appointed, each Loan-Officer so offending shall for each Offence, forfeit the Sum of Twenty Pounds, to be recovered with Costs of Suit, by the said Treasurers of the respective Divisions who shall sue for the same to Effect, by Action of Debt, Bill, Plaint or Information in any Court of Record in this Province, one half to the Use of the Lord, the King that now is, his Heirs and Successors, for the Support of this Government, the other Half for the use of him the said Treasurer.

And be it further Enacted by the Authority aforesaid, That the yearly Salaries of the said Commissioners of the said Loan-Officers, for the Services required by this Act, besides what they are entitled to for other Services by the former Act, shall be as followeth, *viz.*

To each of the Loan-Officers of the County of *Bergen,* annually and every year, during the Continuance of their former Salaries, *Two Pounds Eighteen Shillings and Nine Pence,* and every Year after, during the Residue of the said Term of sixteen Years, *Six Pounds One Shilling and Ten Pence half Penny.*

To each of the Loan-Officers of the County of *Essex,* annually, and during the Continuance of their former Salaries, *Two Pounds Twelve Shillings and Six Pence;* and every year after, during the Residue of the said Term of sixteen Years, *Six Pounds, Eleven Shillings and three Pence.*

To each of the Loan-Officers of the County of *Middlesex,* annually, during

the Continuance of their former Salaries, *Two Pounds seven Shillings and six Pence;* and every year after during the Residue of the said Term of sixteen Years, *Five Pounds eight Shillings and nine Pence.*

To each of the Loan-Officers of the County of *Monmouth,* annually, during the Continuance of their former Salaries, *Three Pounds two Shillings and six Pence;* and every year after, during the Residue of the said Term of sixteen Years, *Seven Pounds sixteen Shillings and three Pence.*

To each of the Loan-Officers of the County of *Hunterdon,* annually, and every year, during the Continuance of their former Salaries, *Two Pounds Ten Shillings;* and every year after, during the Residue of the said Term of sixteen Years, *Six Pounds five Shillings.*

To each of the Loan-Officers of the County of *Somerset,* annually, during the Continuance of their former Salaries, *One Pound seven Shillings and six Pence;* and every year after, during the Residue of the said Term of sixteen Years, *Three Pounds eight Shillings and nine Pence.*

To each of the Loan-Officers of the County of *Burlington,* annually, during the Continuance of their former Salaries, *Two Pounds seven Shillings and six Pence;* and every year after, during the Residue of the said sixteen Years, *Five Pounds Eighteen Shillings and nine Pence.*

To each of the Loan-Officers of the County of *Gloucester,* annually, during the Continuance of their former Salaries, *One Pound Fifteen Shillings;* and every year after, during the Residue of the said Term of sixteen Years, *Four Pounds seven Shillings and six Pence.*

To each of the Loan-Officers of the County of *Salem,* annually, during the Continuance of their former Salaries, *Two Pounds Fifteen Shillings;* and every year after, during the Residue of the said Term of sixteen Years, *Six Pounds seventeen Shillings and six Pence.*

To each of the Loan-Officers of the County of *Cape-May,* annually, during the Continuance of their former Salaries, *One Pound two Shillings and six Pence;* and every year after, during the Residue of the said sixteen Years, *Two Pounds sixteen Shillings and three Pence.*

And be it further Enacted by the Authority aforesaid, That the said Commissioners of the said several Loan-Officers, on the second Wednesday in *May,* yearly and every year, shall lay before the Justices and Freeholders, mentioned in the Act, entitled, *An Act for additional Support of Government, and making current Forty Thousand Pounds in Bills of Credit,* &c. the Accounts relating to the principal Sums by them annually received, and again let out, during the first eight Years, as aforesaid, by them the said Justices and Freeholders to be inspected and considered of. And the said Loan-Officers shall also, in like Manner, lay before the said Justices and Freeholders the Accounts of all Bills paid in after the Expiration of the said first eight years, by them the said Justices and Freeholders to be inspected and accounted, and such principal Sums of the said Bill, which shall be paid in after the said Time, shall be accounted, cancelled, bundled up, tyed, sealed, certified and delivered to the Treasurer of the respective Division, and their Receipts taken for the same, in such sort, manner and form as by the last mentioned Act, in Relation to the Bills by the same made

current, is directed, to the end that the said Bills may be seen and examined by the General Assembly of this Province, and compared with the Certificates so given, and such other Course therein taken concerning the same as they shall seem meet.

And be it further Enacted by the Authority aforesaid, That if through any Deficiency of the said Borrowers, or any of them, the Bills brought in after the first eight years, as aforesaid, to be cancelled, shall be less in Quantity or Value than by this Act are directed to be cancelled, then the said Justices and Freeholders shall levy the same of the Inhabitants of that County where such Deficiency shall happen, in such Manner, and under the like Pains, Penalties and Forfeitures, and to be recovered and applyed in like manner, as in and by the last mentioned Act, in respect to the Bills thereby made current, is directed, inflicted and appointed.

And be it further Enacted by the Authority aforesaid, That Wheat, if offered in any of the Payments aforesaid, shall be received at the Rate of *Four Pence* less in Value than Market Price at *New-York* for the *Eastern Division,* and at *Philadelphia* for the *Western Division,* which Wheat, when so paid in to any of the said Loan-Offices, shall be sold, and for the Bills of Credit hereby to be made Current, and the Money disposed of in such Manner as if the Payment had first been made in the said Bills. And also, all Gold and Silver Coins, mentioned in the aforesaid Act of the late Queen *Anne,* for ascertaining the Value of the said Coins, shall and may be received at the Rates in the said Act mentioned, if paid in the first eight years Currency of the Bills aforesaid, to be let out at Interest, in such Manner as if the same had been paid in the Bills of Credit aforesaid; and if paid in after that Time, then to be paid into the Treasury, in order to exchange for Bills of Credit, or be otherwise disposed of as the Governour, Council and General Assembly may hereafter direct and appoint. And also, it shall and may be lawful for the said Loan-Officers to receive, in any of the said Payments, the Bills of Credit now Current in this Province, and when paid in the same shall be disposed of in such manner and form as if the said Payments were made in the Bills hereby made current; and also, that the Bills hereby made current, when paid into the said Loan-Offices, in discharge of any Debts already contracted, by the borrowing of Bills formerly made current, shall and may be disposed of in such manner as if Payment were made in the Bills of Credit so formerly made Current.

And be it further Enacted by the Authority aforesaid, That not any of the Money or Bills by this Act directed to be let out at Interest, shall be let out in Sums exceeding *One Hundred Pounds,* nor less than *Twelve Pounds Ten Shillings,* to any one Person, unless it should so happen, that any of the said Bills or Money should remain in the Hands of any of the said Loan-Officers for the Space of Six Months, for want of Borrowers, in which case it shall and may be lawful to let out the same on good Security, as aforesaid, to any Persons who will borrow the same, in Sums now exceeding *Two Hundred Pounds* to any one Person.

And to prevent Frauds that may happen by Executors or Administrators, in their Non-Payment of any Part of the Money borrowed, as aforesaid, by the

respective Testators or Intestates, *Be it further Enacted by the Authority aforesaid,* That if any Person or Persons that have borrowed any of the Bills of Credit now current, or which shall, by virtue of this Act become current, and shall after make his or her last Will and Testament in due form of Law, thereby devising the Premisses so mortgaged, to any other Person or Persons, leaving personal Estate sufficient to pay his or her Debts, with an Overplus, not otherwise in the said Will disposed of, and not expressly providing in other Manner by the said Will, in such case it shall be understood, that the Devisor intended, that the Mortgage Money Arrear, at the Time of his Death, should be paid out of his Personal Estate, and his Executor or Executors shall be accordingly compelled to pay the same thereat, in aid of such Devisee or Devisees. But in case the said last Will was made before the Premisses were mortgaged, then it shall be understood, that the Testator's Intent was (unless otherwise expressed in such Will) the Devisee or Devisees should pay the Residue of the Mortgage Money in Arrear, at the Time of such Testator's Death. And in case any Executor or Executors, contrary to the Intent of this Act having Effects sufficient, shall permit a Sale to be made of the Premisses mortgaged, such Devisee or Devisees may immediately have his, her or their Action either in proper Person, or by Guardian or next Friend, if under Age, against such Executor or Executors, and recover the double Damages sustained, with Costs of Suit. And in case any Executor or Executors shall, in such Case, be a Purchaser of the Premisses so mortgaged, or any other in Trust for him or for his Use, he or they shall be deemed duly seized of the Premisses for the Use of the said Devisee or Devisees, and such Executor or Executors are hereby disabled from making any Conveyance thereof from such Devisee, and if any Conveyance shall be made, the same is hereby declared Fraudulent and Void, against such Devisee or Devisees.

And be it further Enacted by the Authority aforesaid, That in case any such Mortgager shall dye Intestate, the Mortgage Money aforesaid, or any Part thereof, being in Arrear and unpaid, and leaving Personal Estate sufficient to pay his Debts, with an Overplus, his Heir at Law being under Age when any Part of the said Mortgage Money shall become due, in such Cases the Mortgage Money shall be paid out of the Personal Estate, if sufficient, and the Profits of the Premisses mortgaged, shall be applyed towards the Repayment of the said Money to such Person or Persons as may be entitled to the same, where it so happens, that the Part of the said Personal Estate coming to the said Heir at Law, is not sufficient to discharge such Mortgage; and in case the Profits of the said mortgag'd Premisses shall not be sufficient to make such Re-payment, the Heir at Law shall be compelled to make it up with Interest, when he, she or they comes of Age.

And where any Sales shall happen to be made, pursuant to the Tenor of this Act, after the Death of the Testator or Intestate, because of the Deficiency of the Personal Estate of the Testator or Intestate, his or her Heirs or Devisees being then under Age, in such case the Money arising by such Sale, after the Deduction of the Principal, Interest and Costs due to the Loan-Office, shall be placed out at Interest, by the Executors or Administrators, for the Benefit of such Heir or Devisee, or Persons entitled to such Land.

And be it further Enacted by the Authority aforesaid, That the Residue of the aforesaid Bills, *to wit,* the aforesaid *Five Thousand Pounds,* shall be divided into two equal Parts, one half whereof shall be kept by one of the Signers of the *Eastern Division,* (not being Treasurer) the other half to be kept by one of the Signers of the *Western Division* of this Province, (not being Treasurer) for and during the Term of one Year from the Issuing of the said Bills, at which Time it shall and may be lawful, and they, *that is to say,* all the Signers aforesaid, are hereby commanded to meet together, and sign, number, indent and compleat the Value of *Two Hundred Pounds,* Money aforesaid, and when so compleated, deliver one half thereof to the Treasurer of the *Eastern Division* aforesaid, and the other half to the Treasurer of the *Western Division* aforesaid, who, on Receipt thereof, are hereby commanded, as often as Application shall be made at any convenient Time, to issue the same to any Person or Persons so applying, in Exchange, *gratis,* for any other Bills of Credit of this Province, that now are, or then may be current, and are so torn and ragged as may render them unfit to pass. And when as often as the said Treasurers, or either of them, shall have exchanged the whole Quantity of the new Bills so delivered them to exchange, they or either of them, may apply to the said Signers for a like Quantity of the said new Bills, in order to make further Exchange, as Occasion may require, and the said Signers being satisfied the whole of the Sum first delivered the said Treasurers are exchanged, as aforesaid, may and shall, from Time to Time, furnish the said Treasurers respectively, with other like Sums, as Occasion may require, until the whole Sum of *Five Thousand Pounds* are delivered in Exchange, as aforesaid. And in case it should happen, that the whole of the said Bills so signed, or unsigned, should not be wanting to exchange the torn and ragged Bills aforesaid, in such case, if signed, the said Bills shall be kept by the respective Treasurers, and if unsigned, by the said Signers, in order that an Account may be rendered thereof to the General Assembly, and such Course taken therein, as to them shall seem meet.

And be it further Enacted by the Authority aforesaid, That the said ragged Bills, so by the said Treasurer received in Exchange, shall be on the annual Days aforesaid, given into the Justices and Freeholders aforesaid, by them to be inspected, cancelled, bundled up, tyed, sealed, and a Certificate of Quantity so sealed, left with the Treasurer of the respective Division, in manner and form, as in relation to the former Bills is herein directed, and to be kept by the said Treasurer for the like Uses.

And be it further Enacted by the Authority aforesaid, That no Person or Persons within this Province, shall ask demand, take or receive any Advance on the Paper Currency of this Province, in Exchange for the Paper Currency of *Pennsylvania* or *New-York,* nor on giving any of the Paper Currency of *New-York,* for the Paper Currency of this Province, nor on giving of the Paper Currency of *Philadelphia,* in lieu of that of this Province, under the Penalty of the Loss of the whole Money so offered or given in Exchange, one half to the Use of the Lord, the King that now is, his Heirs and Successors, towards the Support of this Government, the other half to any one who will sue for the same to Effect, in any Court of Record in this Province, to be recovered with full Costs

of Suit, in which no Essoyn, Protection or Wager of Law shall be allowed, and only one Imparlance.

And be it further Enacted by the Authority aforesaid, That the Loan-Officers aforesaid, before their lending out any of the Bills by this Act to be made current, shall be provided with Books of blank Mortgages, printed and bound up, like to those formerly directed to be provided on lending out the Bills of Credit formerly current; which Mortgages shall be by them respectively filled up, as Occasion shall require, and for the filling up and taking of each Mortgage, the said Commissioners of the Loan-Office shall take the Sum of *Three Shillings* Proclamation Money, and no more. And the said Commissioners shall, in like Manner, be provided with Books of clean Paper, bound up, to minute their Proceedings and Accounts, relating to the Bills by this Act to be made current, in such manner and form as by the Act, entitled, *An Act concerning the Duty of the Commissioners appointed to manage the Loan-Offices, &c.* relating to the Bills formerly made current, is directed and appointed; which Books so to be provided, shall be printed and bound up by the same Person who shall print the Bills of Credit, by this Act to be made current.

And be it further Enacted by the Authority aforesaid, That *Isaac Decow* and *Daniel Smith,* jun. or in case of either of their Refusal, Death, Absence or other Disability, then *Samuel Scattergood,* shall be Inspectors of the Press, to take care that the Printer of the said Bills of Credit, doth duly perform the Duty hereby enjoyned him, and that the Books of Mortgages, and Books to minute the Proceedings of the said Loan-Officers, and keep their Accompts relating to the said Bills, are made of fit Sizes, and printed, bound up and delivered to the said Loan-Officers.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for *Isaac Pearson, Richard Smith,* jun. and *Joseph Cooper,* jun. or any two of them and they are hereby required to agree with a Printer, for Printing the Bills of Credit and Books aforesaid, at as reasonable a Rate as they can, and at such Place as they, or any two of them shall see meet.

Provided Always, That his Majesty's Royal Approbation be had to these Presents, before Making, Printing or Preparing the Bills of Credit herein enacted to be Current.

Bradford (1732) Supplement, 283-299.

Tenth Assembly, Second Session

26 Apr. - 16 Aug. 1733

Burlington

All acts passed 16 Aug. 1733.

An ACT *for the better enabling of* Creditors *to recover their just Debts from Debtors who abscond themselves.*

WHEREAS divers Persons, who have inhabited within this Province, have frequently absconded themselves without Payment of their just Debts, leaving Powers of Attorney to some Persons to sell their Effects, and send the Money thereby arising after them the said Persons so absconding, to the great Injury of their Creditors, and Encouragement of fraudulent Practices: For remedying whereof, We the House of Representatives of this Province do pray that it may be Enacted,

AND BE IT ENACTED by the Governor, Council and House of Representatives aforesaid, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Clerks of the Supream Court, or any of the Clerks of the Inferior Courts of this Province, on Application to them made by or on Behalf of any Creditor or Creditors, to grant Writs of Attachment, which Attachments so granted shall be duly served by the Sheriffs or Coroners as the Case may require, upon the Goods and Chattels of such Person or Persons against whom the same shall be awarded, in whose Hands or Possession the same shall be found, returnable to the next succeeding Court respectively, where the Party may proceed so as to obtain Judgment at any Time following nine Months after the Effects are seized, in all such Attachments wherein no Distribution of the Defendant or Defendants Effects are hereby directed and appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Person or Persons in whose Hands the Goods or Effects are so attached, shall be called *The Garnishee,* and shall be obliged, by Process if Occasion require, to appear in Court at the Return of the Attachment, and answer what may be objected against him, and abide the Judgment of the Court; and shall be allowed out of the Effects attached reasonable Satisfaction for his Attendance. And that the Manner of executing the said Writs shall be, by the Officer's going to the House or to the Person in whose Hands or Possession the Defendant's Goods or Effects are supposed to be, and then and there declare in the presence of one or more credible Persons of the Neighbourhood, *That he attacheth the same Goods or Effects;* from and after which Declaration, the Goods, Money or Effects so attached (where the Garnishee admits he hath any) shall remain in the Officer's Power, and be by him inventoried, appraised and secured, in order to answer and abide the Judgment of Court in that Case, unless the Garnishee will give Security for the same. And in Case any Garnishee or Garnishees shall deny he, she, or they have any Effects of the Defendant or Defendants in his, her or their Hands; and the Plaintiff or Plaintiffs do notwithstanding truly believe he, she or they have such Effects, and are in Fear of losing his, her or their Debt or Debts, by reason of the Garnishee or Garnishees absconding before any Judgment or Judgments may be obtained against him, her or them, and shall make Oath or Affirmation thereof, and file the same in the Clerk's Office; in

such Cases it shall and may be lawful to obtain a Writ or Writs of *Capias,* against the Garnishee or Garnishees, to compel him, her or them to appear and abide the Judgment of the Court.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that although the Plaintiff or Plaintiffs shall obtain Judgment and Execution or Executions for the Goods or Money in the Garnishee's Possession, yet if the Defendant in the Attachment, at any Time before the Money is paid, put in Special Bail to such Suit or Suits on which the Attachment or Attachments is, are, or may be grounded, the Garnishee shall be immediately discharged. And if an Attachment shall be made for Goods or Effects, and the Garnishee plead he had no Goods or Effects in his Hands at the time of the Attachment, or at any time after, and the Plaintiff shall prove the contrary; the Jury in such Case being satisfied the Proof is full, shall find for the Plaintiff, and give Damages equal to the Value of the said Goods or Effects: And Judgment shall be given, and Execution awarded accordingly, with Cost of Suit against the Lands and Tenements, Goods and Chattles of the Garnishee; But in Case the Jury shall find for the said Garnishee or Garnishees, or in Case the said Plaintiff or Plaintiffs shall discontinue his Suit or Suits against the said Garnishees, the said Garnishees shall have full Costs awarded to them by the said Courts respectively, against the said Plaintiff or Plaintiffs.

PROVIDED ALWAYS, That before any of the Officers aforesaid grant any such Writ of Attachment, the Person or Persons applying for the same, shall make Oath, or Affirmation if Quakers, which shall be filed in the Clerks Office, that the Defendant or Defendants is not or are not, to his or their Knowledge or Belief, resident in this Province at the Time of such Application, and that the Defendant or Defendants in the said Attachment doth owe to them the said Plaintiff or Plaintiffs upwards of *Forty Shillings.*

PROVIDED ALSO, That in such Attachments wherein no Distribution is hereby directed amongst all the Defendants Creditors, no second or other Attachment shall be granted or served upon the Effects of the same Defendant or Defendants, unless the first Attachment shall not be executed, or be abated, dissolved, discontinued, or not proceeded in.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Writ or Writs of Attachment, or Writ or Writs of *Capias* against any Garnishee or Garnishees shall be granted or issued out, otherwise and contrary to the true Meaning of this Act, the Officer or Person so granting the same shall forfeit *Five Pounds* for each Offence, the One half to the Use of him, her or them who will sue for the same to Effect, the other half to the Use of his Majesty, his Heirs or Successors, towards the Support of the Government of this Province, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, with full Costs of Suit, wherein no Essoyn, Protection, or Wager of Law shall be allowed, and only one Imparlance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That as soon as the Justices of that Court where the said Writs of Attachment are returnable, against any such Person or Persons who shall abscond as aforesaid, do accept the Officers Return of such Writ or Writs, they are hereby impowered

and required to nominate Three honest and discreet Men, to audit the Accounts of all or so many of the Defendants Creditors as shall appear or apply themselves to the Court for that Purpose, or to the said Auditors before their Audit is returned and filed. And the said Auditors shall adjust not only the Demands of the Plaintiff or Plaintiffs in the Suit, but also all the Demands of the other Creditors aforesaid, and settle their respective Shares or Proportions of the Defendants whole Estate real or personal, and make a true Report of their Proceedings therein to the Justices of the Court, next after such Appointment, which Justices are hereby impowered and required to allow reasonable Fees to the said Auditors out of the Goods or Effects so attached as aforesaid, as a Reward for their Trouble.

AND for the better Discovery of the fraudulent Practices of the said Defendants, it shall and may be lawful for the said Auditors so as aforesaid to be appointed, and they are hereby required to examine such Person or Persons as they or any two of them shall think fit, upon Interrogatories or otherwise, on Oath or Affirmation, (which they or either of them are hereby empowered to administer) touching the Lands and Tenements, Goods, Chattles or Effects of the said Defendants, and such other Things as may tend to disclose their Estates, or their secret Grants and alienating their Effects. And that then the said Auditors or any two of them, may by Warrants under their Hands and Seals, cause to be broke open any Houses, Chambers, Shops, Warehouses, Doors, Trunks or Chests of the said Defendants, where their Goods or Effects shall be, or reputed to be, and seize the same for the Use of the Creditors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawfull to and for the said Auditors, or any two of them, to make Sale and Assurance of all Lands, Tenements, Goods, Chattles and Effects belonging to such Defendants, or otherwise to order the same for Satisfaction of their Creditors, rateably and in proportion to the Quantity of their several Debts: And every Direction, Order, Bargain, Sale, Assignment, Assurance or Conveyance, made and done by the said Auditors, or any two of them, concerning the Premisses pursuant to this Act, shall be good and effectual in the Law against the said Defendants, their Heirs, Executors, Administrators and Assigns. And it shall also be lawful for the said Auditors or any two of them, to grant and assign, or otherwise to order and dispose of all or any Debt or Debts due or to be due to any such Defendants for the Benefit of such Creditors. And such Grants, Assignments or Dispositions of the said Debts so to be made, shall vest the Property, Right and Interest thereof in the Person or Persons of him, her or them, to whom such Grants, Assignments or Dispositions may be so made by the said Auditors: So that such Assignees may sue for and recover the same Debts, in his, her or their own Names, and for his, her or their own Uses. And after such Grant, Assignment or Disposition made of the said Debt or Debts, neither the Defendants, nor any other, save the Person or Persons to whom such Debts shall be so assigned by the said Auditors, shall have Power to recover the same, or to make Releases thereof, any Law, Usage or Custom to the contrary notwithstanding.

PROVIDED ALWAYS, That the Persons nominated Auditors, shall give

publick Notice Thirty Days before the Sale or Disposition of any Goods or Effects, as aforesaid, in the Weekly Mercury, or other publick News-Paper, and affix the same on the Doors of the respective Court-Houses of this Province.

AND if the said Defendants, or any of them, have heretofore granted, conveyed or assured, or shall at any time hereafter grant, convey or assure any Lands, Tenements, Hereditaments, Goods, Chattles or other Estate, unto any Person or Persons, upon Condition or Power of Revocation at a Day to come, by Payment of Money or otherwise; That it shall and may be lawful to and for the said Auditors, or any two of them, before the time of performance of the said Condition, or after, to assign and appoint under their Hands and Seals such Person or Persons as they shall think fit, to make Tender or Payment of all principal Sums and Interest Money, or other Thing to be performed, or full Damages for the Non-performance, according to the Nature of such Condition, as fully as such Defendants themselves might or may do, or ought to have done. And the said Auditors, or any two of them, after such Tender or Payment, Performance or Compensation made, shall have full Power to sell and dispose of such Lands and other Estates so assigned on Condition to and for the Benefit of the Creditors as aforesaid.

PROVIDED ALWAYS, That this Act, nor any thing herein contained, shall be deemed, taken, or construed to extend to the Seizing or Attaching of any Lands, Tenements, or Hereditaments of any Person or Persons, who at the time of Issuing such Writ or Writs of Attachment, and ever before, may have been resident in Parts beyond the Seas, and not in this or any of the neighbouring Colonies.

PROVIDED ALSO, That no Sale shall be made of any Lands, Tenements, or Hereditaments, where the personal Effects seized, or which may be seized, are sufficient to satisfie the Demands of the Creditors with Costs. And that no more of the Effects of any Person or Persons shall be sold, than may be sufficient to discharge such Demands with Cost.

PROVIDED ALSO, That no Sale be made of any Lands or Tenements by Virtue of this Act in less then One Year and Nine Months from the time of the Seizure, nor any Sale of Personal Effects in less then Nine Months from the seizing thereof, unless where such Effects may be perishable.

PROVIDED ALSO, That any Person or Persons who now is, are, or may be Inhabitants within this Province, being about to depart the same, shall publish his, her or their Intentions of Departure in Writing, and affix the same on the Door of the County Court-House, in which he, she, or they may inhabit, at least Thirty Days before such Departure, and shall prove by the Oath or Affirmation of any one or more credible Witness or Witnesses, taken in Writing, and filed in the Clerks Office, that such an Advertisement was fixed up, that he or they saw it each of the said Thirty Days, and doth or do verily believe it continued up during the whole Space of the said Thirty Days, and that they the said Person or Persons so about to depart this Province, went publickly abroad, and did not secrete him, her, or themselves from his, her, or their Creditor or Creditors, nor from any Officer or Officers, that then and in such Cases the Lands and Tenements, Goods, Chattles, or Effects of any such Person or Persons, shall

not be subject to any Attachment or Attachments, unless it be for a Debt or Debts contracted after their Departure out of the Province.

PROVIDED ALWAYS, That the Overplus of the said Debtors Estate (if any be) after all Debts and lawful Charges are deducted, shall be returned to such Debtor or Debtors, their Executors, Administrators, or Assigns.

PROVIDED ALSO, That the Goods or Effects of any Person or Persons, who at or in One Month before the Time of Issuing the Writ or Writs of Attachment hereby directed, were not Inhabitants of this Province, shall not be distributed amongst all the Defendants Creditors in manner aforesaid: But the Party or Partys who attach the same, shall and may prosecute and obtain Satisfaction for their respective Debts or Demands, according to the Priority of their respective Attachments; any thing herein contained to the contrary notwithstanding.

PROVIDED ALSO, That in all such Foreign Attachment or Attachments of Effects belonging to Persons residing out of the Province, the Plaintiff or Plaintiffs shall before Execution or Executions awarded, find good Security, who shall undertake for him, her or them, that if the Defendant or Defendants in the Attachment shall within a Year and a Day next following, by himself or his Attorney, come into Court, and disprove or avoid the Debt recovered by the Plaintiff or Plaintiffs against him, her, or them, or shall discharge the same with Costs, that then the Plaintiff or Plaintiffs shall restore to the Defendant or Defendants the Goods or Effects, or the Value thereof, by the Plaintiff or Plaintiffs so attached or condemned, or so much thereof, as shall be so disproved or discharged, or else that they (his said Securitys) will do it for him.

AND for the more speedy Recovery of Debts of Forty Shillings or under, due from Persons not inhabiting within this Province, or absconding from the same.

BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful for any Justice of the Peace, where Effects are, for any such Debt or Debts, to grant a Writ or Writs of Attachment at the Request of any Creditor or Creditors, directed to the Constable, to attach the Goods and Chattles, or other Effects of the Debtor or Debtors, to answer the Creditor or Creditors: And if he, she, or they shall make Proof of his, her, or their Debt or Debts, the said Justice shall award Execution for the same, to be executed by the Constable, who shall have two Shillings for serving the said Attachment, and Three Shillings for serving the Execution, and no more; which said Goods shall be brought to an Appraisement, but not sold (unless in case the same be perishable) until the Expiration of Three Months next after such Attachment, to the end that the Debtor or Debtors may have that time to redeem them, if he, she, or they shall see Cause, and in the mean time to be safely kept, as the said Justices respectively may in their Discretion think fit to award.

PROVIDED ALSO, that this Act be and continue in Force for the Space

of Three Years, and from thence to the End of the next Sessions of Assembly, and no longer.

Franklin (1733) 301-308.

An ACT *for appropriating Part of the Interest Money paid or payable into the Treasury, to the incidental Charges of this Government.*

WHEREAS it is necessary some Provision should be made for the incidental Charges of this Government, therefore

BE IT ENACTED by the Governor, Council, and House of Repesentatives of this Province in General Assembly met, and it is hereby Enacted by the Authority of the same, That the Treasurer of this Province, or either of them, shall pay or cause to be paid out of the Interest Money now in the Treasury, unto His Excellency *William Cosby*[1] Esq; or to his Executors, Administrators or Assigns, or to his or their Order, the Sum of *Five hundred Pounds Proclamation Money,* as an Acknowledgment for the Services done this Province at the Court of *Great Britain,* and for his Charges in attending this Sessions of Assembly, and also shall pay unto his said Excellency, or his Executors, Administrators or Assigns other Sum of *Five hundred Pounds* Money aforesaid, out of the first Years Interest Money, which shall arise, become due and be paid into the Treasury, out of the *Forty Thousand Pounds* in Bills of Credit, to be made current by Virtue of an Act of the General Assembly of this Province, past this Sessions.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that there shall also be paid unto his said Excellency, out of the Interest Money paid, or payable into the Treasury of this Province, *Two Hundred Pounds* Money aforesaid, on the Twenty third Day of *September,* which will be in the Year of our Lord *One thousand Seven Hundred and Thirty Four,* and the like Sum of *Two Hundred Pounds* on the Twenty third Day of *September, Seventeen Hundred and Thirty Five,* the better to enable him to reside a Share of his Time in this Province in each of the said Years.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurers aforesaid, or either of them, out of the Interest Money that now is, or ought to be in the Treasury, shall pay *Six Shillings per diem* to each of the Council, during the time of their Attendance this Sessions of Assembly at *Burlington,* upon Warrants by them to be produced passed in Council, signifying the Number of Days each may have attended; which Warrants indorsed by the

said Councellors respectively shall be sufficient Vouchers to the said Treasurers or either of them, their or either of their Executors or Administrators, for so much of the said Interest Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall in like manner pay out of the Interest Money, that now is or ought to be in the Treasury, to every of the Members of the House of Representatives, who have attended this Sessions of Assembly, *Six Shillings per diem,* for so many Days as they respectively have attended, upon a Certificate to be produced to the said Treasurers of this Province, or either of them, by each of the Members, signed by the Speaker, expressing the Number of Days each Member may have attended the Service aforesaid. Which Warrants indorsed by the respective Members shall be sufficient Vouchers to the said Treasurers or either of them, or their or either of their Executors or Administrators, for so much of the said Interest Money. And a Certificate for the Speaker's Service, signed by any two of the said Members, with the Speaker's Indorsement thereon, shall in like manner be a sufficient Discharge to the said Treasurers or either of them, or their or either of their Executors or Administrators, for so much of the said Interest Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Treasurers aforesaid or either of them, shall in like manner pay unto the several Persons hereafter named the several Sums following, *viz.*

To the Clerk of this House for his Attendance this Sessions the Sum of *Eight Shillings per diem,* for so many Days as he shall have attended. And also *Twenty Pounds* Money aforesaid, for his copying the Laws, providing Pen, Ink, Paper, and other Services done this Sessions.

To *Andrew Bradford,* for printing the Minutes of this Sessions, *Twenty eight Shillings per Sheet* for each Sheet thereof. And also the Sum of *Thirty three Pounds Ten Shillings* in full Ballance of all former Accounts, due to him from this Province to the opening of this Sessions. And also in full of his Demands, for all and every Person and Persons by him employed in the Service of this Province.

To *John Borrowdell* Serjeant at Arms, for his Attendance this Sessions, the Sum of *Three Shillings per diem.*

To *William White* Doorkeeper *Three Shillings per Diem,* for each Day he shall have attended this Sessions.

To the Signers who are to sign the Bills of Credit to be made current by an Act passed this Sessions, after their Services are done, each the Sum of *Forty Pounds* Money aforesaid.

To the Inspectors, for inspecting the Press, when the said new Bills, to be made current by an Act passed this Sessions, shall be printed, each the Sum of *Ten Pounds,* when their Services are performed.

To the Printer who shall print the Bills of Credit, the Books of Mortgages, and other Books directed to be provided and bound up for the Commissioners of the Loan-Offices by an Act passed this Sessions and for Printing the Laws passed this Sessions, so much Money as *Isaac Pearson, Richard Smith* jun. and *Joseph Cooper,* or any two of them shall agree with the said Printer for doing the said Services.

To *Richard Smith,* jun. for the better negotiating the publick Affairs of this Province at the Court of *Great Britain,* as Occasion may require, the Sum of *Seven Hundred Pounds* Money aforesaid.

To the Speaker, for the Use of *Richard Partridge*[2], Agent of this Province at the Court aforesaid, in full of his Demands against the Province, exclusive of the Arrears due to him for his Salary, *Two Hundred and Fifty-two Pounds Thirteen Shillings and Five Pence* Money aforesaid.

To the Speaker for revising collecting, and publishing the Acts of Assembly of this Province, and for other Services, *Sixty Pounds* Money aforesaid. And also for drawing the Bills passed this Sessions, the further Sum of *Fifteen Pounds* Money aforesaid.

All which Sums last mentioned, shall be paid out of the Interest Money that now is or ought to be in the Treasury, by the said Treasurers or either of them, by Virtue of Warrants to be passed in Council, in Manner aforesaid. And the said Warrants when produced, and Indorsements thereon made by the Persons to whom the same may be respectively made payable, shall be sufficient Vouchers for the said Treasurers, or either of them, their Executors or Administrators, for so much of the said Interest Money.

Franklin (1733) 308-311.

1. William Cosby (1690?-1736) was governor from 1732 to 1736.

2. Richard Partridge (1681-1759) was a Quaker merchant who served as New Jersey's colonial agent for over thirty years.

An *ACT* for the Relief and Discharge of poor distressed Prisoners for Debt.

FOR the Relief of such unhappy and insolvent Debtors, who may be willing to satisfy their Creditors so far forth as they are or may be able, We the House of Representatives do pray it may be enacted, and

BE IT THEREFORE ENACTED by the Governor, Council, and General Assembly of this Province, and by the Authority of the same, That any Person or Persons being in Prison upon the first Day of *August,* in the Year of our Lord *One Thousand Seven Hundred and Thirty-three,* for Debt or Damages, or for or upon any Action or Actions, or upon any mean Process for Account or Trespass on the Case, or other Action or Actions, or Process whatsoever, issuing

out of any Court of Law or Equity, whether the said Persons were imprisoned upon the said first Day of *August, One Thousand Seven Hundred and Thirty-three,* or have been or shall be committed to Prison after that Time, who shall take the Oath or Affirmation herein after specified, and deliver a true and just Account of all their real and personal Estate, whatsoever or wheresoever, shall and may be released and discharged from their Imprisonment by Order of the said Court, in Manner hereafter mentioned.

AND that it shall and may be lawful to and for any Prisoner, to exhibit or cause to be exhibited a Petition to any Judge of the said Courts within this Province, from whence the Process issued upon which he, she, or they was or were taken on mean Process, or charged in Execution, certifying the Cause or Causes of his, her, or their Imprisonment, and an Account of his, her, or their whole real and personal Estate, with the Dates of their Securities, of all which a Schedule shall be made and annexed to such Petition, and subscribed by the Prisoner in Presence of the said Court; which Schedule shall be immediately filed in the Court as of Record, for the better Information of the Creditor or Creditors of such Debtor or Debtors.

AND that it shall and may be lawful for such Court to examine such Debtor or Debtors, upon such Interrogatories, touching the Lands, Tenements, Goods, Chattels, Debts, Bills, Bonds, Judgments, Books of Accounts, and such other Things as may tend to disclose his, her, or their Estates, or their secret Grants and Conveyances of his, her, or their Lands, Tenements, Goods, Money and Debts, as the said Court shall think fit, and upon such Examination the Court or Courts may, and is, and are hereby required to administer or tender to the Prisoner, an Oath or Affirmation to this Effect, *viz.*

I A.B. do solemnly swear in the Presence of Almighty God, (or if of the People called *Quakers,* then) *I* A.B. *do solemnly, sincerely and truly declare and affirm, that the Account by me delivered and examined upon by this Court, doth contain a full and true Account of all my real and personal Estate, Debts, Credits, and Effects whatsoever and wheresoever, to the best of my Knowledge, which I, or any in Trust for me, have, or at the Time of my Imprisonment had, or am, or was in any respect entitled unto, in Possession, Remainder, or Reversion, (except the wearing Apparel and Bedding for me and my Family, and the Tools and Instruments of my Trade or Calling, not exceeding* Five Pounds *of lawful Proclamation Money of this Province in value, in the Whole) and that I have not at any Time since my Imprisonment, or before, directly or indirectly, sold, leased, assigned, or otherwise disposed of, or made over, in Trust for myself or otherwise than is mentioned in such Account, any part of my Lands, Estate, Goods, Stock, Money, Debts, or other real or personal Estate, whereby to have or expect to have any Benefit or Profit to my self, or to defraud any of my Creditors at whose Suit I am now confined, and to whom I am indebted.*

AND after the taking of such Oath or Affirmation, and filing such Schedule aforesaid, the said Court shall remand the said Prisoner to Prison, and shall give Certificate thereof in Writing, signed by the Clerk of such Court, to the same Prisoner, to be served upon such Person or Persons, his or her Attorneys, Executor or Administrator, or to be left at the Place of the usual Abode of such

Person or Persons at whose Suit the Prisoner standeth charged and imprisoned, thereby appointing as well the said Creditor or Creditors, or their Attorneys, as the said Debtor, to appear at the next Court to be holden for the same County, Division or Corporation, when if it shall appear upon Oath or Affirmation, that the said Certificate was so served or left Twenty Days or more before the said Court, and that the said Oath be not disproved by Oath or Affirmation of any credible Person, then the said Court being satisfied with the said Schedule, on assigning of the Lands, Goods, and Effects contained therein to the Creditors as herein after mentioned, shall make an Order of Court directed to the Sheriff or Goaler, commanding the said Sheriff or Goaler to set at Liberty and discharge the said Prisoner; which Order shall be a sufficient Warrant and Discharge to the same Sheriff or Goaler, if imprisoned for Causes aforesaid, and no other; and no Action of Escape, or other Action, shall be brought against them or any of them, for the same, in any wise.

PROVIDED ALWAYS, That this Act shall not extend to discharge any Person out of Prison, who shall stand charged with any Debt to his Majesty, or charged or indebted to any one Person in a Sum exceeding *One Hundred Pounds,* Money aforesaid, or more than *Two Hundred Pounds* in the whole, unless by Consent of every such Creditor at whose Suit he shall stand charged in such Sum as aforesaid.

PROVIDED ALWAYS, That if any Person or Persons in pursuance of this Act, and for any of the Purposes herein mentioned, shall wilfully and corruptly swear or affirm any Matter or Thing, whereby their or any of their Creditor or Creditors shall or may be injured, and be duly convict thereof, such Person or Persons shall be punished in such and the same Manner as if convict of wilful and corrupt Perjury. And also the Court by Process out of which the said Prisoner was imprisoned, shall award a *Capias ad Satisfaciendum* infinite, directed to the Sheriff, and upon Return of *Cepi Corpus* shall remand the said Prisoner into the Prison where he or she was dismissed, there to remain in Execution in such Manner and Condition as he, she, or they was or were before his, her, or their Enlargement; and then and from thenceforth he, she, or they shall be adjudged to be in Execution, as fully as if he, she, or they had never been discharged thereof; Any Act, Law or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the next Court subsequent to the Taking of such Oath or Affirmation, and filing of such Schedule as aforesaid, the Judges and Justices of the respective Courts from whence such Process issued, or the greater part of them, shall have Power to grant and assign, or otherwise to order and dispose of all such Lands, Tenements, Bills, Bonds, Judgments, or any of the Debts due or to be due to and for the Benefit of the Debtor or Debtors, by what Person or Persons whatsoever, or in what Manner and Form soever, to the Use of the Creditor and Creditors of said Debtor or Debtors; And that the said Grant or Disposition of the said Lands and Debts to be made by the said Judges and Justices, or the major part of them, of the respective Courts aforesaid, shall so vest the Property, Right, and Interest of the said Lands, Debt and Debts, in the Person or Persons of him,

her, or them, to whom it shall be granted, assigned or ordered by the said Court, as fully to all intents and purposes as if the said Lands, Bills, Bonds, Judgments, or any other Debt and Debts had been made to, or with, or for the said Person or Persons, to whom the same shall be so granted, assigned, or disposed of by the said Court; and that after such Grant, Assignment, or Disposition made of the said Lands and Debts, that neither the Debtor, nor any other, save the Person or Persons to whom any such Debt shall be due, shall have Power to recover the same, nor to make any Release or Discharge thereof, but that the Party or Parties to whom the same Lands or Debts shall be granted and assigned, shall immediately cause an Advertisement to be given and set up in the most publick Place in the County where the Land lyeth, of the Time and Place, in order by Deed indented to make Sale of the said Land, Tenements, and Hereditaments, and of all Deeds, Writings, and Evidences touching only the same, belonging to such Deed or Deeds; and also shall have like Remedy to recover the same Debt or Debts, as fully and lawfully, in the Name or Names of the Person or Persons to whom the same shall be so assigned or ordered by the said Court, in all respects and purposes as the Party himself might have had, for true Satisfaction and Payment of the said Creditor or Creditors, that is to say, in case there should not be sufficient to pay or satisfie him, her or them, to every of the said Creditors a Portion rate-like, according to the Quantity of his, her, or their Debts; Any Law, Act, Usage or Custom to the contrary thereof in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every such Grant, Bargain, Sale, Conveyance, and Disposition of the said Creditor or Creditors, shall be good and available to all intents, constructions, and purposes in the Law, against the Debtor or Debtors, his or their Heirs, Executors, Administrators, and Assigns, and against all other Person and Persons claiming or to claim by, from or under such Debtor or Debtors or such said other Persons to whom such Conveyance or Sale shall be made by the said Debtor or Debtors, or by his and their Means and Procurement.

PROVIDED ALWAYS, and it is further Enacted by the Authority aforesaid, That such Creditor and Creditors as shall make Sale of the Lands and Debts aforesaid, his or their Heirs, Executors or Administrators shall upon lawful Request to him or them made by the said Debtor or Debtors, deliver a true and fair Account in Writing, and not only on his corporal Oath or Affirmation make a true Declaration to the Court by which the said Debtor was discharged, of Employing and Bestowing of his, her or their said Lands, Tenements, and Hereditaments, Goods, Wares, Money, Chattels, and Debts, which shall be paid and satisfied to his or her Creditor or Creditors, but also shall make immediate Payment of the Overplus of the same, if any such shall be, to the said Court, on the pain of incurring a Contempt of a Rule of Court; and that the said Debtor or Debtors, after the full Satisfaction of the said Creditor or Creditors, shall have full Power and Authority to recover and receive the Residue and Remainder of the Debts to him, her or them owing; any thing contained in this Act to the contrary notwithstanding.

PROVIDED ALWAYS, and be it Enacted by the Authority aforesaid,

That the Discharge of any Person or Persons by Virtue of this Act, shall not amount to free and discharge any other Person or Persons jointly and severally bound for, or liable to answer or satisfie the said Debt or any part thereof, either as Principal or Surety; but that such other Person or Persons shall be liable to answer the said Debt and Damages in such Manner to all intents and purposes as they were before the Discharge of such Prisoner.

PROVIDED ALWAYS, that no Person or Persons, able of Body, and not having Children likely to become chargeable to the County or any part thereof, and under the Age of *Forty Years,* shall be entitled to the Benefit of this Act, unless he, she, or they shall signifie their Willingness to make Satisfaction by Servitude; in which Cases it shall and may be lawful for the Court or Courts aforesaid respectively, to adjudge such Debtor or Debtors to render Satisfaction by Servitude for the Debt or Debts or any part thereof due to the said Creditor or Creditors, for any Term not exceeding *Seven Years,* in which Case such Prisoner or Prisoners shall and may be released and discharged from his, her, or their Imprisonment: But if the said Creditor or Creditors shall not or will not accept of such Satisfaction for the Debt or Debts for which he, she or they are imprisoned, then the respective Courts shall and may discharge such Prisoner or Prisoners in Manner and Form aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall be sued or impleaded for any Matter or Thing done in the Execution of this Act, and in Pursuance thereof, he or they may plead the General Issue, and give the special Matter in Evidence; and if the Plaintiff shall be nonsuit, or Verdict do pass against him, such Defendant shall recover his double Costs. PROVIDED ALWAYS,

AND BE IT FURTHER ENACTED by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt and Debts due or owing from the said Prisoner or Prisoners, and all and every Judgment or Judgments had and obtained, and decree pronounced against him, her or them, shall stand and be good and effectual in the Law to all intents and purposes against the Lands, Tenements, Hereditaments, Goods and Chattels of the Prisoner or Prisoners so discharged as aforesaid, or which he, she or they, or any other Person or Persons in Trust for him, her or them, at the Time of such Discharge, hath or have, or at any Time hereafter, shall, or may be any ways feifed or possessed of, or entitled to, either in Law or Equity, except his, her or their Wearing Apparel, Bedding for his, her, or their Families, and Working-Tools and Implements necessary for his, her or their Trade, not exceeding the Value of *Five Pounds* in the whole: And it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged as aforesaid, his, her, or their Executors or Administrators, to take out a new Execution against the Lands, Tenements, Goods and Chattels of such Prisoner or Prisoners, (except as before excepted) for the Satisfaction of his, her or their Debts, in such Sort, Manner and Form, as he, she or they might have done if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution. Any Act, Statute, Law or Custom to the contrary in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Sheriff, Under-Sheriff, Goaler, Keeper of any Prison or Goal, or any other Person or Persons whatsoever, to whose Custody or Keeping any Person or Persons arrested shall be committed, on any Account whatsoever, shall permit or suffer him, her or them, so arrested, at his, her or their Will and Pleasure to send for and have any Beer, Ale, Victuals, or other necessary Food, from what Place they please; and also to have and use Bedding, Linnen, and other Things, as he, she, or they may think fit, without purloining or detaining the same, or any part thereof, or enforcing or requiring him, her or them to pay for the having or using thereof, or putting any manner of Difficulty upon him, her, or them, in using thereof or relating thereto.

AND for preventing Extortion or Exaction by any Sheriff, Goaler, Bailiff, or other Officer, having the Care and keeping of any Goal or Prison in this Province,

BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Justices of the respective Courts of this Province, on Complaint to them respectively made of any exorbitant Demand made by any Officer or Officers as aforesaid, for Meat, Drink or other Necessaries had during the Confinement of any Prisoner or Prisoners, to hear and determine the same in a summary Way, and to make such Order thereupon for redressing such Abuse, and punishing of such Officer or Officers complained of, and making Reparation to the Person or Persons injured, as they shall think fit, together with full Costs of such Complaint; and all Orders and Determinations which shall be made by the said Courts in such summary Way, shall have the same Force and Effect to all intents and purposes as any other Orders of said Courts, and Obedience thereunto may be compelled by Attachments issued from the said Courts in like Manner as in other Cases is usual.

AND BE IT ENACTED by the Authority aforesaid, That this Act, together with all Things therein contained, shall continue and be in Force for *Two Years* after Publication hereof, and from thence to the End of the next Session of Assembly, and no longer.

Franklin (1733) 312-319.

An ACT *for the further Support of this Government.*

WHEREAS the Provision heretofore made for the Support of this Govern-

ment, will expire on the Twenty-third Day of *September,* which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-five,* We the House of Representatives of this Province, willing to give further Demonstration of our Duty and Loyalty to His Majesty, by making an additional Support for this his Government, do pray that it may be Enacted,

AND BE IT ENACTED by the Governor, Council, and Representatives aforesaid, in General Assembly met, and by the Authority of the same, that for the further Support of this Government, paying the Salaries of the Governor for the time being, and other Officers, and defraying the necessary Charges of this Province for the Years *One Thousand Seven Hundred and Thirty-six, One Thousand Seven Hundred and Thirty-seven,* and *One Thousand Seven Hundred and Thirty-eight,* there shall be, and is hereby cheerfully and unanimously given and granted unto His present Majesty the Sum of *Three Thousand Pounds* Money according to the Proclamation of the late Queen *Anne,* to be paid out of the Interest Money that now doth or hereafter may arise by the Loan of the Bills of Credit which now are or hereafter may be current in this Province, in Manner and Form following, *viz. One Thousand Pounds* Part thereof on the Twenty-third Day of *September* which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-six,* and one other *Thousand Pounds,* other Part thereof, on the Twenty-third Day of *September* which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-seven;* and one other *Thousand Pounds,* residue thereof, on the Twenty-third Day of *September* which will be in the year of our Lord *One Thousand Seven Hundred and Thirty-eight.* All which Payments shall be made by the Treasurers of this Province, or either of them, on Warrants to them or either of them, to be produced to be passed in Council; and the said Warrants, with Indorsements thereon made by the Persons to whom the same may be respectively made payable, shall be sufficient Vouchers to discharge them the said Treasurers or either of them, and their or either of their Heirs, Executors and Administrators, of so much of the said Interest-Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case it should so happen that any of the said several Sums of *One Thousand Pounds* each, directed to be raised for the Years *One Thousand Seven Hundred and Thirty-three, One Thousand Seven Hundred and Thirty-four,* and *One Thousand Seven Hundred* and *Thirty-five,* by virtue of an Act entitled, *An Act for appropriating the Money directed to be raised by the Act, entitled, An Act for the additional Support of this Government, &c.* shall not be paid unto the Treasurers of this Province, or either of them, on the Days and Times in the said Act appointed, that then and in such Case it shall and may be lawful for the said Treasurers, or either of them, to pay the Warrants due for the Governor's Salary out of the Interest Money, not otherwise appropriated to other Uses, which at the respective Days and Times may be paid unto them the said Treasurers, or either of them, and when the Taxes for the said Years shall after be paid unto them, that then they shall place back so much of the Support Money in Lieu of the Interest Money so paid on the said Warrants.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if

by Reason of the Non-payment of the Interest Money aforesaid by the Borrowers of the said Bills of Credit, or by any reason of any other Default, Deficiency, Matter, Cause or Thing whatsoever, it should so happen that the Interest Money aforesaid should not be paid unto the said Treasurers aforesaid at the several Days and Times by the several Acts of Assembly of this Province directed and appointed, so that by Virtue of the same Acts it will become necessary to levy the same Interest Money, or any part thereof, on all or so many of the Counties in this Province in which such Deficiency or Deficiencies may happen, that then and in case of such Deficiency or Deficiencies, the aforesaid Sums of *One Thousand Pounds* herein before directed to be paid for each of the Years *One Thousand Seven Hundred and Thirty-six, One Thousand Seven Hundred and Thirty-seven,* and *One Thousand Seven Hundred and Thirty-eight,* or so much thereof as may happen to be wanting, shall be paid or made good out of the said Money by the said Acts, in case of such Deficiency or Deficiencies, directed to be levied as aforesaid.

AND for removing some Doubts which have arisen concerning the Money which may become necessary to be raised to make good the Deficiencies aforesaid, in case such Deficiencies should happen, and for other publick Uses warranted by former Acts of Assembly of this Province,

BE IT FURTHER ENACTED by the Authority aforesaid, That every City, Town, Precinct and District in this Province, who at present are reputed and taken to be such in the several Counties of this Province, shall during the Continuance of this Act, be deemed qualified annually to meet and assemble themselves together, as Occasion may require, to elect and chuse Freeholders Assessors and Collectors, in the Manner and for the Purposes directed by the Act entitled, *An Act for raising of Money for building of Goals and Court-Houses, &c.* and the Act entitled, *An Act for the more regular chusing Assessors and Collectors, &c.* or any other Act or Acts of Assembly of this Province. And that the Freeholders, Assessors and Collectors, already chosen by the said Cities, Townships, Precincts and Districts aforesaid, shall be deemed and taken to be fully empowered and qualified for the several Purposes aforesaid in the several Acts aforesaid mentioned, until by Virtue of this and the said former Acts of Assembly new Elections shall be made.

PROVIDED ALSO, that the Inhabitants of the West Part of *Middlesex* County, commonly called *New Windsor,* shall be deemed and taken as a District within the Intents of the Acts aforesaid, but shall have the Choice of one Freeholder and no more, to act in Conjunction with the other Freeholders in such Places, where their Services by Law is enjoined and required.

PROVIDED ALSO, that the Township of *Woodbridge,* besides the Freeholders they are by the Acts aforesaid entituled to chuse, shall have the Choice of one other Freeholder to join with the Residue in transacting the publick Affairs of the said County.

PROVIDED ALSO, that no City, Township, Division, Precinct or District hereafter made, shall be qualified to elect or chuse any Freeholders Assessors or Collectors for Management of the County Affairs, by Virtue of the Acts aforesaid, unless authorised so to do by some Act of Assembly of this Province.

AND as a further and additional Provision for the Support of this Government for each of the Five Years last aforesaid, commencing on the Twenty-third Day of *September, One Thousand Seven Hundred and Thirty-three,* and ending on the Twenty-third Day of *September, One Thousand Seven Hundred and Thirty-eight,*

BE IT FURTHER ENACTED by the Authority aforesaid, that there shall be and hereby is given and granted unto his present Majesty, the Duty of *Forty Shillings* for each Ton of Copper Ore exported out of this Province to any of the Neighbouring Colonies, and not directly carried from hence to some Port or Place in *Great Britain*, to which the same may lawfully be carried.

AND as well for preventing of the Exportation of such Copper Ore to any Foreign Dominions, as for securing the Duty hereby given to His present Majesty,

BE IT FURTHER ENACTED, that all and every Person and Persons whatsoever, who shall export any of the said Copper Ore out of this Province by Water to any other Land, Island, Plantation, Territory or Place whatsoever, shall ship the same off and from some publick and allowed Port or Place of Shipping within this Province; and shall before he or they do so lade or take on board any of the said Copper-Ore in any Ship, Sloop, Boat or Other Vessel whatsoever, either pay to the Collector of the Customs of the Port or Ports from whence the same may be shipped respectively, or to their Deputies, the Duty hereby given as aforesaid, or shall become bound unto the said Collector respectively, for the Use of His present Majesty, his Heirs and Successors, with good Security, Freeholders in and residing within this Province, in the Sum of *One Thousand Pounds* Money of *Great Britain,* on Condition to carry the Copper Ore by him or them to be shipped directly to some Port or Place in *Great Britain,* to which the same may be lawfully carried, and not to any of the neighbouring Colonies. And in Case any Person or Persons whatsoever, shall lade or take on board of any Ship, Sloop, Boat, or other Vessel, any of the said Copper Ore, without first paying the Duty or giving Security aforesaid, that then the said Ship, Sloop, Boat, or other Vessel, in which such Copper Ore shall be so laded or taken on board, together with all their or any of their Guns, Tackle, Furniture, Apparel and Lading whatsoever, shall become forfeit, one Half thereof to the Use of His present Majesty, his Heirs and Successors, towards the Support of this Government, the other Half to the said Collector or Collectors, or any other Person or Persons, who on their or either of their Default will sue for the same to Effect in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, in which no Essoyn, Protection, or Wager of Law shall be allowed, and only one Imparlance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said Collector for collecting the said Duty, shall and may retain in his or their Hands, *Two Shillings in the Pound* for collecting the same; and shall yearly and every Year from and after the Twenty-third Day of *September* next, render an Account of, and pay unto the Treasurer of the respective Divisions of this Province, all Moneys by him or them received, and which hereby he ought to pay for the Duties, Penalties, and Forfeitures which may arise by Virtue of this Act,

to be disposed in such Manner as to the Governor, Council and General Assembly shall seem meet.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case His Excellency *WILLIAM COSBY,* Esq; present Governor of this Province, shall be Death or other cease to be Governor thereof at any Time after the Passing of this Act, and before the Twenty-third Day of *September* which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-eight,* that then it shall and may be lawful for the Treasurers of this Province for the Time being, and they are hereby directed, authorized, and commanded, to pay to his said Excellency WILLIAM COSBY, Esq; his Executors, Administrators and Assigns or his or their Orders, out of the said Sums of Money, so much thereof as at the Time of his ceasing to be Governor as aforesaid shall remain in Arrear and unpaid to him for his Salary.

Franklin (1733) 319-323.

An ACT *for naturalizing* Henry Marshon *of the County of* Hunterdon, *Planter,* Peter Demon *and* Peter Knott *of the County of* Monmouth, *Planters.*

WHEREAS *Henry Marshon, Peter Demon* and *Peter Knott* were born under the Allegiance of Princes in Amity with the Crown of *Great Britain,* and have many Years since settled themselves and their Effects in this Province, and are desirous of enjoying the Privileges and Benefits which natural born Subjects of the Crown of *Great Britain* do enjoy; And whereas they the said *Henry Marshon, Peter Demon,* and *Peter Knott* do profess the Protestant Religion, and have given Testimony of their Fidelity, Duty and Loyalty to King GEORGE *the Second,* and to the Succession of the Crown in the Protestant Line:

MAY it please the Governor at the humble Suit of the said *Henry Marshon, Peter Demon* and *Peter Knott,* that it may be Enacted,

AND BE IT ENACTED by the Governor, Council, and House of Representatives in General Assembly now met, and it is hereby enacted by the Authority of the same, that the aforesaid *Henry Marshon, Peter Demon,* and *Peter Knott,* and each of them, be from henceforth and forever hereafter deemed, taken, reputed and adjudged to be to all intents and purposes, naturalized, and fully capable to have, take, hold and enjoy any Lands, Tenements,

Hereditaments, Goods and Chattels whatsoever, either by way of Purchase, Gift or otherwise howsoever, as fully, amply and largely in every respect and Degree, as if they and each of them had been born in this Province; and also to prosecute, pursue, maintain, defend, avow and justify all and all Manner of Suits, Actions and Causes, real personal, or mixt, and all Things to do as if they and each of them had been natural born Subjects of the Crown of *Great Britain.*

PROVIDED ALWAYS, that this Act nor any Thing therein contained shall be construed so as to enable the several Persons herein named to be capable of being Members of the Council, or of the House of Representatives of this Province, or to enjoy any Office or Place of Trust and Profit within this Province, any Thing herein contained to the contrary notwithstanding.

Franklin (1733) 324-325.

An ACT *for the better enforcing an* Ordinance *made for establishing of Fees for regulating the Practice of the Law.*

WHEREAS for the better ascertaining and establishing of what Fees may lawfully be taken in this Province, an Ordinance is made by his Excellency *WILLIAM COSBY,* Esq; Governor of this Province, by and with the Advice and Consent of the Council, in the Words following, *viz.*

An ORDINANCE for regulating and establishing Fees within His Majesty's Province of New-Jersey.

HIS Excellency the Governor, by and with the Advice and Assistance of His Majesty's Council for the said Province, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent under the Great Seal of *Great Britain,* by and with the Advice and Assistance aforesaid, doth hereby ordain and declare, That from and after the Publication hereof, no Officer or other Person or Persons whatsoever, for any Service or Services by him or them to be done and performed in their respective Office or Offices, for any Fee, Perquisite, or other Benefit or Reward, shall exact, demand, or ask any greater or

other Fee or Fees, Sum or Sums of Money for the Discharge of his or their several and respective Duty or Duties, in his or their several and respective Offices, other than what herein after is allowed and established for the same, *viz.*

The *GOVERNOR'S* Fees.

A Licence of Marriage Hand and Seal, &c. *Ten shillings.*
The Seal to every Probate of Will or Letter of Administration, *Nine shillings.*
A Certificate for a Vessel's Property, *Ten shillings.*
A Certificate to go beyond the Seas, if desired, *Ten shillings.*
A Licence to purchase Land of the Indians, *Fifty shillings.*
A Bill of Health, *Twelve shillings.*
The Seal to a Patent for a Township, *Twenty shillings.*
The same to a Confirmation or Renewing a Patent, *Twelve shillings.*
Every Writ of Error, *Three shillings.*
The first Rule in every Cause in Error, *Eight shillings.*
Licencing every Attorney, *Twenty shillings.*

The Justices Fees of the *Supream Court.*

In all Cases to be paid on the first Motion, *Six shillings.*
The Allowance of every Writ of Error, *Certiorari, Habeas Corpus,* or other such Writ, *Three shillings.*
Taking every Affidavit, *One shilling.*
Every Supersedeas, *Six shillings.*
Admitting every Attorney, *Eighteen shillings.*
Taking the Acknowledgment of a Deed, *Three shillings.*
Taxing Costs, *Four shillings.*
Taxing Bail on a Writ of Error, or any other Writ, *Three shillings.*

Secretary's Fees.

A Patent for a Township, *Three Pounds.*
A Patent for a Confirmation wherein no new Grants are contained, *Thirty shillings.*
Every Order, Warrant or Certificate under the Governor's Hand and Seal, counter-signed by the Secretary, *Three shillings.*
Entring Deeds and other Things on the Record, for every Sheet, fifteen Lines to

a Sheet, and six Words to a Line, *Seven pence.*

Every Copy of the same, and all other Papers whatsoever out of the said Office, each Sheet containing as aforesaid, *Four pence halfpenny.*

Every new Justice of the Peace shall pay towards the Commission of the Peace, *Six shillings.*

Every new Justice of the Pleas shall pay towards each Commission of the Pleas, *Six shillings.*

For a Commission of Oyer and Terminer, to be paid by the Person desiring the same, *Twenty shillings.*

For a Commission for a Sheriff, *Ten shillings.*

A Commission for a Coroner, *Five shillings.*

A Commission for a Clerk of the Peace and the Pleas, *Ten shillings.*

For all other Civil Commissions, each Commission, *Five shillings.*

A Commission for a Colonel of a Regiment, *Twelve shillings.*

Ditto, for a Lieutenant Colonel, *Ten shillings.*

Ditto, for a Major, *Eight shillings.*

Ditto, for a Captain of a Company, or Adjutant, *Six shillings.*

Ditto, for a Lieutenant, *Five shillings.*

Ditto, for an Ensign, *Four shillings.*

For the Rolls for every Person sworn, *One shilling.*

Searching the Records, the first Book, *Nine pence;* every other Book, *Six pence.*

Licence for an Attorney to practise, *Twenty shillings.*

Drawing a Certificate to pass under the broad Seal, or any other Seal, and for engrossing the same, per Sheet, containing as before, *One shilling.*

For attending the Courts, or elsewhere, with an Original Will or Record, for each Day, *Six shillings* per day.

A Warrant to re-survey Lands, *Five shillings.*

Licence for a Boat or Ferry, countersigned by the Secretary, *Six shillings.*

Fees of the Prerogative-Office.

For engrossing a Will and Probate, to be done in Parchment, for each Sheet containing fifteen Lines, and six Words in a Line, *Ten pence* per Sheet.

Taking Depositions to a Will, and recording the Will, each Sheet containing fifteen Lines, and six Words to a Line, *Seven pence* per Sheet.

Swearing or attesting the Witnesses and Executors, for each *Nine pence.*

Drawing every *Fiat* or Order for Administration, and for swearing or attesting the Administrators, *Three shillings.*

Engrossing the Letters of Administration, each Sheet containing fifteen Lines, and six words to a Line, *Ten pence* per Sheet.

Recording the same, per Sheet, *Seven pence.*

Drawing the Administration Bond, *Two shillings & six pence.*

Filing the original Will, *Nine pence.*

Recording the Inventory, per Sheet, each Sheet containing fifteen Lines, and six words to a Line, *Seven pence.*

Filing the Inventory, and swearing the Executor, *Eighteen pence.*
Every *Quietus,* per Sheet as aforesaid, *Seven pence.*
Recording the same, per Sheet as aforesaid, *One shilling.*
Auditing all the Accounts of Administrators and Executors, *One shilling.*
Drawing and setting up Notice in order to their passing their Accounts, *One shilling.*
Every Licence of Marriage, *Nine shillings.*
For every Bond taken in the Office, *Two shillings & six pence.*
Entring a *Caveat, One shilling.*

Clerk of the Supream Court.

Bond to prosecute, *Two shillings and six pence.*
Sealing every *Capias,* or any other Writ, *One shilling.*
Filing every Indictment, *One shilling.*
Entring every Action, *Nine pence.*
Copy of every Indictment, Declaration, Plea, &c. fifteen Lines to a Sheet, and six Words to a Line, *Seven pence.*
Every Copy of a Plea, Replication, or any other Pleadings, *Ditto.*
Entring every Appearance of the Defendant, *Six pence.*
Entring every Verdict and Judgment, *One shilling.*
Reading every Evidence, *Six pence.*
Every Rule of Court, *Nine pence.*
Copy thereof, *Six pence.*
Reading a Petition, and Order thereon, *Nine pence.*
Copy thereof, *Six pence.*
Withdrawing an Action, Discontinuance, or entring a *Noli Prosequi, One shilling.*
For every Recognisance, *Eighteen pence.*
Searching the Records, *Nine pence.*
Filing the Roll for every Action, *One shilling.*
Swearing every Jury and Constable, *Three shillings.*
Discharging by Proclamation, *One shilling.*
For a Copy of the Writ in the Supream Court, per Sheet, *One shilling.*
Filing every Writ, Indictment, or other Paper, *Nine pence.*

Clerk of the Council.

Making out the *Fiat* for the Great Seal to be affixed to every Writ of Error, filing the same, sealing the Writ, and finding Wax and Parchment, *Three shillings and six pence.*
Entring the Case on the Council Book, and taking out the Docket for the Governor, *Nine pence.*
Transcribing the Records in Parchment, fifteen Lines to a Sheet, and six Words

to a Line, *Ten pence.*
Examining the Records in Council, *One shilling.*
Entring the Plaintiff and Defendant's Appearance, *Nine pence.*
Every Rule made in the Case, and Copy, *Two shillings.*
Entring Judgment on the Minutes, and Copy, *Two shillings.*
Entring every *Noli Prosequi,* and Discontinuance, &c. *Two shillings.*
Filing the Errors and all other Pleadings, or Writ of Error, each, *Nine pence.*
All other Writs the same Fees as on a Writ of Error.
Every Petition to the Governor in Council, and Order, *Four shillings.*
Reading every private Bill, the first time, second time, and third time, each time *Five shillings.*
Entring the Agreement of the Council to a Bill, *Four shillings.*
For each Bill engrossed in Parchment, *Eighteen shillings.*
Affixing the Seal and Wax, for each, *Six shillings.*
Attending the Committee of Council on a Reference, *Ten shillings.*

Attorney-General's Fees.

All criminal Cases, &c. or Indictments found by the Grand Jury, *Fifteen shillings.*
All Informations preferred by the Governor in Council, if convicted, *Fifteen shillings.*
All capital Cases, *Thirty shillings.*
Every *Non vult ulterius prof.* &c. *Ten shillings.*
All other Services in the King's Cases, to have one Fourth more than other Attorneys have for the like Services in private Cases.

Sheriffs Fees in all Courts.

Serving a Writ or *Capias,* taking into Custody, without any pretence of Riding, *Ten shillings.*
Returning the Writ, *Nine pence.*
Taking a Prisoner into Custody by Order of the Court, or Justice of the Peace, *Four shillings.*
Discharging the same, *Nine pence.*
Serving a *Venire facias,* and Return, *Four shillings and six pence.*
Serving every Execution under Fifty Pounds, *Six shillings.*
All above Fifty Pounds, *Three-pence* per Pound.
Every Writ of Possession, and Return, *Twenty shillings.*
Every *Scire facias,* and Return, *One shilling.*
Victualling every Prisoner, *Six pence* per Day.
Every Writ of Enquiry, and Return, *Fifteen shillings.*
For taking every Bail Bond, *One shilling.*
For Travelling-Charges upon every Writ or Process to be executed, above eight

Miles from the Court-House of the County, the Sheriff shall be allowed for every Mile above eight Miles, *Three pence*, besides his other Fees aforesaid; that is, *Three pence* for going, and *Three pence* for coming every of the said Miles.

Justices Fees in or out of Sessions.

Every Warrant of Appearance, *One shilling.*
Taking every Recognizance, *Eighteen pence.*
A Licence for Selling Drink, *Four shillings and six pence.*
The Justice's Clerk for a Bond for the same, *Eighteen pence.*
A Pass, *Ten pence.*
A *Mittimus, One shilling.*
Taking Examinations, each Sheet containing fifteen Lines, and six Words to a Line, *One shilling.*
Every Oath or Attestation, *Six pence.*
Actions tryed in the Sessions, each Action, *Three shillings.*

Judge and Justices Fees in the Court of Common-Pleas.

Acknowledging every Deed, and endorsing the same, *Three shillings.*
All Actions tryed, to the Bench, *Three shillings.*
Any Action called, where there is a Rule made in the Case, and not tryed, *Eighteen pence.*
Taking special Bail, to the Judge, *Eighteen pence.*
Settling and allowing every Bill of Cost, *One shilling.*
Allowance to every Writ of Error, *One shilling and eight pence.*

Actions of Forty shillings, or under.

A Summons, *Six pence.*
A Warrant to take into Custody, *One shilling.*
A Judgment, *Nine pence.*
Administring every Oath or Attestation, *Four pence.*
A Summon for Evidence, *Six pence.*
Every Execution, *One shilling.*
Every Evidence subpaened and attending, *Two shillings* per Day; and so in Proportion for a larger or shorter Time.

Fees for the Clerk of Sessions, and Common-Pleas.

Bond to prosecute, *Two shillings and six pence.*
Drawing a *Capias,* or any other Writ, *Two shillings and six pence.*
Sealing the same, *One shilling.*
Entring every Action, *Six pence.*
Filing Declaration, Plea, Rejoinder, *Six pence.*
Copy of a Declaration, or any other Pleadings, for each Sheet containing fifteen Lines and six Words to a Line, *Six pence.*
Sealing every Subpaena, each Writ, not exceeding four Names, *Nine pence.*
Entring the Defendant's Appearance, *Six pence.*
Entring Plea *Non vult, Six pence.*
Entring every Verdict, *Six pence.*
Entring every Judgment, *One shilling.*
Entring every Rule or Order of Court, *Six pence.*
Entring every Petition, or Order thereon, *Nine pence.*
Entring every *Non prof. Retraxit,* Discontinuance, &c. *One shilling.*
Calling and swearing the Jury and Constable, *Eighteen pence.*
Every Evidence sworn or attested, *Four pence.*
Entring every Allowance of *Habeas Corpus,* Writ of Error, &c. *One shilling.*
Every Recognizance taken in Court, *One shilling.*
Copy of every Rule of Court, *Six pence.*
Searching the Records, *Nine pence.*
Recording Ear-marks, *Six pence.*
Discharging by Proclamation, *One shilling.*
Recording Deeds, per Sheet, *Seven pence,* each Sheet containing fifteen Lines and six Words to a Line.
Copies thereof attested, *Four pence half penny.*

Juries Fees.

In all Cases tried, *Twelve shillings.*
For a Writ of Enquiry, *Twelve pence* per Man.
Juries Fees in every Case, when the Jury is summoned and the Case not tryed, half Fees, *Six shillings.*

Cryer's Fees.

Calling every Action every Term, not exceeding three Terms, *Eight pence.*
Calling the Jury in each Case, *Eight pence.*
Calling every Evidence, *Three pence.*
Every one discharged by Proclamation, *Six pence.*

Coroner's Fees.

Viewing a dead Body, *Twelve shillings.*
A Warrant to summon the Inquest, *Two shillings.*
Swearing or attesting the Jury, *Two shillings.*
Swearing or attesting every Witness, *Four pence.*
Drawing and Returning the Inquisition, *Six shillings.*
Executing every Process, *Ten shillings.*
Returning every Writ, *Nine pence.*
Serving every *Venire,* and Return, *Four shillings and six pence.*
Every Man on the Inquest, *One shilling.*
Taking every Bail Bond, *One shilling.*

Practitioners of the Law.

Making out every Process, Writ, or *Capias, Two shillings and six pence.*
Drawing every Declaration, *Five shillings.*
Every Copy of a Declaration served on a Person committed for want of Bail, or in Ejectment, *Two shillings.*
Drawing every Affidavit, *One shilling.*
Every common Plea, Replication, Rejoinder, *One shilling.*
Every Term Fee, *Six shillings.*
Drawing every special Plea, Replication, Rejoinder, fifteen Lines to a Sheet, and six Words to a Line, *Ten pence.*
Every Warrant of Attorney, *Nine pence.*
Drawing every *Breviat, Three shillings.*
Every Continuance of a Case after Issue, *One shilling.*
Drawing up the Judgment and entring the same on the Roll, *Five shillings.*
Arguing a Demurrer, or special Verdict, *Fourteen shillings.*
Fee upon every Tryal, *Fourteen shillings.*
Every special Motion, allowed to be a Motion in *Westminster Hall, Six shillings.*
Copy and Service of every Rule of Court, *Two shillings & six pence.*
Drawing every Bail-piece, and attending the Judge, *Three shillings and six pence.*
Every Ticket for a Subpaena, *Nine pence.*
Entring Declaration, Plea, &c. on the Roll, per Sheet as before, *Ten pence.*
Writ or Declaration in special Cases, exceeding three Sheets, *Twelve pence* per sheet.

Constable's Fees.

Serving every Warrant or Summons, *Eighteen pence.*
Serving every Execution, *Eighteen pence.*

Fees due on the Removal of a Case out of the Supream Court to the Governor in Council.

To the Chief Justice or Second Judge for making the Returns, sealing the same, and attending with the Record, and Transcript, and examining the same in Council, and returning the Record into the Supream Court, *Thirty shillings.*

Serjeant at Arms Fees.

Serving every Order, *Seven shillings.*
Taking every Person committed into Custody, *Two shillings and six pence.*
Travelling Charges per Mile, *Six pence.*
Every Days Attendance on any Person after Commitment, *Two shillings.*

To the Speaker.

For every private Bill, *Twenty shillings.*

The Clerk of the Assembly's Fees.

Reading and entring every Petition, or other Instrument or Writing, *One shilling and six pence.*
Entring the Answer thereto, *One shilling and six pence.*
The Perusal of an Act, or each Days Minutes, *One shilling and six pence.*
Entring the said Order, *One shilling and six pence.*
Entring an Order of the House, *One shilling and six pence.*
A Copy of an Order of the House, *One shilling and six pence.*
Entring a Report into the Journal of the House, *One shilling and six pence.*
Fees for all private Bills to be taxed by the Speaker.

Fees for the Collectors.

Registring every Vessel, *Six shillings.*
Endorsing every Register, *One shilling.*
The Entry of every Ship or Vessel, Burthen Sixty Tons or upwards, in or outwards, *Six shillings.*
Every Licence to load or unload, *One shilling and six pence.*
Every Bill of Store, *Three shillings.*
Every Entry, *Six pence.*
Every Post of the same, *Four pence half penny.*
Every Certificate that Goods are landed, where Bond is given, *Three shillings.*

Clearing of every Vessel of the Burthen aforesaid, in or out, *One shilling.*
A Cocket after clearing, *Three shillings.*

Ships or Vessels Burthen under Sixty Tons, and more than Twenty, Trading into or out of this Province.

The Entry in and out, *Two shillings.*
Licence to load or unload, *One shilling.*
A Bill of Store, *One shilling and six pence.*
Every Entry, *Six pence.*
Every Post of the same, *Four pence half penny.*
A Certificate, *One shilling.*
Clearing and Let-Pass of every Vessel of the Burthen aforesaid, *Six pence.*
A Cocket after Clearing, *One shilling.*

Sloops or other Vessels of Twenty Tons or under, coming in or out of this Province.

The Entry in or out, *Eighteen pence.*
Licence to load or unload, *Nine pence.*
A Bill of Store, *Eighteen pence.*
Every Entry, *Six pence.*
Every Post of the same, *Four pence half penny.*
A Certificate, *One shilling.*
Clearing every Vessel of the Burthen aforesaid, *Four pence half penny.*
A Cocket after Clearing, *One shilling.*

PROVIDED ALWAYS, that no Vessel or Vessels trading within this Province, and to *New-York,* and to *Pennsylvania,* shall pay or be obliged to pay any Fee or Reward for Entring or Clearing; and that one general Entry of all Goods shipt on board be taken from the Master's Report thereof.

The Naval Officer's Fees.

The Sight of every Certificate of Bond given, and Entry of the same, *Six pence.*
Cancelling a Bond, and filing the Certificate, *Nine pence.*
Every Certificate of Goods landed where Bonds are given abroad, *Eighteen pence.*
Every Bond given for enumerated Commodities, *Eighteen pence.*
Every Entry and Clearing, each *One shilling.*

PROVIDED ALWAYS as aforesaid, That no Vessel or Vessels trading within this Province, and to *New-York* and *Pennsylvania,* shall pay or be

obliged to pay any Fee or Reward for Entring or Clearing, and that one general Entry of all Goods ship'd on board, to be taken from the Master's Report, be sufficient.

AND it is hereby further ordained and declared by the Authority aforesaid, That all and every Officer and Officers, Person and Persons whatsoever, that shall at any Time hereafter exact, demand, or ask any greater or other Fee or Fees, for or in respect of any of the Services herein before mentioned, other than such which herein now are, or which at any Time hereafter shall, by the Authority aforesaid be established and allowed for them, shall be deprived of his or their said Office or Offices, and be liable to such other Fines and Penalties as the utmost Rigor of the Law can inflict.

AND it is further ordained and declared by the Authority aforesaid, That the said Chief Justices and Judges of the Supream Court of this Province, all Justices of the several Courts of Sessions of the Peace, and all Judges of the Inferior Courts of Common Pleas, within the several Counties of this Province, do tax and allow all Bills of Costs accruing within their several Courts for Services hereafter to be done, according to the Table of Fees herein before established, and not otherwise, as they will answer the same at their Peril; and Law, Usage or Custom in the respective Courts to the contrary thereof in any wise notwithstanding.

GIVEN *by His Excellency* WILLIAM COSBY, *Esq; Captain General and Governor in Chief of the Provinces of* New-Jersey, New-York, *and Territories depending thereon in* America, *and Vice-Admiral of the same, and Colonel in His Majesty's Army, under my Hand and Seal at Arms, in Council at the Town of* Burlington *in the said Province, this thirteenth Day of* August, Annoque Domini *One Thousand Seven Hundred and Thirty-three.*

AND WHEREAS some Doubts may arise how far the said Ordinance may be binding, unless the same be enforced by an Act of the General Assembly of this Province, Therefore, and for the better preventing any undue Exactions or exorbitant Demands of Fees, too much practised in this Province, We the House of Representatives do pray that it may be enacted,

AND BE IT THEREFORE ENACTED by the Governor, Council, and House of Representatives in General Assembly met, and by the Authority of the same, That if any Person or Persons shall take or exact greater Fees or Rewards for his or their Services, than are ascertained in the before recited Ordinance, and allowed of by this Act, such Person or Persons so offending, shall for each Offence forfeit the Sum of *Twenty Pounds* Proclamation Money, one half thereof to the Use of His present Majesty, his Heirs and Successors, the other Half to the Party grieved, or to him or them who will sue for the same to Effect, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record in this Province, with full Costs of Suit; and on a second Conviction, if an Attorney at Law, he shall be forever disabled as such to practise in this Province.

AND for the better regulating and ascertaining the Fees that ought to be taxed by Virtue of the Ordinance aforesaid, BE IT ENACTED, and it is hereby

enacted by the Authority aforesaid, That no Term Fee shall be taxed or allowed to any Attorney at Law, by Virtue of the Ordinance aforesaid, until the Term next following, or in which the Process by which the Defendant is summoned or taken, shall be served, any Thing therein contained to the contrary notwithstanding.

PROVIDED ALSO, That in all personal Actions commenced and prosecuted in the Supream Court of this Province, where the true and real Cause of Action, Debt, Damages sustained, or Value of the Thing demanded doth not exceed the Sum of *Twenty Pounds* Money aforesaid, and in all such Actions commenced and prosecuted in the Inferior Courts of this Province, if any such Action shall be agreed before the first Day of the Term to which the first Process on which the Defendant or Defendants is, are, or may be taken or summoned, is or may be returnable, if he, she or they are or shall be taken or summoned, on such first Process, the Fees to be taken in any one such Action shall not amount to more than *One Pound Six Shillings and Nine Pence* Money aforesaid, exclusive of Mileage, in the whole; and in like Cases in the Inferior Courts, exclusive of Mileage, *One Pound Five Shillings,* and no more, unless the same Cause or Causes was or were Causes controverted, in which case *Six Shillings* Costs more shall and may be lawfully taken, as well in the same Supream as Inferior Courts: And if such Defendant or Defendants is not, are not, or shall not be taken or summoned on such first Process, then only the Sum of *Five shillings and Three pence* for every such prior Process which hath been issued in the Supream Court, and *Four shillings and nine pence* for each such Process in the Inferior Courts, and no more.

PROVIDED ALSO, That in all such Actions as aforesaid agreed before the second Term in the Supream Court, where the true and real Cause of Action shall exceed *Twenty Pounds* Money aforesaid, where the Defendant or Defendants is, are, or shall be taken or summoned on the first Process, the Fees to be taken, exclusive of Mileage, in any one Cause, shall not amount to more than *Two Pounds Ten shillings* Money aforesaid: And in like Cases where the true and real Cause of Action is *Twenty Pounds* or under in the Supream Courts, and in like Cases in the Inferior Courts, the Costs to be taxed shall not amount to more than *Two Pounds Two shillings and six pence,* exclusive of Mileage, unless the same Cause or Causes was or were controverted, in which cases *Six shillings* Costs in all the said Courts may be taken, and no more. And if such Defendant or Defendants is not, are not, or shall not be taken or summoned on such Process, then for every prior Process issued may be taken *Five shillings and three pence* in the Supream Court, and *Four shillings and nine pence* and no more in the Inferior Courts.

PROVIDED ALSO, That the Fees to be taxed on any Judgment obtained in any Action of Debt by *Nil dicit, Non sum informatus,* or Confession, wherein a Writ of Enquiry is not necessary to be executed, and where the Defendant is taken or summoned on the first Process in the Inferior Courts of this Province, and in all such Actions in the Supream Court wherein Judgments are so obtained, and the true and real Cause of Action doth not exceed the Sum of *Twenty Pounds,* shall not in the whole amount to upwards of the Sum of *Three*

Pounds, exclusive of Mileage, Money aforesaid, including the first Execution, and for every subsequent Writ, if necessary, *Four shillings and nine pence* each, in any one Cause: And in Causes wherein the true and real Debt or Cause of Action doth exceed *Twenty Pounds,* the Costs to be taxed on any such Judgment shall not in the whole exceed the Sum of *Four Pounds,* including the first Execution, and for every subsequent Writ, if necessary, *Five shillings and three pence.* And where the Defendant is not summoned or taken on the first Process, then only so much costs shall be taxed as the prior Process may amount to.

PROVIDED ALWAYS, That the Mileage to be taxed to the Sheriffs aforesaid, by Virtue of the Ordinance aforesaid, for serving of a Writ on any one Person, shall not exceed *Five shillings* in the whole.

PROVIDED ALSO, That in any Judgment obtained by Default in any personal Action or Actions whatsoever, if the Defendant or Defendants was, were, or shall be taken or summoned on the first Process, and a Writ or Writs of Enquiry may be necessary to be executed in the Inferior Courts of this Province, as also in Judgments so obtained in the Supream Courts of this Province, wherein the true and real Cause of Action, or Damages recovered, shall not exceed the Sum of *Twenty Pounds,* the Costs in such Actions, when taxed, shall not in the whole exceed the Sum of *Five Pounds* in any one Cause, besides the Costs of the Subpaening and Attendance of Witnesses. And for Causes so proceeded in the Supream Court, wherein the true and real Cause of Action doth exceed *Twenty Pounds,* not more than *Five Pounds ten shillings* in the whole, besides Costs for Subpaenas and Attendance of Witnesses as aforesaid. And in case such Defendant or Defendants was or were not summoned or taken on such first Process, then only so much more Costs shall be taxed as such prior Process amounted to as aforesaid.

PROVIDED ALSO, That on Judgments obtained by *Nil dicit, Non sum informatus,* or Confession, no Costs shall be taxed to the Plaintiff's or Defendant's Attorney for more than one Motion, and one Copy and Service of a Rule in any one Cause: And where a Tryal happens therein, and Judgment be therein obtained either on Verdict or on Demurrer, not more than two Motions or two Copies and Services of Rules in any one Cause shall be allowed in any such Taxation.

PROVIDED ALSO, That where the particular Articles of any Bill or Bills, to be taxed by virtue of the Ordinance aforesaid, shall amount to more than the Sums in gross hereby allowed to be taxed, that then and in such Cases an Abatement shall be made proportionably on the Fees allowed each Officer, the Justices excepted, so as to reduce the whole to the Sum or Sums hereby allowed to be taxed.

PROVIDED ALWAYS, That nothing herein contained shall be construed, taken, or understood, to enforce the Taking of so much Money as in this Act is before set forth, on the several Occasions mentioned, where for the Services done the same shall not by the ordinance aforesaid, amount to so much; but that in such Cases, only so much shall be taxed as by Virtue of the Ordinance aforesaid ought to be taxed for the Services done, and no more.

AND for preventing Abuses which have happened or may happen by the

over-taxing of Bills of Costs, it shall and may be lawful for any Person or Persons who may think him, her, or themselves aggrieved by any such Taxation, to apply to the Court or Courts wherein the Judgment or Judgments is, are, or may be given, who as they find Cause shall make such Abatements in the said Bills as they may think just, pursuant to the Ordinance aforesaid and this Act, and shall and may award a Return of the Money so abated to the Party grieved, in Case of Payment before Application to the Courts for Redress; but in Cases where such Applications for an Abatement happen to be made without Cause, the Court or Courts where such Complaints are lodged, shall award to the Person wrongfully complained against, full Costs.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for the better enabling the Persons who may conceive themselves aggrieved by any such Taxation, to obtain Relief, it shall and may be lawful for the Person so aggrieved, to demand of the Attorney or Attorneys concerned against him, her or them, a Copy or Copies of the Bill and Bills so taxed; and in case the same on reasonable Request and Tender of *One Shilling* for each such Copy, shall be refused them, that then and in such Case he or they so offending shall forfeit the Sum of *Ten Pounds* to the Party grieved, or any other who will sue for the same, to be recovered as aforesaid, with full Costs of Suit; and on Motion to the respective Courts for Redress, it shall be incumbent on the Persons concerned then and there to produce the original Bill or Bills taxed; and if he or they shall refuse so to do, the Fact shall be taken for admitted, and the Parties discharged from the whole Costs; Any Law, Usage or Custom to the contrary notwithstanding.

AND to prevent undue Exactions which are complained of, in respect to the Fees by Law allowed to the Collectors of the Customs of the several Ports in this Province,

BE IT FURTHER ENACTED by the Authority aforesaid, That every Collector demanding any such Fees, shall deliver to the Party or Parties concerned, a Bill, containing the several Articles of the Charges by him demanded; and when paid, shall also give a Receipt for the same. And in case any such Collector or Collectors shall on Request refuse so to do, he or they so offending shall forfeit *Ten Pounds* for each Offence, to be recovered by the Party grieved, or any other, in Manner aforesaid, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Person or Persons whatsoever shall at any Time hereafter be admittd to practise as an Attorney or Attorneys at Law, but such only as are Persons skilled in the Knowledge of the Law, of good Name, Fame, Credit and Reputation, and who have served an Apprenticeship of at least Seven Years to some able Attorney licenced to practise, or that can and shall produce sufficient Credentials of having studied the Law for at least Four Years after his or their coming of full Age. And in case any Person or Persons shall be hereafter admitted, not qualified as aforesaid, such Person or Persons are hereby declared uncapable of practising as an Attorney or Attorneys at Law in this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in all Causes to be hereafter commenced in the Supream Court of this Province,

wherein the true and real Cause of Action, the Debt or Value of the Thing demanded does not amount to *Twenty Pounds,* Money aforesaid, in such Cases the first Process against the Defendants shall be a Summons; and the Defendants Appearance or filing of Common Bail, (without Special Bail) shall be accepted: And in all Causes (those wherein Titles of Land, or wherein Matters of Freehold are in any wise concerned, only excepted) if the Plaintiff or Plaintiffs do not recover *Twenty Pounds,* Money aforesaid, in Debt or Damages, or the Value thereof, exclusive of Costs, in all such Cases the Costs to be therein taxed shall not amount to more in the whole than is allowed in the Inferior Courts, and not other or greater: Any Law or Usage to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in case it should so happen that greater Costs shall be taxed in any Cause or Causes than is herein prescribed and allowed, that then and in such Cases it shall and may be lawful on a Writ or Writs of Error brought, to assign such undue Taxations as Error; and it appearing to the Court or Courts where such Writ or Writs may be brought, to be true, it shall be deemed and adjudged not only sufficient Error to reverse the Judgment or Judgments so given, but also to entitle the Party or Parties prosecuting the same to double Costs of Suit: Any Law, Usage or Custom to the contrary notwithstanding.

AND for preventing as much as may be the Charge of Executing Writs of Enquiry of Damages, BE IT FURTHER ENACTED by the Authority aforesaid, That before the Award or obtaining of the said Writ or Writs, where the same by Law may be necessary, the Defendant or Defendants in every Suit hereafter to be brought, shall be solemnly called in open Court; and in case he, she, or they shall appear in Person, or by Attorney, and shall either confess a final Judgment or Judgments, according to the Demand of the Plaintiff or Plaintiffs, or so much thereof as on Enquiry made shall be found to be sustained with Costs of Suit to the Time of such Confession, then and in such case, if the said Plaintiff or Plaintiffs shall refuse to accept thereof, no Costs shall be taxed to him, her, or them, for any Proceeding in such Cause or Causes subsequent to the Confession of Judgment or Judgments so offered: And where the Plaintiff or Plaintiffs shall accept of any Judgment or Judgments so offered, the same shall be entred with a Stay of Execution, for so long as the Defendant or Defendants might have had in case a Writ or Writs of Enquiry had issued.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Cases wherein any Person or Persons may have several Obligations or other Causes of Action against any other Person or Persons which by Law may be joined in one Suit, in such Cases one Action only shall be thereon commenced, and not divers; And in cases wherein divers Suits shall be commenced against the Tenor of this Act, and which might by Law have been joined in one Suit, that then and in such Case it shall be sufficient Matter to plead the same in Abatement of such Suits, and entitle the Party or Parties Defendant or Defendants, to full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where two or more Persons are severally bound in one Obligation for the same Debt, and may be severally prosecuted for such Debt, that then and in such

Cases it shall and may be lawful for the Court or Courts in which such Suits shall be brought, and they are hereby enjoined on the Request of the said Defendant or Defendants, to put the Party or Parties, Plaintiff or Plaintiffs to his, her, or their Election, against which one of them to proceed; and on such Election made, and entring an Appearance or giving Bail therein as the Cause may require, and Payment of Costs then due in the Suits against the Residue, no Proceedings shall be admitted save against the Person so elected, unless the Money due shall not be paid on or before the Return of a *Capias ad Satisfaciendum* or *Fieri facias* against the Principal.

AND WHEREAS some Doubts have arisen whether the Act entituled, *An Act for preventing Multiplicity of Law-Suits,* was intended to extend to Cases wherein Executors or Administrators were Parties, or to Cases wherein the Debts due to one Party was by Judgment, or otherwise where the Debts were not of equal Dignity; For Remedying whereof, BE IT ENACTED by the Authority aforesaid, and it is hereby Enacted and declared, That the Act aforesaid ought, and at all Time and Times hereafter shall be deemed, esteemed, adjudged and taken to extend as well to Causes wherein either Party doth sue or is sued as Executor or Administrator, and there have been mutual Dealings between the Testator or Intestate of either Party; and to all Cases wherein Judgments have been had and obtained by either Party, without any Regard had to the Dignity of the said Debts, or whether the same be due by Judgments, Recognizances, or in any other Manner; but that as well in such Cases as others, a Discompt may be allowed between the said Parties, any Law, Usage or Custom to the contrary notwithstanding.

PROVIDED ALWAYS, That the Party claiming Benefit of this or the former Act, do plead Payment in the Manner by the said former Act directed, or *Nil debet* or some other General Issue pertinent, and give Notice to the other Side of what may be intended to be insisted on in Evidence to support the Plea so put in.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Acts of Parliament for aiding of Imperfections in any Pleading, Process, or Proceedings whatsoever, all the Statutes of Jeoffails, and Statutes for Amendment of the Law, shall be, and are hereby declared to be in full Force and Virtue in this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in all Causes the Process or *Scire facias* hereafter to be issued against Bail, shall be directed to the Sheriff of the County or Counties in which such Bail do reside, and the Sheriffs or other Officers to whom the said Process is directed, shall use his utmost Endeavour to serve the same, and not to return the same *Nihil,* &c. unless in such Cases wherein he cannot do otherwise. And in case any Process shall be directed in other Manner than is hereby directed, such Process and all the subsequent Proceedings thereupon are hereby declared nul and void, and shall be liable to be set aside, on Motion to the Court from whence such Process issued, with full Costs. And in case any Sheriff or other Officer shall return such Process *Nihil* when he might have served the same, the Party or Parties grieved by any such Return may have an Action on the case against such Officer, and

shall therein recover double Damages with full Costs of Suit.

AND BE IT ENACTED by the Authority aforesaid, That this Act and every Part thereof shall continue in force for the Term of *Two Years* from the Publication hereof, and to the End of the next Sessions of General Assembly of this Province, and no longer.

Disallowed 3 Apr. 1735.
Franklin (1733) 325-343.

An ACT *for making* Forty Thousand Pounds *in Bills of Credit.*

WHEREAS the Bills of Credit of this Province have obtained a general Currency in our Neighbouring Provinces, and by reason thereof great part of the said Bills remain in the Hands of Persons residing in the said Provinces: Also for that upwards of three fourth parts of the *Forty Thousand Pounds* in the said Bills formerly made current in this Province, are now sunk, according to the Directions of the Act by which they were made; so that notwithstanding the *Twenty Thousand Pounds* in like Bills lately made, there are not a sufficient Quantity now remaining to answer the emergent Occasions of the Inhabitants of this Province. THEREFORE for encreasing the Currency of this Colony, and for the better Enabling the said Inhabitants to support Government, discharge their Engagements, and carry on their Trade,

BE IT ENACTED by the Governor, Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That Bills of Credit to the value of *Forty Thousand Pounds* Current Money of *America,* according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne,* Entituled *An Act for ascertaining the Rates of Foreign Coins in her Majesty's Plantations in America,* shall be printed, made and prepared as followeth, *viz.*

A Thousand Bills each of the Value of *Six Pounds,* or Seventeen Ounces Ten Penny-weight of Silver.

TWO Thousand Bills, each of the Value of *Three Pounds,* or Eight Ounces Fifteen Penny-weight of Silver.

FOUR Thousand Bills, each of the Value of *One Pound Ten Shillings,* or Four Ounces Seven Penny-weight and Twelve Grains of Silver.

EIGHT Thousand Bills, each of the Value of *Fifteen Shillings,* or Two Ounces Three Penny-weight and Eighteen Grains of Silver.

TWELVE Thousand Bills, each of the Value of *Twelve Shillings,* or One Ounce Fifteen Penny-weight of Silver.

TWELVE Thousand Bills, each of the Value of *Six Shillings,* or Seventeen Penny-weight Twelve Grains of Silver.

SIXTEEN Thousand Bills, each of the Value of *Three Shillings,* or Eight Penny-weight Eighteen Grains of Silver.

TWENTY Thousand Bills, each of the Value of *One Shilling and Sixpence,* or Four Penny-weight Nine Grains of Silver.

TWENTY-SIX Thousand Bills, each of the Value of *One Shilling,* or Two Penny-weight Twenty-two Grains of Silver.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That there shall in like manner be printed in Bills of Credit aforesaid the Value of *Ten Thousand Pounds* Money aforesaid, and the said Bills shall be of the several Kinds or Values herein before set forth, and the Number of each Sort thereof shall be proportioned to the several Numbers of the several Bills first mentioned, that is to say, One fourth part of the Number of each Sort of the said Bills; which Bills shall be disposed of in the manner hereafter to be directed.

AND BE IT FURTHER ENACTED, That the whole Number of Bills aforesaid shall be Printed on good Paper, and Impressed with the Arms of *Great Britain* on the left Side near the Bottom thereof; and near the Top and Bottom the Value of each Bill so hereby made current shall be expressed, and the said Bills shall be indented, and contain the Words following, *viz.*

THIS Bill by Law shall pass current in New-Jersey, *for* *Ounces* *Penny-weight, and* *Grains of Silver.* March 25. 173

AND for preventing any fraudulent Practice during the Printing of the said Bills, the Printer thereof shall, before his Printing them, have a Copy of the Oath or Affirmation enjoyned by the Act, Entitled, *An Act for the making of Twenty-four Thousand Seven Hundred and Sixty Pounds in Bills of Credit formerly made current,* delivered to him by the Inspectors herein after appointed; and after his Printing the said Bills shall take the same Oath, or Affirmation if one of the People called Quakers, and in all other respects be under the same Regulations concerning the said Bills, as in and by the before-recited Act, in respect to the Bills thereby made current, is directed and appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Sum of *Fifty Thousand Pounds* in Bills of Credit aforesaid, when printed, shall be by the Printer thereof delivered, together with the Stamps for the Indents and Arms, unto *John Stevens, Robert Hude, John Allen* and *Isaac Decow,* the Bills of Credit aforesaid, by them the said *John Stevens, Robert Hude, John Allen* and *Isaac Decow,* or any three of them, to be numbred, signed and indented, and the Residue to be by them kept, in order to be delivered to exchange such part of the Bills of Credit hereby made current, as may hereafter be so worn and ragged as to render them unfit to pass. And when the said *Forty Thousand Pounds* shall be so numbred, signed, and indented, and the aforesaid Sum of *Ten Thousand Pounds* counted out for the Use aforesaid, the Residue of the Bills so printed (if any) shall be destroyed by Burning, or otherwise.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in

case it should so happen, that the said *John Stephens* or *Robert Hude* should happen to die, or otherwise be disabled, before the Bills of Credit aforesaid should be signed, that then and in that Case *William Cox* is hereby appointed a Signer in lieu of such Person so dying or being disabled: And in case of the Death or other Disability of *John Allen* or *Isaac Decow,* then *Robert Smith* is hereby appointed a Signer in the place or stead of the said Person so dying or being disabled; which Signers so appointed, in case of the Disabilities beforementioned happening, shall be and are hereby vested with all the Powers and Authorities which by this Act are vested in the first named Signers.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Signers aforesaid, or some or one of them, on Receipt of the said Bills, when printed, shall administer to the Printer the Oath or Affirmation herein before directed: And before any of the said Signers shall begin to sign any of the said Bills, they shall take the like Oath (or Affirmation if Quakers) as in and by the aforesaid Act, in respect to the Bills now current, is directed and appointed.

AND WHEREAS Complaints have been made, relating to the Management of some of the Loan-Officers, appointed to manage the Loan-Offices by Virtue of the Acts now in Force; Therefore, as well for the remedying such Complaints, as appointing Commissioners for the Management of the Bills of Credit, by this Act to be made current, BE IT ENACTED by the Authority aforesaid, That as soon as may be conveniently, after this Act takes Place, the Secretary of this Province is hereby required to notifie the same to some *Three* Justices of the Peace of each County in this Province, of which, one of the said Justices in each of the said Counties, shall be of the Quorum; who on the Receipt of the said Notice, are hereby required forthwith to issue their Precepts to the Constables of the respective Townships, or Precincts in each County, commanding them to give Notice to the other Justices in each of the said Counties, and to summon the Freeholders chosen for that Year, in the said Townships and Districts, to meet together at some Day and Place, in the said Precept to be appointed, in the said County, not exceeding *Twelve* Days, nor to be less than *Eight,* then, and there, by the Majority of the Voices of the said Freeholders, in each respective County, in Conjunction with *Three* of the said Justices (*Quorum unus*) to chuse, and they are hereby commanded so to meet and chuse, a like Number of the Commissioners, for the Management of the several Loan-Offices, as in and by an Act, Entitled, *An Act for an additional Support,* &c. for each respective County is directed and appointed: Which Commissioners so chosen, only and no others, shall be Commissioners, as well to manage the Bills of Credit already made current, as those by this Act to be made current; and shall be vested with the same Powers and Authorities, and subject to the same Pains, Penalties and Forfeitures, as in former Acts are directed, appointed and inflicted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case any Constable or Constables, in any of the said Counties, shall neglect, delay or refuse to do their respective Duties, hereby enjoyned them, each such Constable shall forfeit for each Offence *Five Pounds,* to be recovered by any Person who will sue for the same to Effect, by Action of Debt, Bill, Plaint or

Information; one half to the Use of the Lord the King that now is, and the other half to him or them suing for the same to effect, with Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if it should so happen, that the Justices and Freeholders in any of the Counties of this Province, should happen to make choice of the Commissioners already empowered, to manage the Loan-Offices for the Bills of Credit now current, for the Purposes enjoyned and required by this Act, such Commissioner or Commissioners shall before the Receipt of any of the Bills of Credit by this Act to be made current, qualify themselves by giving Security, and taking the Oaths or Affirmations directed by the Act, entituled, *An Act for an additional Support, &c.* in the same Manner as if they had never been before elected or named Commissioners of the Loan-Office.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all such and so many Persons, who by Virtue of this Act, shall be elected Commissioners of the Loan-Office, not being Commissioners immediately before such Choice, shall also after their being chosen, qualify themselves in like manner as in the last recited Act is directed and appointed; and thereupon are and shall be authorized and empowered to demand and require of the former Commissioner or Commissioners respectively, the Books, Writings, Papers, Evidences, Bills of Credit, Money, and all other Things belonging to the said Loan-Office or Loan-Offices, and to give sufficient Receipts or other Discharges for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the aforesaid *Forty Thousand Pounds* in Bills aforesaid, when prepared and signed as aforesaid, shall be delivered to the Commissioners of the Loan-Offices, to be chosen by Virtue of this Act, for the several Counties of this Province in the Proportions following, *viz.*

TO the Commissioners of the County of *Bergen,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Three Thousand two Hundred and Seventy-six Pounds.*

TO the Commissioners of the County of *Essex,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Five Thousand four Hundred and Forty-four Pounds.*

TO the Commissioners of the County of *Middlesex,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Four Thousand five Hundred and Ninety-six Pounds.*

TO the Commissioners of the County of *Monmouth,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Six Thousand Seven Hundred and Eighty-two Pounds.*

TO the Commissioners of the County of *Sommerset,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *One Thousand Five Hundred and Sixty Pounds.*

TO the Commissioners of the County of *Burlington,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Four Thousand Nine Hundred and Forty Pounds.*

TO the Commissioners of the County of *Gloucester,* to be elected as in and

by this Act is directed, for the Use of the said County, the Sum of *Three Thousand Four Hundred and Thirty Pounds.*

TO the Commissioners of the County of *Salem,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Five Thousand Seven Hundred and Sixty-four Pounds.*

TO the Commissioners of the County of *Hunterdon,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *Two Thousand Nine Hundred and Sixty Pounds.*

TO the Commissioners of the County of *Cape-May,* to be elected as in and by this Act is directed, for the Use of the said County, the Sum of *One Thousand Two Hundred and Forty-eight Pounds.*

For which Sums the Commissioners of the said several Loan-Offices respectively, to whom the said Bills shall be delivered, shall give their Receipts to the said Signers; which Receipts to them, their Heirs, Executors and Administrators, shall be sufficient Discharges for the Bills so delivered.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners of the Loan-Offices, to be elected as aforesaid, as to all the Purposes required, and Duties enjoyned them by this Act, shall be and are hereby declared to be vested with the like Powers and Authorities, in Pursuance of their respective Trusts, as in and by the former Acts of this Province for the Purposes therein mentioned, they were vested with and entitled to.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when the said Commissioners of the Loan-Offices, to be elected by virtue of this Act, have qualified themselves as is above directed, and have received the Bills by this Act to be made current, they shall let out the same, at the Rate of *Five Pounds* Interest for every *Hundred Pounds* so let out, for the space of *Sixteen* Years, they the said Commissioners observing the like Method, in letting out the said Money, taking Security for the same, giving Notice of the letting thereof, minuting their Proceedings and the Demands made by the Borrowers, viewing the Premisses offered in Mortgage, enquiring into the Title and Value thereof, taking Oath or Affirmation of its being free of Incumbrances and the Fee Simple of the Borrower, releasing the Premisses mortgaged, and in all other Respects relating to the Money by this Act directed to be let out, and in respect to the Persons borrowing, the Premisses mortgaged, and all other the Duties, Trusts or Authorities enjoyned and given by this Act, the said Commissioners shall proceed and behave in like Manner as in relation to the Money formerly let out, the Persons borrowing, Premisses mortgaged, and all other Duties, Trusts and Authorities formerly enjoyned and given to the said Loan-Officers, appointed by the Act, entituled, *An Act for an additional Support of this Government,* &c. were directed and appointed to do, so always that due Regard be had to this Act, wherein any Alteration shall therein be made.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That the several Sums of Money lent out, in Pursuance of this Act, shall be paid in again in manner following, that is to say, Each Borrower shall annually and every Year, after the time of his Borrowing, on the *Twenty-fifth* Day of *March* in each Year, pay into the Loan-Office one *Sixteenth* Part of the Sum borrowed,

together with the Interest computed at the Rate of *Five Pounds per Cent. per Annum,* until the whole Sum borrowed, with the Interest annually computed at the Rate aforesaid, shall be paid in.

PROVIDED ALWAYS, That it shall and may be lawful for any such Borrower, at any of the annual Times of Payment aforesaid, to pay in the whole Sum so borrowed, if such Borrower shall so think fit, in the same Manner as he, she or they, might have done or may do, in relation to the Bills of Credit already let out by former Acts of this Province; and the Money so paid in, shall be again let out by the said Loan-Officers, to any Person or Persons who may incline to borrow the same, at the Interest aforesaid, so that such Borrower or Borrowers, shall pay in such equal and proportionable Parts of the Sum borrowed, that the whole Sum so again let out, may be repaid with Interest, computed as aforesaid, at the Expiration of the time limited for the Currency of the said Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Principal Sums of Money, which shall be so paid in by the Borrowers, during the first *Eight* Years of the time limited for the Currency of the said Bills of Credit, but not after, may and shall be annually re-emitted by the said Loan-Officers, respectively, upon Loan, to any Person or Persons whatsoever; and at the Interest aforesaid, they the said Loan-Officers, in the re-emitting or lending out again the said Principal Sums so paid in, taking such Security, and observing the like Rules as are directed in Relation to the first lending thereof; so always, that care be taken therein, from time to time, that the whole Sums so re-emitted shall be again paid in equal proportional parts, that the Whole thereof, and the Interest annually, shall be repaid, at the time limited for the Currency of the said Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners shall be in like manner accountable for any Matter, Cause or Thing by them done, by virtue of this Act; and may obtain their Discharges from the said Office, and new ones be appointed in case of their or any of their Neglect, Delay, Refusal or Death, under the Pains, Penalties and Forfeitures, as by the said former Act is directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case any Commissioner or Commissioners, to be elected in and by this Act, do or shall neglect, delay or refuse, or by Death or Removal, omit performing the Duties required or enjoyned him or them by this Act, or shall behave him or themselves in his or their Office with Favour, Affection or Partiality, whereby the Publick or any private Person may be injured, upon Report or Complaint made thereof to any three of the Justices of the respective Countys to which they belong (*Quorum unus*) the said Justices are hereby required and commanded, to issue out their Precepts, according to the Directions of this Act, to call together the Justices and Freeholders, chosen in each Town or Precinct, to meet at such Time and Place, as by the said Justices in their Precept shall be appointed, to hear and determine summarily the said Complaint; and upon sufficient Proof made to any three of the said Justices (*Quorum unus*) with the major Part of the said Freeholders, in and for the said County, of any Failure or Neglect in his or their said Office as aforesaid, then and in that Case, the said Majority of the

said Freeholders, with Concurrence of three Justices as aforesaid, shall proceed to elect and choose, and are hereby required and commanded to elect and choose a Person or Persons in the Room and Stead of such Defaulter of Defaulters; which Commissioner or Commissioners so chosen by the Justices and Freeholders, as before, having entered into Bond, and been qualified in like manner as the other Commissioners in and by this Act is appointed, shall then have all the Powers, Privileges and Advantages, and be subject to all the Pains, Penalties and Forfeitures, which any of the Commissioners of the County, for which he is so appointed, are vested with, entitled to, charged with, or subject to, by virtue of this or the former Acts aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case any Person or Persons, who shall borrow any Money by this Act directed to be let out, and shall make Failure of the Payments herein appointed, or any of them, on the Days and Times herein before-mentioned, and for the Space of thirty Days after, then and in such Case, the said Loan-Officers shall become seized of an Estate in Fee-Simple absolute in the Premises mortgaged, foreclosed of any Equity of Redemption, and shall and may proceed to give Notice and make Sale thereof, on the same annual Days and in the same manner, as in respect to the Premisses mortgaged, Sale thereof, things relating thereto, in such Sort, Manner and Form as by former Acts were required and enjoyned; so always, that due Regard be had to this Act, where any Alteration is therein made: And the Money or Price, for which the said Lands shall be sold, upon the Sale thereof shall be paid into the Hands of the said Commissioners; out of which they shall retain in their Hands what has not been paid in of the Principal Money lent, together with the Interest that has become due thereon, until the Day of the Sale thereof, as also the Expence of Advertisements and Sale, the same not exceeding *Fifteen Shillings* in the whole, and the Remainder if any be, the said Commissioners shall pay to the said Mortgagers their Heirs, Executors, Administrators or Assigns; And in Case such Sale shall happen during the first eight Years Currency of the said Bills, but not after, the said Principal Sums so received on the Sale, shall be re-emitted in the manner herein before directed, in respect to the Sums of Money paid into the said Loan-Offices, during the said first eight Years Currency of the said Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if it should so happen, that after any of the Money lent out on Security as aforesaid, it should be discovered, that the Borrower had no good Title to the Premisses mortgaged, in such Case the Loan-Officers to be chosen by Virtue of this Act, shall and may proceed in the like manner, and are hereby in every Respect thereto as fully impowered, as former Commissioners of the Loan-Offices in and by former Acts were impowered to do, concerning the Money formerly lent out; and the Mortgager shall in all Respects be liable for the Money borrowed on this Act, and the Security given on such Borrowing, and the Penalties accruing thereon, in Case he should have no Title, as in and by former Acts were inflicted and directed in Respect to the Lands then mortgaged.

AND BE IT FURTHER ENACTED, That the Bills of Credit by this Act to be made, shall be and continue current for and during the Term of *Six-*

teen Years from the Date of the said Bills between Man and Man, but shall be received by the Commissioners aforesaid, and the Treasurers of the respective Divisions of this Province, for the space of six Months thereafter and no longer; which said Bills so made current shall be received and paid for the Value exprest upon each Bill, for Lands Goods, Chattels, or any other Thing bought or sold, by all Persons whatsoever, residing in or passing through this Province; and a Tender of the said Bills at any Time during their Currency, made to any Person or Persons whatsoever, in the said Province, for the Payment or Discharging of any Debt or Debts, Bargains, Sales of Land, or other Things, Bonds, Mortgages, Specialties and Contracts whatsoever, already made or hereafter to be made either for Sterling Money, Silver Money of *America,* or any other Species of Gold, Silver, or any other Quantity of Plate or Gold, shall be as effectual in Law, to all Intents and Purposes, as if the Species contracted for had been tendered for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons residing in this Province, Party or Parties to any Contract, Covenant, Bargain or Agreement already made or hereafter to be made, shall upon a Tender of the Bills of Credit hereby to be made Current, refuse the same, or shall ask a greater Price for any thing by him, her or them offered to Sale, or shall do any other Act, Matter or Thing within this Province, so as to lessen the Value of the Bills hereby made current, or shall Counterfeit the same, he, she or they so offending, shall be liable to the same Pains, Penalties and Forfeitures for so doing, as in respect to the former Bills by the said former Acts are directed.

AND to the end, the Intents of the said Acts may not be eluded; BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall at any Time hereafter be apprehended or taken into Custody, on Suspicion of having counterfeited any of the Bills of Credit now current in this Province, or which by this Act shall be hereafter made current, in such Case the Prosecutor on the Part of the Crown, in the Indictment exhibited against the said Person or Persons, shall alledge the Fact or Facts to be done, where in Truth the same was done; and if upon the Tryal thereof, sufficient Proof doth appear, that the same was done in the Place, where it is alledged in such Indictment or Indictments, or in any other Place, the Party or Parties duly convict thereof, shall suffer in such and the same Manner, as if the same were alledged and proved to have been done in some County of this Province, and the Juries on the Tryals of all such Foreign Issues, shall be returned from the Bodies of the County of *Burlington* or *Middlesex,* or one of them, any Law, Usage or Custom to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the respective Loan-Offices of this Province, shall be kept annually and every Year, during the space of the said *Sixteen* Years, at the Times and Places, which in the said former Act are appointed, and it shall and may be lawful for the several Loan-Officers to keep and retain in their Hands, out of the Interest Money arising on the Bills hereby made current, so much thereof as will pay them the Salaries annually due and appointed by this Act, and the Residue shall

be annually and every Year, within three Months after the Receipt thereof, paid unto the Treasurer of the Respective Divisions of this Province, for the Time being, to be disposed of, to and for the Support of the Government of this Province, in such Sort, Manner and Form as by the Governor, Council and General Assembly shall be directed; and the said Treasurers, on receiving thereof, shall give the said Loan-Officers their respective Receipts for the Sums received, which shall be sufficient to discharge them the said Loan-Officers, their Heirs, Executors and Administrators, for the said Interest Money; and in Case the said Loan-Officers neglect, delay or refuse to pay the said Interest Money unto them the said Treasurers, at the several Days and Times herein before appointed, each Loan-Officer so offending, shall for each Offence forfeit the Sum of *Twenty Pounds,* to be recovered with Costs of Suit, by the said Treasurers of the respective Divisions, who shall sue for the same to Effect, by Action of Debt, Bill, Plaint or Information in any Court of Record in this Province, one half to the Use of the Lord the King that now is, his Heirs and Successors, for the Support of this Government, the other half for the use of him the said Treasurer.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the yearly Salaries of the said Commissioners of the said Loan-Offices, for the Services required by this Act, besides what they are entitled to for other Services by former Acts, shall be as followeth, *viz.*

To each of the Loan-Officers of the County of *Bergen,* to be elected by Virtue of this Act, *Nine Pounds Fifteen Shillings.*

To each of the Loan-Officers of the County of *Essex,* to be elected by Virtue of this Act, *Ten Pounds Ten Shillings.*

To each of the Loan-Officers of the County of *Middlesex,* to be elected by Virtue of this Act, *Nine Pounds Ten Shillings.*

To each of the Loan-Officers of the County of *Monmouth,* to be elected by Virtue of this Act, *Twelve Pounds Ten Shillings.*

To each of the Loan-Officers of the County of *Hunterdon,* to be elected by Virtue of this Act, *Ten Pounds.*

To each of the Loan-Officers of the County of *Somerset,* to be elected by Virtue of this Act, *Five Pounds Ten Shillings.*

To each of the Loan-Officers of the County of *Burlington,* to be elected by Virtue of this Act, *Nine Pounds Ten Shillings.*

To each of the Loan-Officers of the County of *Gloucester,* to be elected by Virtue of this Act, *Seven Pounds.*

To each of the Loan-Officers of the County of *Salem,* to be elected by Virtue of this Act, *Eleven Pounds.*

To each of the Loan-Officers of the County of *Cape-May,* to be elected by Virtue of this Act, *Four Pounds Ten Shillings.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners of the said several Loan-Offices, on the second Wednesday in *May* yearly and every Year, shall lay before the Justices and Freeholders, mentioned in this Act, entituled, *An Act for an additional Support of Government, and making current Forty Thousand Pounds in Bills of Credit, &c.* the Accounts relating to the principal Sums by them annually received and again let

out during the first eight Years aforesaid, by them the said Justices and Freeholders to be inspected and considered of; and the said Loan-Officers shall also, in the like Manner, lay before the said Justices and Freeholders, the Accounts of all Bills paid in, after the Expiration of the said first eight Years, by them the said Justices and Freeholders to be inspected and accounted; and such principal Sums of the said Bills, which shall be paid in after the said Time, shall be accounted, cancelled, bundled up, tied, sealed, certified and delivered to the Treasurer of the respective Division, and their Receipts taken for the same, in such Sort, Manner and Form, as by the last mentioned Acts, in Relation to the Bills by the same made current, is directed; to the end that the said Bills may be seen and examined by the General Assembly of this Province, and compared with the Certificates so given, and such other Courses therein taken concerning the same, as to them shall seem meet.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if through any Deficiency of the said Borrowers or any of them, the Bills brought in after the first eight Years Currency, in order to be cancelled, or in Cases wherein any Failure or Failures at any time or times shall happen to be made in the Non-Payment of the principal Sums and Interest Money, or any Part thereof, which annually and every Year from the time of lending ought to be paid, then the said Justices and Freeholders of the County where such Deficiency or Deficiencies may happen, shall by the Method directed in the Act, entituled, *An Act for an additional Support of this Government, &c.* levy the same of the Inhabitants of that County, under the same Pains, Penalties and Forfeitures, and to be recovered and applied in the Manner, as in and by the last mentioned Act is appointed: PROVIDED ALWAYS, That no Sum or Sums of Money shall be levied, to make good any such Deficiency or Deficiencies, upon the Inhabitants of any County or Counties, before a Sale or Sales shall be made of the Premises mortgaged (Cases where it appears the Mortgagers, or any of them, have no Title to the Premises mortgaged, only excepted) pursuant to the Directions of this Act; and upon such Sale or Sales at any time made, and any Deficiency or Deficiencies happening, the Commissioners of the Loan-Offices shall forthwith acquaint the Justices and Freeholders thereof, to the end such Deficiency or Deficiencies may then be levied of the Inhabitants of the said Counties respectively; so as that the Money may be ready to pay unto them the said Commissioners, on or before the Twenty-fifth Day of *March* next following such Sale or Sales.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That Wheat, if offered in any of the Payments aforesaid, shall be received at the Rate of Four Pence less in Value than Market Price at *New-York* for the Eastern Division, and at *Philadelphia,* for the Western Division; which Wheat, when so paid into any of the said Loan-Offices, shall be sold for the Bills of Credit hereby to be made current, and the Money disposed of in such Manner, as if the Payment had first been made in the said Bills; and also all Gold and Silver Coins mentioned in the aforesaid Act of the late Queen *Anne,* for the ascertaining the Value of the said Coins, shall and may be received at the Rates in the said Act mentioned, if paid in the first eight Years Currency of the said Bills, to be let out

in Interest, in such Manner as if the same had been paid in the Bills of Credit aforesaid; and if paid in after that time, then to be paid into the Treasury, in order to exchange for Bills of Credit, or be otherwise disposed of, as the Governor, Council and General Assembly may hereafter direct and appoint. And also it shall and may be lawful for the said Loan-Officers to receive in any of the said Payments the Bills of Credit now current in this Province, and when paid in the same, shall be disposed of in such Manner and Form, as if the said Payments were made in the Bills hereby made current; and also that the Bills hereby made current, when paid into the said Loan-Offices in Discharge of any Debts already contracted, by the Borrowing of Bills formerly made current, shall and may be disposed of in such Manner, as if Payment were made in the Bills so formerly made current.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That not any of the Money or Bills by this Act directed to be let out at Interest, shall be let out in Sums exceeding *One Hundred Pounds,* nor less than *Twelve Pounds Ten Shillings,* to any one Person, unless it should remain in the Hands of any of the said Loan-Officers, for the space of Six Months, for want of Borrowers, in which Case it shall and may be lawful to let out the same on good Security, as aforesaid, to any Persons who will borrow the same, in Sums not exceeding *Two Hundred Pounds* to any one Person.

AND to prevent Frauds that may happen by Executors or Administrators, in their Non-Payment of any Part of the Money borrowed as aforesaid, by the respective Testators or Intestates, BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, that have borrowed any Bills of Credit now current, or which shall by Virtue of this Act become current, and shall after make his or their Last Will and Testament in due Form of Law, thereby devising the Premisses so mortgaged to any other Person or Persons, leaving personal Estate sufficient to pay his or her Debts, with an Over-plus, not otherwise in the said Will disposed of, and not expressly providing in other Manner by the said Will; in such Case it shall be understood, that the Devisor intended, that the Mortgage-Money in Arrear at the Time of his Death, should be paid out of his personal Estate, and his Executor or Executors shall be accordingly compelled to pay the same thereout, in Aid of such Devisee or Devisees: But in Case the said last Will was made before the Premisses were mortgaged, then it shall be understood, that the Testator's Intent was (unless otherwise expressed in such Will) the Devisee or Devisees should pay the Residue of the Mortgage-Money in Arrear at the Time of such Testator's Death. And in Case any Executor or Executors, contrary to the Intent of this Act, having Effects sufficient, shall permit a Sale to be made of the Premisses mortgaged, such Devisee or Devisees may immediately have his, her or their Action, either in proper Person, or by Guardian, or next Friend, if under Age, against such Executor or Executors, and recover double the Damages sustained, with Costs of Suit. And in case any Executor or Executors shall in such Case be a Purchaser of the Premisses so mortgaged, or any other in Trust for him or for his Use, he or they shall be deemed duly seized of the Premisses for the Use of the said Devisee or Devisees, and such Executor or Executors, are hereby disabled

from making any Conveyance thereof from such Devisee or Devisees; and if any such Conveyance shall be made, the same is hereby declared fraudulent and void against such Devisee or Devisees.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case any such Mortgager shall dye Intestate, the Mortgage-Money aforesaid, or any Part thereof, being in Arrear and unpaid, and leaving personal Estate sufficient to pay his Debts, with an overplus; his Heir at Law being under Age, when any Part of the said Mortgage-Money shall become due; in such Cases, the Mortgage-Money shall be paid out of the personal Estate, if sufficient, and the Profits of the Premisses mortgaged shall be applyed towards the re-payment of the said Money, to such Person or Persons as may be entitled to the same; where it so happens, that the Part of the said personal Estate coming to the said Heir at Law, is not sufficient to discharge such Mortgage: And in Case the Profits of the said mortgaged Premises shall not be sufficient to make such Repayment, the Heir at Law shall be compelled to make it up with Interest, when he, she or they comes of Age.

AND where any Sales shall happen to be made, pursuant to the Tenour of this Act or the former Acts for Emitting of Bills of Credit, after the Death of the Testator or Intestate, because the Deficiency of the personal Estate of the Testator or Intestate, his or her Heirs or Devisees being then under Age, in such Case the Money arising by such Sale, after the deduction of the Principal, Interest and Costs due to the Loan-Office, shall be placed out at Interest, by the Executors or Administrators, for the Benefit of such Heir or Devisee, or Persons entitled to such Land.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Residue of the aforesaid Bills, *to wit,* the aforesaid *Ten Thousand Pounds,* shall be Divided into two equal Parts, one half whereof, shall be kept by one of the Signers of the Eastern Division, not being Treasurer, the other half, to be kept by one of the Signers of the Western Division of this Province, not being Treasurer; for and during the Term one Year from the issuing of the said Bills; at which time it shall and may be lawful, and they, that is to say, all the Signers aforesaid, are hereby commanded to meet together, and sign, number, indent and compleat the Value of *Four Hundred Pounds* Money aforesaid; and when so compleated, deliver one half thereof to the Treasurer of the Eastern Division aforesaid, and the other half thereof to the Treasurer of the Western Division aforesaid, who on Receipt thereof are hereby commanded, as often as Application shall be made at any convenient time, to issue the same to any Person or Persons so applying, in Exchange, *Gratis,* for any other Bills of Credit of this Province, that now are, or then may be Current, and are so torn and ragged as may render them unfit to pass. And when, and as often as the said Treasurers and either of them, shall have exchanged the whole Quantity of the new Bills so delivered them to exchange, they or either of them may apply to the said Signers, for a like Quantity of the said new Bills, in order to make further exchange as occasion may require: And the said Signers being satisfied, that the whole Sum first delivered to the said Treasurers, is exchanged as aforesaid, may and shall from time to time furnish the said Treasurers respectively, with other

like Sums as occasion may require, until the whole Sum of *Ten Thousand Pounds* are delivered in Exchange as aforesaid. And in Case it should happen, the whole of the said Bills, so signed or unsigned, should not be wanting to exchange the torn and ragged Bills aforesaid; in such Case, if signed, the said Bills shall be kept by the respective Treasurers, and if unsigned by the said Signers, in order that an Account may be rendered thereof to the General Assembly, and such course taken therein, as to them shall seem meet.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said ragged Bills, so by the said Treasurers received in Exchange, shall be on the annual Days aforesaid, given in to the Justices and Freeholders aforesaid, by them to be inspected, cancelled, bundled up, tyed, sealed, and a Certificate of the Quantity so sealed left with the Treasurer of the respective Division, in Manner and Form as in relation to the former Bills is herein directed, and to be kept by the said Treasurers for the like Uses.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Loan-Officers aforesaid before their lending out any of the Bills by this Act to be made current, shall be provided with Books of Blank Mortgages, printed and bound up, like to those formerly directed to be provided, on lending out the Bills of Credit formerly current, which Mortgages shall be by them respectively filled up as occasion shall require; and for the filling up and taking of each Mortgage, the said Commissioner of the Loan-Office shall take the Sum of *Three Shillings,* Proclamation Money, and no more; and the said Commissioners shall in like Manner be provided with Books of clean Paper, bound up, to minute their Proceedings and Accounts relating to the Bills by this Act to be made current, in such Manner and Form as by the Act, entitled, *An Act concerning the Duty of the Commissioners, appointed to manage the Loan-Office, &c.* relating to the Bills formerly made current, is directed and appointed; which Books so to be provided, shall be printed and bound up by the same Person, who shall print the Bills of Credit, by this Act to be made current.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Robert Smith* and *Samuel Scattergood,* or in Case of either of their Refusal, Death or other Disability, then *Joseph Decow,* shall be Inspectors of Press, to take Care that the Printer of the said Bills of Credit, doth duly perform the Duty hereby enjoyned him; and that the Books of Mortgages, and Books to minute the Proceedings of the said Loan-Officers, and keep their Accompts, relating to the said Bills, are made of fit Sizes, and printed, bound up and delivered to the said Loan-Officers.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for *Isaac Pearson, Richard Smith,* jun. and *Joseph Cooper,* or any two of them, and they are hereby required to agree with a Printer, for Printing the Bills of Credit and Books aforesaid, at as reasonable a Rate as they can, and at such Place, as they or any two of them shall see meet.

PROVIDED ALWAYS, That His Majesty's Royal Approbation be had to these Presents before making, printing or preparing the Bills of Credit herein enacted to be current.

Franklin (1735) 347-365.

Eleventh Assembly, First Session
27 Oct. 1738 - 15 Mar. 1738/39
Perth Amboy

All acts passed 15 Mar. 1738/39.

An ACT *for the Tryal and Punishment of Persons guilty of* Larceny, *under the Value of* Twenty Shillings.

WHEREAS Larcenies of Goods and Chattels, under the Value of *Twenty Shillings,* are frequently committed within this Province, by Persons unable to maintain themselves in Prison until they can be tried for the same, pursuant to the Laws now in force; by reason whereof, either a publick Charge is occasioned, or the Guilty escape unpunished. FOR REMEDY therein for the future;

BE IT ENACTED by the Governor, Council, and Assembly of the Province of *New-Jersey,* and it is hereby enacted by the Authority of the same, That if any Person or Persons, from and after the Publication of this Act, shall feloniously take any Money, Goods, or Chattels, under the value of *Twenty Shillings,* lawful Money of this Province (except such Fact be Burglary or Robbery in or near the Highway, or Crime for which the Offender is or shall be excluded the Benefit of Clergy, either by Statute or the Law of *England,* or of this Province) such Person or Persons being committed to Goal for the same, shall and may by virtue of a Warrant under the Hands and Seals of any two Magistrates of the County, City or Town corporate, wherein the Fact was committed, or wherein such Money, Goods or Chattels was found on the Person, or in his Custody, to the Sheriff of such County, City or Town corporate, directed, by him be brought before the said Magistrates at such Place and Time as in the said Warrant shall be appointed and shall attend such Magistrates with the Prisoner or Prisoners, during such reasonable Time, as the said Magistrates shall direct and order.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Clerk of the Court of Quarter-Sessions of the County, City or Town corporate, or such other Person as the said Magistrates shall see fit to direct or appoint, shall prefer to the said Magistrates an Accusation in Writing, alledging the Time, Place, and nature of the Offence of such Person or Persons so as aforesaid brought before them, which they the said Magistrates are hereby fully impowered, required and commanded to hear and determine upon; to which Accusation the said Offender or Offenders shall plead; but on Refusal to plead, shall suffer and incur by Order of the said Magistrates, the like Punishment, Penalties and Forfeitures as are herein after directed, in case he, she or they had been adjudged Guilty after Tryal: And if the said Offender or Offenders shall plead thereto, they the said Magistrates shall proceed to hear and try him, her or them; and if after Tryal the Person or Persons so accused shall, from the Evidence given, be adjudged by the said Magistrates to be Guilty of the Offence complained of, or on Tryal confess the same, such Person or Persons shall be by them sentenced to be forthwith whipt on the bare Back not exceeding *Thirty-nine* Lashes, to be performed by any of the Constables of the said County, City or Town corporate (who shall have *Five Shillings* for the same) or at their Discretion the said Offender or Offenders severally to be fined in any Sum not ex-

ceeding *Five Pounds,* for the use of the Poor of the said County, City or Town corporate, wherein the Fact as aforesaid was committed, and be adjudged to make Restitution to the Person robbed, of the Value of the Thing stolen, to pay the Costs and Charges of the whole Tryal and Proceedings, to be taxed by the said Magistrates, and be by them committed by Warrant (expressing the Sum of the same Charges, and the Sum of Money directed to be restored as aforesaid) to the Goal aforesaid, there to remain, until he, she or they shall make full Payment thereof; or be committed, as aforesaid, to the Work-House of the County (if one there be) there to be kept at hard Labour, until he, she or they shall have earned the same, in the Judgment of the Magistrates so committing him, her or them; or in Default thereof, until some Person shall be willing to take such Offender a Servant, and pay the Condemnation-Money aforesaid; in which Case, it shall and may be lawful for the said Magistrates, under their Hands and Seals, to assign such Offender a Servant to such Person and his Assigns, for so long Time as they, the said Magistrates, shall think reasonable, in Satisfaction of the Money so paid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons (from and after the Publication hereof) shall be accessary to any such Larceny by concealing, or receiving or harbouring any Person so having stolen, or Money, Goods or Chattels so feloniously taken, knowing or being informed that such Person had so stolen, or that the Money, Goods, or Chattels were so stolen; such Accessary shall be adjudged a Principal, and tried for the same in Manner and Form aforesaid, the Principal not being tried or convicted of the same notwithstanding. And if the said Accessary or Accessaries shall be convicted of the Fact, or confess the same, he, she or they shall have the like Judgment against him, her or them, and suffer and incur the same Punishment, Forfeitures and Penalties, as in and by this Act are before prescribed and directed to be inflicted on the Principal.

PROVIDED ALWAYS, And be it further enacted by the Authority aforesaid, that if the Person or Persons so accused of committing such Larceny as aforesaid, shall make it his, her or their Choice and Request to the said Magistrates, to be tried as by the Course of Law before the making this Act, he, she or they shall be remanded, by the said Magistrates, to the Goal aforesaid, there to be kept to that End.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Magistrates, or one of them, shall, from time to time, write down all and every the Proceedings had on such Tryal; and the Magistrates who heard and tried the same, shall subscribe their Names thereto; and the same Proceedings shall, by the said Magistrates, or one of them, be delivered in open Sessions, at the next Quarter-Sessions which shall happen after every such Tryal and Conviction, there to remain of Record amongst the other Records of the said Court.

PROVIDED ALSO, And be it further enacted by the Authority aforesaid, That the Magistrates hereby directed and impowered to try Persons for the Larcenies aforesaid, shall and do, before they shall proceed to such Trial, administer an Oath to the Person or Persons, whose Money, Goods or Chattels

was stolen, that the same Money, Goods or Chattels were or are not of the true and real Value of *Twenty Shillings,* Money aforesaid, to the best of his or their Knowledge or Belief; which Oath shall be in Writing, signed by the Party, and be annexed to and delivered with the other Proceedings to the Sessions aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that every Magistrate, Sheriff, Clerk, Constable or other Officer, neglecting, delaying or refusing to perform their or any of their Duty or Duties, enjoined and directed by this Act, shall every of them, for every such Offence, forfeit the Sum of *Forty Shillings,* Proclamation Money, for the Use of the Poor of the City or Township wherein the Larceny aforesaid was committed, or wherein the Money, Goods or Chattels so stolen shall be found, to be sued for and recovered before any Magistrate, by the Overseer of the Poor of such City or Township.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall be and continue in full Force for the Term of Two Years, and from thence to the End of the next Sessions of General Assembly thereafter, and no longer.

Franklin (1739) 369-372.

An ACT *for regulating* Taverns, Ordinaries, Inn-keepers *and* Retailers *of strong Liquors.*

WHEREAS the true and original Design of Taverns, Inns and Ordinaries, was for the accommodating Strangers, Travellers and other Persons, for the Benefit of Men's Meeting together for the dispatch of Business, and for the entertaining and refreshing Mankind in a reasonable Manner, and not for the Encouragement of Gaming, Tipling, Drunkenness, and other Vices so much of late practised at such Places, to the great Scandal of Religion, the Dishonour of God, and impoverishing the Commonwealth: AND WHEREAS the present prescribed Methods of granting Licences for the purposes aforesaid, are insufficient to obtain the Benefit hoped for: THEREFORE, to prevent as much as may be, such Misfortunes and Inconveniences for the future.

BE IT ENACTED by the Governor, Council and Assembly of this Province, and it is hereby Enacted by the Authority of the same, That from and after the Termination of this present Sessions, no Person or Persons within this Prov-

ince shall sell by Retail any Rum, Brandy, Wine, or Spirits of any kind, under the Quantity of one Quart, nor any Cyder, Strong Beer, Metheglin, or any such strong Liquors, or any mixed Liquors, directly or indirectly, under the Quantity of five Gallons (except thereunto licenced as herein after is directed) upon pain of forfeiting *Forty Shillings* current lawful Money of this Province, for the first Offence, to be recovered by Action of Debt, or otherwise, before any one Justice of the Peace, with Costs of Suit, by any Person that will sue for the same; to be applyed one half to the Person that sues for the same, and the other half to the Overseers, for the Use of the Poor where such Fact is committed, provided the Party transgressing be convicted of such Crime, on the Evidence of one Witness, within one Month after doing the same; and for every Offence after that, shall forfeit the Sum of *Five Pounds* current lawful Money aforesaid, to be recovered by Action of Debt or otherwise, in any Court of Record within this Province, with full Costs of Suit, by any Person that will sue for the same within three Months after the Fact committed, to be applyed one half to the Prosecutor, the other half to the Overseers, for the Use of the Poor where the Fact is done.

AND BE IT ENACTED by the Authority aforesaid, that after this Act takes Place, no Licence or Licences shall be granted, by any Justice or Justices of the Peace within this Province, to any Person whatsoever, for Selling and Retailing of strong Liquors, save only in open Sessions, held in each County, City or Town corporate, where such Tavern is to be kept; and to such Person or Persons only, as shall come to them well recommended by a Letter or Instrument under the Hands of the Freeholders, Neighbours to such Person craving Licence; and the said Justices are hereby required, at their said Sessions, to oblige every Tavern-keeper, Inn-keeper or Keeper of an Ordinary, to whom such Licence shall be granted, to enter into Recognizance to our Sovereign Lord the King, his Heirs and Successors, with two sufficient Sureties, being Freeholders, jointly and severally, in the Penalty of *Twenty Pounds,* with Condition to the said Recognizance in the Words following, *viz. The Condition of the above Recognizance, is such, that whereas the above-bounden* A.B. *is licenced by the Court of* Quarter-Sessions *for the of to keep a publick House and Inn, at the place where he now dwelleth, in the Township, Precinct, or City of in the County of If therefore the said* A.B. *during the Continuance of the said Licence, shall not himself game, nor suffer any Person to game in his House for Money, or the Value of Money, but shall during the said time in all Things respecting him as a publick House-keeper or Inn-keeper, use and maintain good Order and Rule, and find and provide good and sufficient Entertainment for Man, and Provision for Horse; then the above Recognizance to be void, otherwise in Force.* Which said Recognizance so taken, shall be and remain with the Clerk of the said Sessions. And every Justice or Justices that shall, contrary to the true Intent and Meaning of this Act, grant any Licence or Licences to any Person whatsoever, they and each of them shall, for every Offence, forfeit the Sum of *Ten Pounds,* current Money aforesaid, to be recovered by Action of Debt or otherwise, in any Court of Record within this Province, by any Person that will sue for the same, with full Costs of Suit, to be applyed, one half thereof

to the Person that will sue for the same, the Residue thereof to the King, his Heirs and Successors, towards the Support of Government.

AND BE IT ENACTED by the Authority aforesaid, that it shall and may be lawful for the said Justices at the said Court, to demand and receive for every such Licence granted and Recognizance taken, the Sum of *Six Shillings* and no more, and for the Clerk to demand and receive for drawing the same, and filing the Recognizance, and entring the Minute of such Licence granted, the Sum of *Three Shillings* and *Six Pence,* and no more.

PROVIDED ALWAYS, and be it ENACTED by the Authority aforesaid, that no Under-Sheriff or Goal-Keeper shall be admitted to have any such Licence or Licences as aforesaid, granted to him or them on any Recommendation whatsoever.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Under-Sheriff or Goal-Keeper, shall sell or retail any Rum, Wine, Beer or Cyder, or any other Liquors, simple or mixed, or suffer any to be sold in the said Goal, under his or their Care, for his or their Use or Benefit, he or they shall forfeit, for every such Offence, the Sum of *Twenty Shillings,* current Money aforesaid; to be sued for, recovered and applyed in the same Manner as is heretofore directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That, in order the more effectually to discover any Person presuming to retail strong Liquors, contrary to the true Intent and Meaning of this Act, the Clerk of each respective Court, where such Licences are hereby directed to be granted, shall and is hereby required to make out Lists of the Names of the Persons to whom such Licences are granted, and shall transmit one to every Constable within the County where such Courts are held; and the said Constables, and every of them, are hereby directed and strictly commanded to make diligent Search and Enquiry in all the different Parts of the City, Township, County, District or Precinct, for which he or they are chosen, for and of all such Persons as shall presume to sell and retail strong Liquors contrary to the true Intent and Meaning of this Act; and upon a Discovery made of any Person so offending, may prosecute the same, and upon the Conviction of the Person so prosecuted, on the Testimony of one or more substantial Witnesses, shall be intitled to one half of the Forfeiture aforesaid, the other half to be applied in manner as aforesaid, for the Use of the Poor: And the said Constables of every County, City, Township, District or Precinct for which they are chosen, are hereby commanded and strictly enjoined, each and every of them respectively, at different Times, at least four times every Year, to visit all and every the respective Taverns, Inns, Ordinaries, and Retailers of strong Liquors, and upon the Discovery of any Enormities, Irregularities, or evil Practices, committed by the said Tavern-keepers, Inn-keepers, Keepers of Ordinaries, Retailers of strong Liquors, licenced as aforesaid, or by any of them, within the respective Cities, Townships, Counties, Districts or Precincts, for which the said Constables respectively are chosen, shall true Report thereof make to the Justices, at their respective Sessions aforesaid, who are hereby commanded to take Notice thereof, and punish the Offenders accordingly: And the said Justices are hereby required, to ac-

quaint the Constables with their Duty herein, and to command them to perform the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all such Licences shall be made to continue for one Year and no longer, and shall be yearly and every Year renewed by the said Justices in their open Sessions, upon the like Recommendations, under the same Pains and Penalties, in the same Manner in every respect as is heretofore directed; and all and every Person or Persons, who upon the Expiration of his, her or their Licence or Licences, shall neglect or refuse to renew the same in Manner as aforesaid, and shall notwithstanding continue to sell and retail strong Liquors, shall and are hereby made subject to the same Pains and Penalties, as if he, she or they never had obtained any such Licence, any thing herein contained to the contrary in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Tavern-keeper, Inn-keeper, or Keeper of an Ordinary, at any Time after this Act shall take Place, shall entertain, entice, harbour or keep any Apprentice, white Servant, Indian, Molatto or Negro Servant or Slave, or shall give, or sell any strong Liquors of any Kind, to such Apprentice, Servant or Servants, Slave or Slaves, (knowing or having Reason to suspect or believe them to be such) directly or indirectly, without express Orders, or Leave first obtain'd from the Master or Mistress of such Apprentice, Servant or Slave, shall for the first Offence forfeit the Sum of *Twenty Shillings,* for the second Offence *Forty Shillings,* and for every Offence after, shall forfeit *Five Pounds,* all current Money aforesaid, to be recovered and applied in manner as is first directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Justices in the said Sessions where such Licences are to be granted, to fix the several Prices of all the several Liquors, Meat, and Entertainment for Man, and to fix the several Sums to be taken for the Provender and Stabling of Horses, by every such Person licenced to sell and retail by small Measures as aforesaid; and the Clerk of such Court of Sessions, shall give to every Person so licenced, a fair List containing the Prices of all such Things, by the said Court so fixed and rated, for which the Clerk shall have and receive the Sum of *Eighteen Pence:* And if any of the Persons so licenced, shall ask, demand or receive for any manner of Meat, Drink or Entertainment, any more than is specified in the said Lists, he, she or they shall, for every such Offence, forfeit the Sum of *Twenty Shillings* current Money aforesaid, to be sued for, recovered and applyed in the same Manner as is heretofore first directed, and they and every of them so licenced are hereby commanded and obliged, under the Penalty of *Five Pounds,* to be recovered and applyed in Manner aforesaid, to paste on a Board, and hang up in View in the most publick Room of his or her House, the List of Rates so delivered to him by the Clerk as aforesaid, and that within Forty-eight Hours after his Receipt of the same.

AND WHEREAS it hath been too often observed, to the great Grief and Concern of all sober and well-disposed Persons, That many of the Inhabitants of this Province, of mean and low Fortunes, do make it their constant Practice to frequent Taverns, and there spend much of their Time and Substance in

Gaming, Tipling and often Drinking to Excess, to the great Damage, Affliction and Distress of their poor Families, and Destruction of themselves;

THEREFORE BE IT ENACTED by the Authority aforesaid, That, after this Act shall take Place, if any Tavern-keeper or other Person, retailing strong Liquors, shall encourage or suffer any Person to spend much of his, her or their Time, in an idle Manner, at his, her or their House or Houses, or shall supply any Person with strong Liquors, simple or mix'd, more than is absolutely necessary for his or her Refreshment; upon Complaint and Proof thereof, made by any one Constable or one sufficient Freeholder, at the Quarter-Sessions held for the County or City where such Fact is committed, the Tavern-keeper or Retailer of strong Liquors so convicted, shall be adjudged, by the Justices at their said Sessions, to have forfeited, for the first Offence *Twenty Shillings,* for the second Offence *Forty Shillings,* and for every Offence after that, shall forfeit *Five Pounds,* all current Money aforesaid, to be recovered and applyed in Manner as is first directed by this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Tavern-keeper, Inn-keeper or Publick House-keeper shall trust any Person above *Ten Shillings* before Payment be made, that then he, she or they, so crediting any Person, shall lose the same, and forever be debarred from suing for, or recovering the said Debt.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Tavern-keeper, Inn-keeper or Publick House-keeper, shall take any Bill, Bond or other Security, for any Liquors, by them sold and drank, in or at their Houses, amounting to above *Ten Shillings.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Tavern-keeper, Inn-keeper or Publick-House-keeper, shall take Bill, Bond or any other Security, for any Liquors sold and drank in or at their Houses, contrary to the true Intent and Meaning of this Act, under Pretence of Selling Victuals, Pipes, Tobacco or any other Thing, whereby to evade the Intent of this Act, he, she or they so offending, are rendered uncapable of recovering any such Bill, Bond or other Security, as abovesaid, for such Liquor so sold or drank in or at their Houses, and the Defendant may plead this Act in Bar.

PROVIDED ALWAYS, That nothing in this Act shall be construed or taken, to debar any Tavern-keeper, Inn-keeper or Publick-House-keeper, from taking or receiving any Sum or Sums of Money, that is or may become due and owing to them, from all or any Person or Persons, that are or may be Lodgers in his, her or their Houses, or Travellers not residing in that County, any thing herein contained to the contrary in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Assessors chosen or to be chosen, by Virtue of an Act, Entituled, *An Act for the Relief of the Poor,* or by such Act as may hereafter be provided for the Relief of the Poor of every respective Township or Precinct, are hereby impowered and required to assess every Tavern-keeper or Retailer as aforesaid, in any Sum or Sums of Money, not exceeding *Three Pounds,* nor under *Forty Shillings,* at the Discretion of the said Assessors, yearly and every Year, which Year shall commence from the Date of the Licence granted to him, her or them; and the

Overseers of the Poor chosen, or to be chosen by virtue of the aforesaid Act or Acts, are hereby required to collect and gather all such Sum or Sums of Money, assessed as aforesaid in every of their respective Townships or Precincts, and to apply the same to the Use of the Poor of the said Town or Precinct; and they are hereby impowered and required to recover the said Money so assessed, and shall be accountable for the same, in such manner as for other Money raised for the Use aforesaid by Virtue of the abovementioned Act or Acts.

PROVIDED ALWAYS, And be it further enacted by the Authority aforesaid, That this Act, nor any thing therein contained, shall be deemed, construed or taken to hinder any Ordinary-keeper, or Retailer of strong Liquors, from enjoying the Benefit of following their Occupation of Retailing for such time as they have Licence or Licences heretofore granted, according to Law.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Acts heretofore made in this Province, for regulating Tavern-keepers and Retailers of strong Liquors, are hereby repealed.

Franklin (1739) 373-379.

An ACT *for the Support of the Government of His Majesty's Province of* New-Jersey, *for three Years, to commence the* Twenty-third *Day of* September, One Thousand Seven Hundred and Thirty-eight, *and to end the* Twenty-third *Day of* September, One Thousand Seven Hundred and Forty-one.

WHEREAS the Act for supporting the Government of this His Majesty's Province, has been for some time expired; AND WHEREAS the Interest Money, arising from the different Loans of this Province, was designed by two different Acts to be thereafter disposed of, and for the Support of Government of this Province, in such Sort, Manner and Form as the Governor, Council and Assembly should direct: We the House of Representatives of this Province, being willing and desirous to give all possible Demonstration of our Duty, Loyalty and Gratitude, by applying so much of the said Interest Money, as is herein after directed, for the Support of this His Majesty's Government, for the aforesaid Three Years, do pray that it may be ENACTED;

AND BE IT ENACTED by the Governor, Council and Assembly of this Province, and it is hereby enacted and declared by and with the Authority of the

same, That for Paying the Salaries of the Governor for the time being, and other Officers appointed in the Administration of the Government of this Provinee for Three Years, *viz.* For the Year of our Lord *One Thousand Seven Hun-Thousand Seven Hundred and Forty One,* there shall be, and there is hereby cheerfully and unanimously given unto his present Majesty, his Heirs and Successors, the Sum of *Four Thousand Three Hundred and Fifty pounds,* Money, according to the Proclamation of the late Queen *Anne,* to be paid out of the Interest-Money that at any time heretofore hath, now doth, or at any time hereafter may arise, by the Loan of the Bills of Credit, which now are or hereafter may be current in this Province (that is to say) the Sum of *One Thousand Four Hundred and Fifty Pounds* Money aforesaid, Part thereof, on the *Twenty-third* Day of *September,* which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-nine;* one other *One Thousand Four Hundred and Fifty Pounds,* Money aforesaid, other Part thereof, on the *Twenty-third* Day of *September,* which will be in the Year of our Lord *One Thousand Seven Hundred and Forty;* and one other *One Thousand Four Hundred and Fifty Pounds,* Money aforesaid, Residue thereof, on the *Twenty-third* Day of *September,* which will be in the Year of our Lord *One Thousand Seven Hundred and Forty-One:* Which said several Sums shall be, yearly and every Year, paid on the aforesaid Days and Times, for the said Term of Three Years next ensuing, in the manner following, That is to say;

TO His Excellency *LEWIS MORRIS*[1], Esq; or to the Governor or Commander in Chief of this Province for the Time being, the Yearly Sum of *One Thousand Pounds,* Money aforesaid.

TO the Chief Justice of this Province, for the Time being, the Yearly Sum of *One Hundred and Fifty Pounds,* for his Salary for attending the Supream Courts, and going to and holding the Circuits Courts, and the Courts of Oyer and Terminer and General Goal-Delivery, and each of them, in each respective County in this Province, when there shall be Occasion, for the Trial of any Causes, either Civil, Criminal or mixt, in any of the said Counties, either at the Time appointed or to be appointed, for the holding the Circuits Courts, or at any other time, when there shall be occasion for any such Trial: PROVIDED it be not oftener than once in each of the said Years in each of the said Counties, the County of *Cape-May* only excepted, the Causes of which County are to be tried at *Salem.*

TO the Second Judge of the Supream Court of this Province, for the Time being, the Yearly Sum of *Forty-Pounds,* Money aforesaid.

TO the Attorney General of this Province, for the time being, the Yearly Sum of *Forty Pounds,* Money aforesaid.

TO each of the Treasurers of this Province, for the time being, the Sum of *Forty Pounds,* Yearly and every Year, Money aforesaid.

TO the Clerk of the Council of this Province, for the Time being, the yearly Sum of *Thirty Pounds,* Money aforesaid.

TO the Clerk of the Circuits of this Province, for the Time being, the yearly Sum of *Twenty Pounds,* Money aforesaid.

TO the Agent of this Province at the Court of *Great-Britain,* for the Time

being, the yearly Sum of *Eighty Pounds,* Money aforesaid.

TO the Door-Keeper of the Council of this Province, for the Time being, the yearly Sum of *Ten Pounds,* Money aforesaid.

ALL which said several Payments of the said several Sums above-mentioned, shall be yearly and every Year made and paid to the said several Officers before-mentioned, for the said Term of Three Years, by the Treasurers of this Province or either of them, on Warrants to be produced to them or either of them, and signed by the Governor or Commander in Chief for the Time being, in Council; and the Warrants so signed, with Indorsements thereon made by the Persons to whom the same shall respectively be made payable, shall be sufficient Vouchers to discharge them the said Treasurers or either of them, and their and either of their Heirs, Executors and Administrators, of and from so much of the said Interest Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in Case His said Excellency *LEWIS MORRIS,* Esq; present Governor of this Province, shall, by Death or otherwise, cease to be Governor of the same, or that any other or respective Officers herein before-mentioned, shall happen to die or otherwise be removed from their said respective Offices, at any Time after the passing of this Act, and before the *Twenty-third* Day of *September,* which shall be in the Year of our Lord, *One Thousand Seven Hundred and Forty-one,* that then and in such Case, it shall and may be lawful for the Treasurers of this Province, for the time being, and they or either of them, are hereby authorized, directed and commanded to pay to his said Excellency *LEWIS MORRIS,* Esq; or to his Executors, Administrators or Assigns, or to his or their Orders, and to every other of the said respective Officers, or to their several Executors, Administrators or Assigns, or to their Orders, out of the said Sums of Money received or to be received by them as aforesaid, so much thereof, as at the time of his said Excellency's ceasing to be Governor as aforesaid, or the said respective Officers dying, or being otherwise removed from their said Offices aforesaid, shall remain in Arrear and unpaid to them for his or their respective Salaries.

AND WHEREAS it is fitting and necessary, that the contingent Charges of this Government should from time to time be honourably and punctually discharged; THEREFORE for defraying the same, We the said House of Representatives, do further pray that it may be enacted:

AND BE IT FURTHER ENACTED by the Governor, Council and Assembly of this Province, and it is hereby Enacted by the Authority of the same, That the Treasurers of this Province, or either of them, out of the Interest Money now in the Treasury, or hereafter to be paid into the same, shall pay or cause to be paid unto his said Excellency *LEWIS MORRIS,* Esq; or to his Executors, Administrators or Assigns (over and above his said Salary here before-mentioned) the Sum of *Five Hundred Pounds* Money aforesaid, for his Services in obtaining a distinct Governor for this Province; AS also that there be paid to his Excellency the Governor, for hiring a House for his Residence, the Sum of *Sixty Pounds* yearly during the said three Years, unless a House for the Governor to reside in should be sooner provided.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That

the Treasurers aforesaid or either of them, shall pay the Sum of *Six Shillings per Diem* unto each of the Council, for the time they or either of them have attended or shall attend at this or any other Sessions of General Assembly during the said three Years, upon Warrants by them to be produced, signed by the Governor in Council, expressing the Number of Days each of the said Council shall have so attended.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay unto the several Persons hereafter named the several Sums following, *viz.*

TO the Clerk of the House of Representatives for his Attendance, the Sum of *Eight Shillings per Diem,* for the time he hath attended, or shall attend, at this or any other Sessions of General Assembly, during the said three Years.

ALSO the Sum of *Thirty Pounds* for other Services, as per Resolves of this House.

TO *John Peter Zenger*[2], or any other Printer, hereafter appointed for printing the Minutes of the House of Representatives and Laws of this Province, such Sum as *Lewis Johnston, Edward Antill, Richard Smith* and *Mahlon Stacy,* or any two of them, shall agree for.

TO *Andrew Robison,* Serjeant at Arms, for his Attendance on the House of Representatives this or any other Sessions, during the said three Years, the Sum of *Three Shillings per Diem.*

TO *Peter Savory,* Serjeant at Arms, for his Attendance on the Council in manner aforesaid, the Sum of *Three Shillings per Diem.*

TO *Zechariah Weeks,* Door-keeper of the House of Representatives, for his Attendance in manner aforesaid, the Sum of *Three Shillings per Diem.*

TO *Joseph Cooper* and *Richard Smith,* Esqrs; or either of them, for the Use of *Richard Partridge,* employ'd as Agent for this Province, to solicit the Affairs thereof at the Court of *Great Britain,* the Sum of *Two Hundred and Ninety-one Pounds One Shilling and Five Pence,* being the full Ballance due to said Agent and *John Kinsey,* to the *Twenty-third* of *September* last past, as appears by an Account laid before this House of Representatives this Sessions by *John Kinsey,* Esq;

TO *Joseph Warrell,* the King's-Attorney General, for his Attendance on the General Assembly, this and all other Sessions, during the said *Three* Years, the Sum of *Six Shillings per Diem,* for every Day he shall have so attended.

TO Mrs. *Jannel Parker* the Sum of *Thirty Shillings* a Week, for the Use of a Room, Fire-Wood and Candle, &c. Money aforesaid, during this present Sessions.

TO Mr. *Andrew Hay* the Sum of *Twenty Shillings* a Week for the Use of a Room, &c. for the Council, Money aforesaid, during this present Sessions.

TO Mr. *John Kinsey,* the Sum of *Twenty-Five Pounds,* for his Services and Corresponding, &c. with the Agent.

ALL which said several Sums, above-mentioned, shall be and are hereby directed to be paid out of the Interest-Money, already paid or Payable into the Treasury, by the said Treasurers of this Province, or either of them, by Virtue of Warrants, to be signed by the Governor, or Commander in Chief, for the time

being, in Council. AND the said several Warrants, when produced by the said respective Treasurers, and Endorsements thereon made by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers, to discharge them the said Treasurers or either of them, their Executors, and Administrators, on Account of the several Payments so made and paid out of the Treasury as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay the Sum of *Six Shillings per Diem,* to every of the several Members of the House of Representatives, for the time they or either of them have attended or shall attend at this or any other Sessions of General Assembly during the said Three Years, upon a Certificate to be produced to the said Treasurers, or either of them, by each of the said Members, signed by the Speaker of the said House of Representatives, expressing the Number of Days such Member shall have attended; and the Speaker's Certificate to be signed by any two of the said Members, expressing the Number of Days the said Speaker shall have attended the Service as aforesaid: And the said several Certificates, when produced by the said respective Treasurers, and Endorsements thereon made, by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, their Executors and Administrators, on Account of the several Payments so made, and paid out of the Treasury as aforesaid.

Franklin (1739) 380-385.

1. Lewis Morris (1671-1746) devoted over fifty years of public service to New Jersey, holding every high provincial office during his career. He was the first governor of New Jersey after its administrative separation from New York in 1738.

2. John Peter Zenger (1697-1746) was the publisher of the *New York Weekly Journal* and the principal critic of Gov. William Cosby. In 1735 Zenger was tried for seditious libel and acquitted. The celebrated trial set an important precedent in establishing the American tradition of freedom of the press.

An ACT *to restrain extravagant and excessive Interest.*

WHEREAS the great and excessive Interest now commonly taken in this Province, is found to be a very great Discouragement to the Trade, and an Obstruction to the Settlement of the same, and beyond the Interest taken in any of

the Neighbouring Colonies; For remedying and preventing whereof for the future,

BE IT ENACTED by the Governor, Council and Assembly, and it is hereby ENACTED by the Authority of the same, That no Person whatsoever, after the Publication of this Act, shall directly or indirectly take any greater Use or Interest, than *Seven Pounds* Current Money of this Province, for the Forbearance of *One Hundred Pounds* like Money for a Year, and so after that Rate for a greater or less Sum, or for a longer or shorter Time, or for the Loan of any Money, Wares or Merchandizes, or any thing whatsoever; and that all Mortgages, Bonds, Bills, Contracts and Assurances, of what Nature or Kind soever they be, made after the time aforesaid, for the Payment of any Principal or Money, Goods, Wares or Merchandizes, or Commodities, lent or covenanted to be performed upon or for any Usury or Interest, whereupon, wherein or whereby shall be reserved or taken, directly or indirectly, above the Rate of *Seven Pounds* in the *Hundred,* as aforesaid, shall be utterly void; and that all and every Person and Persons whatsoever, who shall after the Time aforesaid, upon any Contract or Agreement to be made after the Publication of this Act, by Way or Means of any Bargain, Loan, Chevisance, Exchange, Shift, of any Wares or Merchandizes, Money, or other thing or things whatsoever, or by any deceitful Way or Means, or by any Covin, Craft, Invention, Fetch or deceitful Conveyance, or under the Colour of Brokerage, Storage, Procurage, Service, or by any other Ways or Means whatsoever it be, contrary to the true Intent and Meaning of this Act, to elude and avoid the Ends and Intentions thereof, take, accept or receive, directly or indirectly, for the forbearing or giving Day of Payment, for one whole Year, of and for their Money or other thing, as aforesaid, above the Sum of *Seven Pounds* for the Forbearance of *One Hundred Pounds* for a Year, and so after that Rate for a greater or less Sum, or for a longer or shorter Time, shall forfeit and lose for every such Offence the full Value of the Moneys, Wares, Merchandizes, or other things, so lent, bargained, sold, exchanged, shifted, stored or procured.

AND BE IT ENACTED by the Authority aforesaid, That all and every Scrivener, Broker, Solicitor, Practitioner of the Law, or Driver of Bargains and Contracts, who shall, after the time aforesaid, take or receive, directly or indirectly, any Sum or Sums of Money, or other Reward or Thing, for Brokerage, Soliciting, Driving or Procuring the Loan or Bargain, or the Forbearing of any Sum or Sums of Money, over and above the Value of *Two Shillings* and *Six Pence,* for the Loan or Forbearing of *One Hundred Pounds* for one Year, and so proportionably for a greater or less Sum, or above the Sum of *One Shilling* for the making or renewing a Bond or Bill for the Loan or for the Forbearing thereof, or for any Bond, Counterbond, or Bill concerning the same, shall forfeit for every such Offence *Five Pounds:* The one Moiety of all which Forfeitures, mentioned in this Act, is hereby given to his Majesty's Heirs and Successors, and the other Moiety to him or them that will sue for the same, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, in which no Essoyn, Wager or Protection of Law, or any more than one Imparlance, shall be allowed, any Law, Usage or Custom to the contrary of this Act, or any

Article, Clause or Thing herein contained, to the contrary thereof, in any wise notwithstanding.

Franklin (1739) 386-387.

An ACT *for building a* Court-House *and* Goal, *in the County of* Somerset.

WHEREAS the Court-House and Goal, belonging to the said County of *Somerset,* were by accident lately burnt down; and no Law in this Province having provided for Building thereof, and it being highly necessary it should be built; Therefore,

BE IT ENACTED by the Governor, Council, and Assembly of the said Province, and it is hereby ENACTED by the Authority of the same, That it shall and may be lawful for any Three Justices of the Peace of the said County, whereof one to be of the *Quorum,* and they are hereby enjoyned, commanded, and required, in Conjunction with the Freeholders chosen for the said County, by Virtue of *An Act for Raising of Money for building and repairing of Goals and Court-Houses,* to meet together, as soon as it may be convenient after the Publication of this Act, at any Place the said Justices and Freeholders shall think proper in the said County, and then and there draw Advertisements to be fixed up on the most Publick Places in each Precinct of the same County, thereby giving Notice to all Persons, who by Law are qualified to give their Votes for the Choice of Representatives in the said County, to assemble themselves together, at any Place where the said Freeholders, chosen as aforesaid, shall think most convenient within the said County, some Day by the said Justices and Majority of the said Freeholders appointed, not exceeding *Forty* Days, nor less than *Twenty,* from the Time of fixing up such Advertisements, then and there, by Plurality of Votes, to elect the Place whereon such *Court-House* and *Goal* shall be built.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That, on the Day so appointed, the Justices aforesaid shall take the Votes of all the Freeholders, as may appear, and are qualified to give their Votes, as aforesaid; and the said Freeholders, chosen as aforesaid, shall be Judges of the Poll at the said Election, and have Power to adjourn from Day to Day, not exceeding the Space of Three Days, as the Majority of the said Freeholders, chosen as aforesaid, shall agree, until all the Votes are taken of the Persons qualified and attending for that Purpose, and then the said Justices and Freeholders chosen as aforesaid, shall number the Persons Voting, and for what Place soever a Majority of Voices shall happen for building the said *Court-House* and *Goal,* in that Place, and not elsewhere, the same shall be built; and the said Justices, or either of them, are hereby authorized and impowered to administer the Oath or Affirmation, prescribed by the Act for regulating Elections, entitled *An ACT for*

the better regulating Elections, and laying a Penalty on all Officers and other Persons whatsoever, that shall, by indirect Practices, endeavour to obtain any Election contrary to the Rights, Liberties and Privileges of the People, and the true Intent and Meaning of this Act, to any Person or Persons, the said Freeholders, or the major Part of them, shall have Reason to suspect not to have a Right to vote.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Order to raise Money to build and compleat the said *Court-House* and *Goal,* it shall and may be lawful for the Assessors and Collectors for the Time being, appointed to be chosen by Virtue of an Act, entitled *An Act for the more regular Chusing and Electing Assessors and Collectors in the respective Towns and Counties in this Province,* and they are hereby commanded to assess and collect, from Time to Time, within the said County, such Sum or Sums of Money as shall be thought proper by the said Justices and Majority of the Freeholders aforesaid; and the said Sum or Sums of Money, so assessed and collected, shall pay into the Hand of such Managers, as the said Justices and Majority of the said Freeholders shall think fit to appoint to carry on the said Work: And the said Managers, appointed as aforesaid, are hereby impowered to agree with Carpenters, Masons, and other Workmen, from Time to Time, in such Manner, for such Sum or Sums of Money, to be paid in such Payments, as they shall think most proper and convenient. AND all and every Person or Persons, who, by this Act, are enjoyned any Matter or Thing, and shall neglect or refuse to perform the same, such Person or Persons shall be liable to the same Penalties and Forfeitures, as by the first recited Act are appointed; and the said Collectors and Managers are hereby obliged, from Time to Time, to render an exact Account to the said Justices and Freeholders of all such Moneys as they shall collect, receive, pay, or expend, when thereunto required.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Freeholders and Assessors, and those who may be at any Time appointed and chosen in any succeeding Years, shall be, and are hereby impowered to build, carry on, amend and repair the *Court-House* and *Goal* aforesaid, and to do and perform every other Matter or Thing relating to the same, as fully, amply and largely, as the Justices, Freeholders and Assessors, by the same Act, are appointed and authorized to do, touching or concerning any of the *Court-Houses* and *Goals* therein particularly mentioned.

Franklin (1739) 388-390.

An ACT *for naturalizing* Peter Tranberg, Jacob Forsman, Nicholas Dahlberg, Nicholas Bud, Johannes Casparus Koch, Katherine, *his Wife, and three Sons, namely,* Joseph Koch, Anthony Koch, *and* Jacobus Koch; Casper Wister, Henry Fisher, John Bloom, John Peter Zanger, John Vandreson, John Dewit, *and* Charles Duran.

WHEREAS it is for the manifest Benefit of this Province, that all due Encouragement should be given to Persons of different Nations, to transport themselves and Families to it, by investing them with all the Rights and Privileges of any his Majesty's natural free-born Subjects within the same. AND WHEREAS *Peter Tranberg, Jacob Forsman, Nicholas Dahlberg,* Natives of the Kingdom of *Sweden; Nicholas Bud,* a Native of *Norway,* under the Dominion of the King of *Denmark; Johannes Casparus Koch, Katherine* his Wife, and three Sons, namely, *Joseph Koch, Anthony Koch,* and *Jacobus Koch; Casper Wister, Henry Fisher, John Bloom, John Peter Zanger,* under the Allegiance of the Emperor of *Germany; John Vandreson* and *John Dewit,* under the States of *Holland; Charles Duran,* born in the Dominion of the King of *France,* have settled themselves and their Effects in his Majesty's Province of *Nova-Caesarea,* or *New-Jersey,* and are greatly desirous of being admitted to the Enjoyment of the Privileges and Benefits which the natural and free-born Subjects of this Province do enjoy; and have already, by their humble Petition, prayed leave to bring in a Bill for their Naturalization; and as the said Petitioners do severally profess the Protestant Religion, and have given Testimony of their Duty, Loyalty and Affection to his present Majesty King *GEORGE the Second,* and the Succession of the Crown in the Protestant Line, according to and in such Manner and Form as is prescribed by an Act of General Assembly of this Province, made in the Eighth Year of the Reign of his late Majesty King *GEORGE the First,* Entituled, *An Act for Securing of His Majesty's Government of* New-Jersey.

May it please your Excellency, at the humble Suit of the said Petitioners, that it may be Enacted, AND BE IT THEREFORE ENACTED by the Governor, Council and Assembly of this Province, and it is hereby Enacted by the Authority of the same, That *Peter Tranberg, Jacob Forsman, Nicholas Dahlberg, Nicholas Bud, Johannes Casparus Koch,* and *Katherine* his Wife, and three Sons, namely, *Joseph Koch, Anthony Koch, Jacobus Koch; Casper Wister, Henry Fisher, John Bloom, John Peter Zanger, John Vandreson, John Dewit* and *Charles Duran,* are, and each, and every of them, are and shall be from henceforth deemed, taken and esteemed to be his Majesty's natural free-born Subjects of his Province of *Nova-Caesarea* or *New-Jersey,* to all Intents,

Constructions and Purposes whatsoever, as if they, each and every of them had been born within the said Province, and shall and may, and each and every of them and their Heirs, shall and may within this Province, take, receive, do, enjoy, and be intitled unto the same Immunities and Rights, of, in, and unto the Laws and Privileges of this Province, as any of his Majesty's natural-born Subjects can do, or ought to do and enjoy, and as fully and amply to all Intents, Constructions and Purposes whatsoever, as if they themselves had been born within the same, any former Law, Act, Ordinance, Usage or Custom to the contrary in any wise notwithstanding.

PROVIDED ALWAYS, And it is hereby enacted and declared, That nothing in this Act contained, shall be construed, deemed or taken, to enable or give Power or Privilege to the said *Peter Tranberg, Jacob Forsman, Nicholas Dahlberg, Nicholas Bud, Johannes Casparus Koch,* and three Sons, namely, *Joseph Koch, Anthony Koch* and *Jacobus Koch; Casper Wister, Henry Fisher, John Bloom, John Peter Zanger, John Vandreson, John Dewit,* and *Charles Duran,* or to either of them, to be capable of being of his Majesty's Council or Members of the General Assembly of this Province, or one of the Judges of any of the Courts of Record, or one of his Majesty's Justices of the Peace in the said Province, any thing in this Act, or any Law, Usage or Custom to the contrary, in any wise notwithstanding.

Franklin (1739) 390-392.

An ACT *for erecting the upper Parts of the County of* Hunterdon, *in the Western Division of* New-Jersey, *into a County.*

WHEREAS the Inhabitants of the upper Parts of the said County of *Hunterdon,* have by their Petitions set forth, that, for many Years last past, their frequent attending the several Courts held in *Trenton,* being at a very great Distance from most of their Habitations, hath been and still is inconvenient and troublesome, as well as chargeable, to the Inhabitants of those upper Parts, to their great Detriment and Damage; for the Removing of which, it is humbly proposed and prayed that it may be enacted:

AND BE IT ENACTED, by the Governor, Council and Assembly, and by the Authority of the same, That all and singular the Lands and upper Parts of the said *Hunterdon* County, lying to the Northward and Eastward, situate and lying to the Eastward of a well known Place in the County of *Hunterdon,* being a Fall of Water in Part of the North Branch of *Rariton* River, called in the Indian Language, or known by the Name of *Allomatouck,* to the North-Eastward of the North-east End or Part of the Lands called the *New-Jersey Society Lands,* along the Line thereof crossing the South Branch of the aforesaid *Rariton* River, and extending Westerly to a certain Tree marked with the Letters L.M. standing on the North Side of a Brook emptying it self into the said South Branch by an old Indian Path to the Northward of a Line, to be run North-West from the said Tree to a Branch of *Delaware* River, called *Muskonetkong,* and so down the said Branch to *Delaware* River; all which said Lands being to the Eastward, Northward and North-Westward of the above-said Boundaries, be erected into a County, named and from henceforth to be called *Morris County,* and the said Bounds shall part and from henceforth separate and divide the same from said *Hunterdon* County.

AND BE IT ENACTED by the Authority of the same, That the said *Morris* County shall have and enjoy all the Jurisdictions, Powers, Rights, Liberties, Privileges and Immunities whatsoever, which any other County within the said Province of *New-Jersey* doth, may or ought of Right to enjoy, excepting only the Choice of Members to represent the said *Morris* County in General Assembly, which Liberty is hereby suspended until his Majesty's Pleasure be further known therein, or that it shall be otherwise order'd by Act of Assembly.

AND BE IT ENACTED by the Authority aforesaid, That until such Time that the said *Morris* County shall be allowed the Priviledge of choosing Representatives of their own to serve in General Assembly, it shall and may be lawful to and for the Freeholders of the said County (being qualified according to Law) from Time to Time, as Occasion shall be, to appear at *Trenton,* or elsewhere in the said County of *Hunterdon,* and there to vote and help to elect and choose Representatives for the said County of *Hunterdon,* after the same Manner as formerly before the making of this Act they were accustomed to do, and their said Votes shall be as good and of the same Validity and Effect, as if the Persons so voting were properly Freeholders of the said County of *Hunterdon,* any Law, Custom or Usage to the contrary thereof notwithstanding.

AND BE IT ENACTED by the Authority aforesaid, That all Taxes and Arrearages of such Taxes that are already laid by Acts of Assembly of this Province, which are already or that are hereafter to be assessed, shall be assessed, collected and paid, according to the Directions of the said Acts formerly past for that Purpose, and that all Persons concerned therein shall be under the same Restrictions and Penalties, as are expressed in the said Acts, to all Intents, Constructions and Purposes, as if this Act had never been passed.

Franklin (1739) 392-393.

An ACT *for continuing an Act, entituled,* An ACT for the more speedy Recovery of Legacies, that have been, or may be given in this Province, and for affirming such Acts of Administrators *bona fide* done before Notice of a Will.

WHEREAS an Act of the Governor, Council and Assembly of this Province of *New-Jersey,* passed in the fourth Year of the Reign of his present Majesty, entituled, *An* ACT *for the more speedy Recovery of Legacies, that have been, or may be given in this Province, and for affirming such Acts of Administrators* bona fide *done before Notice of a Will,* would expire by its own Limitation at the End of this present Session of General Assembly; Therefore,

BE IT ENACTED by the Governor, Council and Assembly of this Province of *New-Jersey,* and it is hereby ENACTED by the Authority of the same, That the abovementioned Act, entituled, *An* ACT *for the more speedy Recovery of Legacies, that have been, or may be given in this Province, and for affirming such Acts of Administrators* bona fide *done before Notice of a Will,* shall be and is hereby continued, and every Clause, Article and Thing therein contained, shall be and remain in full Force forever hereafter.

Franklin (1739) 394.

An ACT *to continue an Act, entituled,* An Act for settling the Militia of the Province of *New-Jersey.*

WHEREAS an Act of the General Assembly of this Province, passed in the fourth Year of his present Majesty's Reign, entituled, *An Act for settling the Militia of the Province of* New-Jersey, will expire by its own Limitation at the End of this present Sessions of General Assembly;

BE IT ENACTED by the Governor, Council and Assembly, and it is hereby ENACTED by the Authority of the same, That the abovementioned Act, entituled, *An* ACT *for settling the Militia of the Province of* New-Jersey, shall be, and is hereby continued, and every Clause, Article and Thing therein contained, shall be and remain in full Force, any thing to the contrary thereof in anywise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That

this Act shall remain in Force for *Seven* Years, and from thence to the End of the next Session of the Assembly thereafter, and no longer.

Franklin (1739) 395.

Twelfth Assembly, First Session
10 Apr. - 31 July 1740
Burlington

All acts passed 31 July 1740.

An *ACT* for the better enabling of *Creditors* to recover their just *Debts* from Persons who abscond themselves.

WHEREAS an Act of General Assembly of this Province, entitled AN ACT for the better enabling of Creditors to recover their just Debts from Debtors, who abscond themselves, has been in some Measure of Use in affording Remedy for the recovery of just Debts from Persons intending to defraud their Creditors, but has not fully answered the true intent and meaning thereof. THEREFORE WE the House of Representatives do pray, That it may be Enacted AND;

BE IT ENACTED by the Governor, Council and Assembly of this Province of *New-Jersey,* and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Clerk of the Supream Court, or any other Clerk of an inferior Court of Common Pleas within this Province, on Application to any of them made, by or on behalf of any Creditor, to grant and issue Writs of Attachment, which shall be duly serv'd by the Sheriff or Coroner (as the Case may require) on the Lands and Tenements, Goods, Chattels and Effects, Rights, and Credits of such Person or Persons against whom the same shall be awarded, wheresoever, and in whosoever Hands, Custody or Possession the same shall or may be found returnable to the next suceeding Court, wherein the Creditor or Plaintiff may prosecute the same to Judgment and Execution in such manner, and according to the Directions herein after prescrib'd. And the Execution of such Writ of Attachment shall be in manner following *viz.* The Officer to whom the said Writ shall be directed, shall go to the Lands, or House of the Defendant, or to the Person or House of the Person in whose Hands, Custody, or Possession, the Defendants Goods, Chattels, Rights or Credits are (who is in Law call'd the Garnishee) and then and there declare in the presence of one or more credible Persons, that by virtue of the Writ aforesaid to him directed, he then attacheth the same Lands and Tenements, Goods, Chattels, Rights and Credits of such Defendant at the Suit of the Plaintiff in such Writ named, which said Goods, Chattels and Effects of the Defendant so attached, shall be immediately inventoried and apprais'd by one or more credible Persons in Conjunction with the said Sheriff, or other Officer, who shall also set down the Day and Year of such Attachment made, and the same Lands, Tenements, Goods, Chattels, Effects Rights and Credits, shall from thence forth become bound to the Plaintiff, and the Goods, Chattels and Effects aforesaid shall remain in the said Officers Care, in order to answer and abide the Judgment of the Court unless the said Garnishee after such Inventory taken, and Appraisement made shall give Security with one or more sufficient Freeholders in double the Value, to the said Officer who attach'd the same, by Bond with Condition, that the same or the full Value thereof according to such Appraisement shall be forthcoming to answer the Judgment of the Court in such Case to be had, AND the better to enable the said Sheriff or other Officer to make Execution of the Attachment aforesaid. It shall and may be lawful for him (on his first making

demand, and being refus'd) to break open any House, Chamber, Shop, Door, Chests or Trunks, wherein he shall be inform'd, or have sufficient Reason to believe, any Money, Goods, Books of Accounts, Papers or Writings whatsoever of the Defendant so absconding may be hid or secreted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Garnishee, shall deny that he hath any Goods, Chattels or Effects in his Possession, Hands or Custody, or shall deny that he is indebted to such Defendant; Yet if the Plaintiff doth notwithstanding truly believe that the said Garnishee hath such Goods, Chattels or Effects in his Possession, or Custody, or that such Garnishee is really and truly indebted to the Defendant, and is in fear of such Garnishee's absconding before Judgment can be obtained, and Execution thereof had against such Garnishee, and shall make Oath (of if a *Quaker* Affirmation) thereof and file the same in the Clerks Office as aforesaid. In such Case it shall and may be lawful for the Plaintiff to commence his Action by *Capias* against the said Garnishee, whereon the said Garnishee shall be held to good common and Special Bail, and it shall and may be lawful for the Plaintiff to declare against such Garnishee, (Defendant) for the Goods, Chattels and Effects as aforesaid in his (the Garnishee's) Possession, in Trover and Conversion, as of such Plaintiff's own proper Goods and Chattels, or in case such Garnishee shall be indebted to the Defendant. Then the Plaintiff shall and may declare for so much Money had and receiv'd by such Garnishee to the Use of the Plaintiff, In which Case or Cases it shall and may be lawful for the Plaintiff on the Tryal of the Cause, to give such special Matter in Evidence to the Jury, which Matter so given in Evidence, shall be conclusive to the said Jury, and they shall thereon find a Verdict for the Plaintiff, and give Damages to the full value of such Debts, so due from such Garnishee to the principal Defendant, with full Costs of Suit, or (as the Case may require) shall assess Damage to the full Value of the Money, Goods or Chattels of the Principal Defendant, prov'd to have been in the Hands or Possession of such Garnishee with Costs of Suit, on which Verdict or Verdicts, Judgment shall be given by the Court with full Costs of Suit, and Execution thereof had as in other Cases, PROVIDED ALWAYS that such Action against the Garnishee shall be continued by the Court wherein the same shall be depending untryed, until such time as the Principal Action against the Defendant shall first be determin'd and Judgment therein had, in which Case (if it may so happen) that nothing shall have been found due from the Defendant to the Plaintiff in such principlal Action the Garnishee shall recover his Costs of Suit against the Plaintiff, notwithstanding such Garnishee be indebted to the Defendant, or had his Goods or Chattels in his Possession. AND further, if the Jury shall find a Verdict for the Garnishee on the Tryal of the Cause as aforesaid, or if the said Plaintiff shall be nonsuit or discontinue his Action against the said Garnishee: He shall have full Costs awarded to him by the said Court against the Plaintiff.

PROVIDED ALSO, That before any Clerk shall seal any Writ of Attachment as aforesaid, the Person or Persons applying for the same shall make Oath or (if a Quaker) Affirmation which shall be filed in the said Clerks Office. That he verily believes the Defendant absconds himself from his Creditors, That he is

not (to the Plaintiff's knowledge or belief) Resident in this Province at the Time of such Application, and that he doth owe to the Plaintiff more than what is cognizable before a Justice of Peace.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That, if any such Writ of Attachment, or Writ of *Capias* against any Garnishee shall be seal'd otherwise and contrary to the true intent and meaning of this Act, the Officer so sealing, and the Person so applying for the same, shall severally forfeit the sum of five Pounds for every such Offence, to him or her, who shall thereby be injur'd, To be recover'd by Action of Debt with full Costs of Suit, in any Court where such Sums are Cognizable.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That, the Sheriff or other Officer having executed an Attachment, shall in the Return of the same as particularly as may be, set down and insert all and singular the Lands, Tenements, Goods, Chattels, Effects, Rights and Credits of the Defendant which he hath thereon attach'd, and in whose Possession the same are, And the Court before which the same is so return'd, is hereby impower'd and requir'd to nominate and appoint Three honest and discreet Men, to audit and adjust the Demand of the Plaintiff and of so many of the Defendants Creditors as have appear'd and apply'd themselves to the Court for that Purpose, or to the Auditors before they shall have made their Report, which said Auditors or any two of them shall adjust and settle the Sum due to the Plaintiff, and to each Creditor aforesaid, and make their Report thereof to the next Court in Writing under their Hands, which said Report made and fil'd, shall the third Term (inclusive of the Term to which the Attachment aforesaid was return'd) become absolute, and the Judgment of the Court (the said Defendant, having been thrice called in each of the said Three Terms and made Default.) But if the Defendant shall appear in Court in any of the said Three Terms, accept of a Declaration at the Suit of every or any one of the said Creditors, and enter into good special Bail, The said Attachment, Report, and all the Proceeding thereon had, (as to such Suit or Suits wherein special Bail as aforesaid shall be given) shall be set aside and the Costs of the Plaintiff accru'd thereby attend the Event of the Cause.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where Judgment as aforesaid shall be had against the Defendant by Default, on the Report of the Auditors to the Court as aforesaid, a *Scire Facias* shall in all Cases, (except only as herein before is particularly excepted) issue against such Garnishee, to appear at the next Court thereafter, and show cause (if any he hath) wherefore the Plaintiff should not have Execution of the Money so as aforesaid, due by him to the Defendant, and in his Hands, or of the Value of the Goods and Chattels of the Defendant which are, or were at the Time of the Service of the Attachment in his (the Garnishees) Possession, Custody, or Power. To which *Scire Facias* if the Garnishee shall appear, and on Oath, or otherwise to the Satisfaction of the Plaintiff, confess the Sum of the Debt due from him to such Defendant, or the true and real Value of the Goods, Chattels and Effects of the Defendant which were as aforesaid in his Possession or Custody, and tender the same to the Plaintiff, and the Plaintiff shall accept thereof, That the Garn-

ishee shall by Judgment of the Court (in that Case) be acquit of such Debt, due from him to the said Defendant, and of the Money, Goods, or Chattels aforesaid, without Costs. But if the Garnishee shall not appear, confess and tender as aforesaid on the *Scire Facias* return'd *Scire Feci,* &c. Or on the second *Nihill,* &c. Judgment shall be given by the Court against such Garnishee by Default, and a Writ of Enquiry shall issue to the Sheriff, or other Officer directed to enquire and certify to the said Court, on the Oaths of Twelve honest and lawful Men of his Bailwick, the Sum due from such Garnishee, or the Value of the Goods and Chattels as aforesaid in his Custody or Possession, on return whereof Judgment shall be given by the Court against the Garnishee for the Sum so found and certified with full Costs of Suit. But if the Garnishee shall appear thereto, and plead that he had no Goods or Chattels of the Defendant in his Hands at the Time of the Service of such Attachment, nor at any Time since, or that he was nothing indebted to the Defendant, and the Plaintiff on Tryal shall prove the contrary, The Jury in such Case being satisfied that the Proof is full, shall find for the Plaintiff and give Damage equal to the Value of such Debt, Goods or Chattels with Costs of Suit, and Judgment shall be given accordingly, and Execution awarded against the Person, Lands, Tenements, or Goods and Chattels, of the Garnishee. But in Case the Jury shall find for the Garnishee, or in Case the Plaintiff shall discontinue his Suit, The said Garnishee shall have his full Costs awarded to him by the Court against the Plaintiff, and have Execution thereof as aforesaid.

AND For the better discovery of such fraudulent Practices as may happen, by Debtors absconding themselves as aforesaid, IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the said Auditors, or any two of them, to issue their Warrant under their Hands and Seals, to the Sheriff, under Sheriff, or Constables of any County in this Province, to convene before them any Person, or Persons whom they shall think fit, and them, or any of them to examine on Interrogatories, or otherwise on Oath, or Affirmation, (which they, or any of the said Auditors, are hereby impower'd to administer) touching the Lands, Tenements, Goods, Chattels, Effects, Rights and Credits of the said Defendant, And of and concerning such other things, as may tend to disclose their Estates, or their secret Grants, or fraudulent Conveyance of the same, and that then the said Auditors, or any two of them, (as they shall find it expedient) shall and may by Warrant under their Hands and Seals, directed as aforesaid, cause to be broken open any Houses, Chambers, Shops, Doors, Trunks or Chests, wherein they shall have Reason to believe the Goods, Chattels, Effects, Books of Accounts, or other Writings of the Defendant may be hidden or secreted, AND to seize the same, and take an Inventory of them, and to make report and delivery of them to the next succeeding Court, which Court is hereby direct'd and impower'd to order such Goods, Chattels and Effects, Books of Accounts, or Papers into the Custody and Keeping of the Sheriff, Coroner or Clerk of the Court, (as the Case may require) for the use of the Creditors as aforesaid. And in Case any Person or Persons shall refuse to pay his Obedience to any such Warrant as aforesaid, or shall refuse to be examined by and before any of the said Auditors, touching and concerning

any Thing herein directed, he, she or they, are hereby declared guilty of a contempt of the Authority of the Court which appointed the said Auditors, and shall by the said Court be dealt with accordingly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Cases wherein Judgment shall be had against the principal Defendant, by Default on the Report of the Auditors by this Act to be appointed, to audit and adjust the Demand of the Plaintiff, and of so many of the Defendants Creditors, as have appear'd in Court, or before the said Auditors for that purpose; IT shall and may be lawful to and for the said Auditors, or any two of them, by virtue of an Order and Rule of Court to that purpose had and made to make sale and assurance of all the Lands, Tenements, Goods, Chattels, and Effects belonging to such Defendant, which were as aforesaid attach'd or seiz'd. Or otherwise to order the same or such Part thereof as shall be necessary for the Satisfaction of such Creditors as aforesaid: But in Case the whole of such Lands, Tenements, Goods, Chattels and Effects, shall not be sufficient to satisfy all such Creditors as aforesaid, of their full and just Demands. Then the said Auditors or any two of them shall give Notice in writing, at least ten Days to every of the said Creditors, to appear before them at such Place as shall be therein appointed, to lay before them an Office Copy of their (the said Auditors) former Report, And the said Auditors according to the several Sums due to each of the said Creditors shall Apportion the whole of the Money arising by such Sale as aforesaid, and assign the Rights, and Credits of the Defendant aforesaid, to the said Creditors in Proportion as aforesaid, which said Assignment shall vest the Property Right and Interest thereof in the Person to whom the same shall be made so that such Assignee may sue for and recover the same in his, her, or their own Name or Names, And to his, her, or their own use, of all and every of which Proceedings of them, the said Auditors, they shall and are hereby directed, and order'd to make their Report to the next Court thereafter: There to be filed, and to remain, and the said Appointment, and Assignment shall be (if thereafter receiv'd by such Assignee) in Satisfaction only of so much of the Debt due to the Plaintiff or other Creditor as aforesaid, AND as a Reward for the Trouble and Expence which may attend the said Auditors in doing the Services appointed by this Act, it shall and may be lawful for the Court which shall appoint the said Auditors to allow them reasonably out of the Defendants Effects attach'd or seiz'd as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Grant, Bargain, Sale, Assignment, Assurance and Conveyance made and done, by the Auditors aforesaid, concerning the Premises, pursuant to this Act, shall be good and effectual in the Law against the said Defendants, their Heirs, Executors, Administrators and Assigns, and that after such Attachment made of any Lands, Tenements, Goods, Chattels, Effects, Rights or Credits of such Defendant, Neither he nor any other, shall have Power to make any Alienation of the same Lands or Tenements, Goods, or Chattels, or to release, or recover any Debts due to him, save only the Person, or Persons, to whom the same shall be assign'd in manner aforesaid, by the said Auditors, until such Attachment shall be discharg'd by the Court, or the Defendants Debts

aforesaid otherwise be fully satisfy'd, any Law, Usage or Custom to the contrary notwithstanding.

PROVIDED ALWAYS, That this Act nor any Thing herein contain'd, shall be deem'd, taken or construed to extend to the seizing or attaching of any Lands, Tenements, or Hereditaments of any Person, or Persons, who at the Time of issuing such Writ of Attachment, and ever before may have been Resident in Parts beyond the Seas, and not in this, or any of the neighbouring Colonies. AND, That no Sale shall be made of any Lands, Tenements, or Hereditaments in less than eighteen Months from the Time of the Seizure, of which publick Notice shall be given, at least thirty Days. Nor of any Goods, or Chattels, untill such Time as Judgment be obtain'd against the Defendant as aforesaid, unless the same be perishable, in which Case it shall be lawful for the Court (according to Direction) to order the Sale of such Things perishable sooner.

PROVIDED ALSO, That if by reason of the Defendants absence, or being unheard, The Auditors aforesaid shall happen to report a Sum to be due from such Defendant, when in Truth and Reality nothing was due: In such Case, it shall and may be lawful for the Defendant aforesaid, to sue for, and recover from such Person, or Persons, all and every such Sum and Sums of Money by him receiv'd by Reason of such Report, and which on tryal shall appear not to have been due, and such further Damages as he may have sustained thereby, with full Cost of Suit. Any Thing in this, or any other Act, or any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding. AND that in every Case wherein the Creditor or Plaintiff shall not be Resident in this Province at the Time of suing out the Attachment, or at the Time of the Auditors making Distribution as aforesaid, such Creditor or Plaintiff shall find good Security, by a Bond to be taken by and filed with the Clerk, with one or more sufficient Freeholder of this Province, to such Defendant in double the Sum of such Attachment, that he will at any Term, (after ten Days Notice thereof either to him, or either of his Sureties given) within two Years thereafter, appear by good special Bail at the Suit of the Person so attach'd in such Action as is before directed; a Certificate of which Security being so taken and filed, He the said Person as aforesaid making attachment, shall produce under the Hand of the Clerk to the Auditors aforesaid, or in default thereof, shall not have, or be entitled to any Apportionment, or Assignment of any Part of the Parties Estate, real or personal, any thing herein contain'd to the contrary thereof in any wise notwithstanding.

PROVIDED ALSO, that if any Persons who now are, or may be Inhabitants within this Province, being about to depart the same shall publish his, her, or their Intention of departure in Writing and affix the same on the Door of the County Court House in open and publick View, in which County, he, she, or they may inhabit, at least thirty Days before such departure, and shall prove by the Oath or Affirmation of one or more credible Witness taken in Writing, and filed in the Clerks Office, That such an Advertisement was fixed up as aforesaid, that he or they, saw it there every of the said thirty Days, and doth or do believe

it continued up in open and publick View, during the whole space of the said thirty Days, and that the said Person so about to depart this Province, went publickly abroad and did not secrete him, her, or themselves, from his, her, or their Creditor or Creditors, nor from any Officer or Officers. That then, and in such Case the Lands, Tenements, Goods, Chattels, Rights, or Credits, of any such Person, or Persons shall not be subject to any Attachment, provided his, her, or their departure as aforesaid, shall be within six Months after such Notice given, unless for a Debt contracted after his, or their departure out of this Province, And the Affidavit so made and filed, shall be a sufficient Justification to the Clerk for his refusing to seal any Attachment against the Lands, Tenements, Goods, Chattels, Rights or Credits, of the Person. Any Thing herein contain'd to the contrary thereof, in anywise notwithstanding.

AND For the recovery of Debts Cognizable before a Justice of the Peace, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace, within this Province, That on Application and Affidavit made before him to the purpose aforesaid: He shall and may Issue an Attachment under his Hand and Seal to any Constable directed, who shall execute the same in manner aforesaid, on the Effects, Rights, or Credits of the Defendant, And if the Creditor shall make sufficient Proof of the Debt due to him, and of the Effects, Rights, or Credits in the Hands of the Garnishee, the said Justice of the Peace shall give Judgment therein for the Plaintiff, and award and issue his Execution thereof to the Constable, either against the Effects of the Defendant, or against the Garnishee, as in other Cases cognizable before a Justice of the Peace (who shall have two Shillings for serving the Attachment, and three Shillings for serving the Execution and no more). But the Effect of the Defendant thereon taken, shall not be sold in less than three Months, (unless the same shall be perishable) To the End the Debtor, or his Friend may redeem them. And in the mean Time the same shall be inventoried, and safely kept in such manner as the said Justice in his Discretion shall think fit, and if the Plaintiff shall not make sufficient Proof against the said Garnishee, he shall pay him his Costs and (if need be) the said Justice shall issue his Execution against him for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Attachment now depending, or which were depending and undetermin'd in any Court of this Province, shall and may be proceeded in, either according to the aforesaid Act of General Assembly of this Province, passed in the seventh Year of the Reign of his present Majesty, Entitled, *an* ACT *For better ennabling of Creditors to receive their Just Debts, from Debtors who abscond themselves,* To which End, and for which Purpose only, the ACT is hereby reviv'd; Or according to the Direction of this ACT, as the several Plaintiffs or Creditors shall think fit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this ACT shall be and continue in Force, for the Space and Term of Three

Years from and after the Publication hereof; And from thence to the End of the next Session of the General Assembly of this Province thereafter, and no longer.

Bradford (1740) 397-407.

An ACT *to erect and establish Courts, in the several Counties of this* Province, *for the Tryal of small Causes.*

WHEREAS great Inconveniences have arisen to the Inhabitants of this Province, for want of Courts, for Tryal of small Causes, by the number of Law-Suits that have of late Years been brought against the poorer People for small Sums of Money, and the dilatory and expensive Method of proceeding in the Courts now in being, for Remedy whereof.

BE IT ENACTED by the Governor, Council, and Assembly in General Assembly, met and conven'd, and it is hereby enacted by the Authority of the same, That all Actions for Debts, and other Demands, for and under the real Value of five Pounds Money according to the Proclamation of the late Queen *Anne,* except such Actions as are herein after excepted, shall from and after the Publication of this Act be, and are hereby made cognizable before any one Justice of the Peace, of any of the Counties, Cities, or Towns corporate within this Province, in the County, City or Town corporate in which the Defendant shall be or reside, and the said Justices are hereby respectively impower'd and required upon Complaint to either of them made for any such Debt or Demand, to issue a Warrant in the Nature of a Summons, or *Capias,* as the Case may require, directed to the Constable of the City, Township, Precinct or District where the Defendant dwells, or can be found, commanding him to bring, or cause such Defendant to come with the Plaintiff before him at the Time and in the Manner following (that is to say) in Case where such Process shall be in the Nature of a *Capias,* forth with after the Service thereof. But where a Summons shall be issued, then on some certain Day therein to be expressed, not less than five, nor exceeding twelve Days from the Date of such Process, and at the Time appointed for hearing any such Cause, or on such other Day as such Justice shall think reasonable to appoint, the said Justice shall proceed to hear and examine the Allegations and Evidences of the Plaintiff and Defendant, and give his Judgment thereupon in such manner as shall appear to him agreeable with Equity and Justice, together with such Costs as are, or shall be allowed in this Province, for the recovery of Debts of forty Shillings and under.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Process against all Freeholders that are Inhabitants shall be by Summons

only, which shall be sign'd by the Justice that shall grant it, and serv'd on the Person of the Defendant, or that or a Copy thereof left at his House, in the presence of one or more of his Family or Neighbours (who shall know the Contents thereof) at least five Days before the Time appointed for a hearing, and in Case the Defendant doth not appear at the Time and Place that shall be appointed in such Summons then on Oath or Affirmation made by the Constable that the said Summons, was duly serv'd in manner aforesaid, And no sufficient Reason appearing to the said Justice why the said Defendant did not appear on the Day appointed in said Summons, the said Justice shall proceed to hear and determine any such Cause or Causes in the Defendants absence, and give Judgment and award Execution thereupon, in the same Manner as if the Defendant had been personally present: But if there shall appear any sufficient Reason why the said Defendant did not obey the said Summons, then the Justice shall and may in his Discretion defer the hearing of the said Cause to such further Time as he shall think fit.

PROVIDED ALWAYS, And be it enacted by the Authority aforesaid, That, if any such Plaintiff so applying, or any other Person for him or her, shall upon Oath or Affirmation declare, that he, or she does sincerely believe that if such Process, be only by Summons against such Freeholder, he, or she will be in danger of losing the Debt thereby, or that he or she doth really and sincerely believe such Freeholder will depart the County, City, or Town, or otherwise abscond before such Time, then the said Justice shall issue out his *Capias* in such manner as if the Defendant had not been a Freeholder, and if upon hearing their Allegations such Defendant shall require a longer Time, and will give sufficient security to appear and stand Tryal on the Day appointed, then the said Justice is hereby impowered to adjourn the Tryal of such Cause to any Day he shall think most convenient, not exceeding twelve Days from that Time.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in every Action that shall hereafter be brought in this Province by virtue of this ACT, where the real Debt, or Demand exceeds the Sum of forty Shillings Money aforesaid, It shall and may be lawful for either of the Parties to the Suit, to demand of the said Justice to be tryed by a Jury, and upon such Demand the said Justice, is hereby required, and commanded to issue a Warrant to the Constable of any of the Towns, Districts, or Precincts, commanding him to bring, or cause to come at such certain Time, as shall be in the Warrant express'd, six good, and lawful Men of the Neighbourhood, who appearing, shall take an Oath or Affirmation in the Words following, *viz.*

You shall well and truly try this Matter in difference between A.B. *Plaintiff, and* C.D. *Defendant, and a true Verdict shall give according to Evidence.*

AND after the said six Persons, have taken the Oath or Affirmation aforesaid, they shall sit together, and the several Proofs, and Allegations shall be delivered in publick, in their presence, after which they shall be kept together in some convenient private Place, without Meat, Drink, fire or Lodging, 'till they all agree upon a Verdict which shall be given into the said Justice, who is hereby

required to give Judgment agreeable to such Verdict and to award Execution, in the Manner herein after directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Plaintiff in any such Suit or Action, shall be nonsuited, or discontinue, or withdraw his Suit, without the leave of the Defendant, then Judgment shall be given against him for the Costs, or if he shall appear to be indebted to the Defendant, then Judgment shall be given against him for the Debt or Demand, and Costs as the Case may require, and whenever Judgment shall be given against either Plaintiff, or Defendant, in any of the before mentioned Cases, the Justice that pronounced the said Judgment shall grant Execution thereupon directed to one of the Constables of the said County, City, or Town corporate, commending him to levy the Debt or Demand and Cost (as the Case may require) on the Goods and Chattels of the Person against whom such Execution shall be granted, and for want of sufficient Effects whereon to levy the Execution, to take the Body of the Person against whom such Execution shall be granted, and him, or her convey and deliver to the Keeper of the common Goal of the County, which said Constable after his taking such Goods or Chattels into his Custody (by virtue of such Execution) shall give publick Notice by an Advertisement put up at the most publick Place in the Town or Precinct, where such Goods shall be taken of the Sorts of Goods, and of the Time and Place when they will be exposed to Sale, at least five Days before the Time appointed for selling them, and at the Time and Place so appointed for selling them, shall expose them to sale by publick Vendue, to the highest Bidder, and pay the Money according as shall be directed in the Warrant or Writ of Execution and return the Overplus if any be to the Owner, and for want of sufficient Goods or Chattels whereon to levy the Execution, the Constable to whom any such Execution shall be directed shall take the Body of the Person against whom any such Execution shall be granted, and convey and deliver him, or her unto the Keeper of the common Goal of that County, City, or Town corporate, which said Goal-keeper is hereby commanded to keep such Prisoner in his safe Custody in the common Goal, until the Debt or Demand with the Costs shall be fully paid, or until he, or she shall be from thence delivered by due Course of Law.

PROVIDED Nevertheless, That no Execution of any Judgment given by virtue of this Act, where the real Value of such Judgment shall exceed the Sum of forty Shillings Money aforesaid, shall issue against any Freeholder in less than three Months after giving the said Judgment, unless the Party in whose Favour such Judgment is given, shall make it appear to the said Justice on Oath or Affirmation, that he or she is in Danger of losing their Debt if such delay be allowed, in which Case the Justice shall issue his Warrant of Execution immediately, as herein before directed unless the Party against whom such Judgment is given, shall give Security to the Party in whose Favour Judgment went, to pay the full of the Debt and Cost, at or before the Expiration of the said three Months.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if either of the Parties to any Cause determined by Virtue of this ACT, shall think him or themselves aggrieved by any Judgment given as aforesaid for the Sum of

forty Shillings or more Money aforesaid, It shall and may be lawful for such Person or Persons to appeal from any such Judgment to the next Court of Common-pleas, to be held for the County, City, or Town corporate after the Judgment given, and the Justices are hereby respectively required to grant an Appeal upon the Conditions following and no other (that is to say) the Party demanding an appeal shall enter into Bond, with at least one sufficient Security in double the Debt and Cost, and sufficient to answer all Cost, the Condition of which Bond shall be that the Appellant shall appear and prosecute the Appeal in the Court above, and shall stand the Award of the Court and pay such further Costs, as shall be taxed in Case the Judgment of the Justice is affirmed.

PROVIDED ALWAYS, that in every Cause wherein a Jury of six Men give a Verdict there shall be no Appeal allowed, but it is the true Intent and Meaning of this Act that the Judgment given upon such Verdict shall be final to all Intents and Purposes.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices shall cause fair Entries to be made in Books by them to be kept for that purpose, of the Names of the Plaintiff and Defendant in all such Causes as shall come before them with the Debt and Cost adjudged, and the Time when such Judgment was given, and in any Case where there shall be a Jury as aforesaid, he shall set down the Verdict by them given, and upon any appeal that shall be granted the Justice who pronounced the Judgment appealed from, shall send a Transcript of such Entry under his Seal to the Clerk of the Court to which such appeal shall be made on or before the first Day of the Court next following such appeal, for which Transcript the Justice shall be allowed one Shilling and no more.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That at the Court to which any such Appeal shall be made, the Person so appealing shall cause an Entry of his Suit to be made by the Clerk of such Court and shall either have his Appearance entred or give Bail to the Action as the Nature of the Case may require, or on Neglect thereof and Application of the Appellee to the Court, for that End the Appellants Default shall be recorded, the first Judgment affirm'd with reasonable Costs, and Execution shall be issued out of the said Court, against the Defendants Body, Goods, or Chattels as is usual in other Cases, And in case the Defendant shall appeal or give Bail as aforesaid, the Plaintiff or Defendant in the Appeal (as the Case may require) shall file his or her Declaration, and the adverse Party plead to issue in such Time as shall be directed by the Court, so always that the Cause if above forty Shillings be tried by a Jury of the Country in the usual Manner, either at the Court to which such Appeal is made or the next Term at farthest, unless the Court, on Cause to them shown, shall think fit to give the Parties a farther Day and as the Verdict shall be render'd; in any of the said Causes the Court shall give Judgment thereupon as the Nature of the Case may require with Costs of Suit.

PROVIDED ALSO, That none of the Justices who by Virtue of this Act shall have heard and determined any of the Causes aforesaid out of Court shall afterwards set on the hearing and determining the same Cause on an Appeal made to any of the Courts of Common Pleas aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That, if any Person or Persons whatsoever shall commence, sue or prosecute any Suit, or Suits for any Debt or Demand made cognizable as aforesaid, in other Manner than is directed by this Act, and shall obtain a Verdict or Judgment therein for Debt or Damages which without Cost of Suit shall not amount to more than five Pounds Money aforesaid (not having caused an Oath or Affirmation to be made before the obtaining the Writ, and filed the same in the Clerks Office) that he, she, or they, so making Oath or Affirmation, did truly believe the Debt due, or Damage sustained exceeded the Sum of five Pounds Money aforesaid, He, she, or they, so prosecuting shall not recover any Costs in such Suit, any Law, Usage or Custom to the contrary in any wise notwithstanding.

PROVIDED ALSO, That neither this Act, nor any thing herein contained shall be deemed, construed or understood to extend to Actions of Debt for Rent, to Actions of Replevin, or upon any real Contract, or to Actions of Trespass on the Case for Trover and Conversion, or Slander, or to Actions of Trespass for Assault and Battery, or Imprisonment, or to such Actions where the Titles of Land shall any Ways come in Question.

PROVIDED ALSO, That this Act shall be And continue in Force for the Space of three Years and from thence to the End of the next Sessions of General Assembly and no longer.

Bradford (1740) 408-414.

An ACT *to lay certain* Taxes *on* Hawkers, Pedlars, *or petty* Chapmen *within this Province.*

WHEREAS many *Hawkers, Pedlars,* or petty *Chapmen* go from House to House, and from Town to Town throughout this Province, vending Goods and Merchandizes to the Inhabitants thereof, whereby they make great Advantage to themselves, and many of them not being Residents of this Province are not lyable to any of the common Taxes therein, and others only Chargeable, as other the Inhabitants of the particular County wherein they dwell. AND WHEREAS it is highly reasonable, That *Hawkers, Pedlars,* and petty *Chapmen* should contribute a just Proportion of Publick Taxes, THEREFORE WE The House of Representatives of the Province of *New-Jersey,* in General Assembly conven'd, do pray that it may be ENACTED;

AND BE IT ENACTED by the Governor, Council and Assembly of the Province aforesaid, AND it is hereby enacted by the Authority of the same,

That from and after the Expiration of six Months next, and immediately after the Publication hereof, No Person, or Persons shall follow the Business of Employment of a *Hawker, Pedlar,* or petty *Chapmen,* or in going from Town to Town, or House to House, and travelling with Horse or Horses, or other Beasts of Burthen or otherwise within this Province, or carry or sell, or expose to sale, any Goods, Wares, or Merchandize within the same Province (except as herein after excepted) until such Person or Persons shall have first paid unto the Overseer, or Overseers of the Poor, of each respective City, Town or Precinct within this Province, where he, she, or they shall intend to expose to Sale any Goods, Wares, or Merchandize as aforesaid the following Sum, or Sums of Money, *viz.*

FOR EVERY Person or Persons travelling with any Wagon, Cart, or other Carriage whatsoever, the Sum of Ten Shillings, for every Person or Persons travelling with one Horse or other Beast of Burthen, the Sum of Six Shillings.

FOR EVERY Person or Persons travelling on Foot the Sum of Three Shillings Yearly and every Year, and every Person who now is, or hereafter may be chosen Overseer or Overseers for each respective City, Town or Precinct, where such Person or Persons aforesaid, shall travail as aforesaid, are hereby directed and required to receive from every Person or Persons as aforesaid, the said Sum or Sums of Money Yearly, and every Year (and give a Receipt for the same) which Year shall commence from the Time of such *Pedlar, Hawker,* or petty *Chapman's* first coming to, and vending Goods or Merchandize, in such respective City, Town, or Precinct, of which Time and Sum of Money received as aforesaid, the several Overseers for the Time being, are hereby required to keep a particular Account, and to enter the same in a Book by them to be kept for that Purpose, and to deliver the same over to their several Successors on Pain of forfeiting Forty Shillings, to be recovered of such Overseer as shall neglect or refuse to do the same, on Complaint and Proof made thereof, by any Freeholder of such City, Town or Precinct, to the Use of the Poor thereof to be recovered before any Magistrate of the City or County with Costs of Suit, and so for every such refusal thereafter.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons not having obtain'd a Receipt as aforesaid, shall be found hawking, pedling or travelling from House to House, to sell Goods as a *Hawker, Pedlar* or petty *Chapman,* he, or she so offending, if travelling with Wagon, Cart, or other Carriage shall forfeit the Sum of Forty Shillings, and if travelling with Horse or other Beast of Burthen, shall forfeit the Sum of Thirty Shillings, and if travelling on Foot, shall forfeit the Sum of Twenty Shillings, for each and every Offence, to be recovered by any Person, who will sue for the same, before any Magistrate of such City, or County on the said Magistrates own Knowledge, or on the Oath or Affirmation of any one Person of said Place.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Person so trading who upon Demand made by any Person in any City, Town or Precinct within this Province, where he, or she so trade, shall refuse to produce, and show unto such Person his, her, or their Receipt for the Money order'd to be paid to the Overseer, or Overseers as aforesaid, shall forfeit for

not producing, and showing the said Receipt, the Sum of Forty Shillings to be recovered in like manner, and apply'd to the like Uses as the other Forfeitures in this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Sum, and Sums of Money, received as aforesaid, shall be by the respective Overseer, or Overseers of the Poor apply'd to the Relief of the Poor of such City, Town, or Precinct wherein the same shall or may be so receiv'd.

PROVIDED ALWAYS, And it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any Person, or Persons from selling or exposing to sale any Sorts of Goods, and Merchandizes in any Publick Market, or Fair within this Province, or to hinder any Person from carrying about from Town to Town, or House to House, any Goods, Wares and Merchandizes being of the Growth, Product, or Manufacture of this or the Neighbouring Provinces; but that such Person, or Persons may do therein as they lawfully might have done before the making of this Act, any Thing herein contained to the contrary notwithstanding.

AND BE IT FURTHER ENACTED That if any Dispute shall happen to arise about the said Goods, Wares, or Merchandizes, concerning the Place of the Growth, Product, or Manufacture of the same, the Person or Persons so carrying about or exposing the same to sale in manner as aforesaid shall be obliged to declare upon Oath, or Affirmation (if a Quaker) before any Justice of the Peace, or other Magistrate of the County, Town or Place, where he, she, or they shall carry about or offer the same to Sale, whether such Goods, Wares, or Merchandizes be of the Growth Product or Manufacture of this, or the neighbouring Provinces.

Bradford (1740) 415-417.

An ACT *to explain what shall be a legal Settlement, for any Person within this Province.*

WHEREAS It hath been the Practice of many idle, dilatory, and vagrant Persons to move themselves, not only from the neighbouring Provinces into this Province; but from one City, Town, Precinct, or District within this Province, to other the City's, Towns, Precincts or Districts therein, and thereby have been very Chargeable, Vexatious, and Burthensome to the Inhabitants of this Province. For the remedying thereof.

BE IT ENACTED by the Governor, Council, and Representatives, in General Assembly conven'd, And it is enacted by the Authority of the same, That from and after the publishing of this ACT, No Person or Persons shall be deemed Resident, or be entitled to a Settlement in any City, Town, District, or Precinct within this Province, who is not a Native of such Place, or who shall not have lived at least one whole Year at one Time, either on a Place by him, her or them purchased, or hired for at least five Pounds yearly Rent, in such Place, or have served one Master or Mistress the said Term, in such Place, or have lived in one House or Family one full Year at one Time in such Place, or served an Apprenticeship by Indenture in such Place, or shall have by himself, and on his own Account executed some publick annual Office in such Place, during one whole Year at one Time, or shall have been assess'd, and have paid his, or her share of the Taxes, for the Poor of such Place, during one whole Year at one Time, In all which Cases such Persons shall be accounted legal Settlers where such Person or Persons last dwell, and be entitled to Relief, and not otherwise.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any indigent Person or Persons, shall hereafter remove from any one City, Town, District, or Precinct or County to any other within this Province, such Person or Persons shall procure a Certificate in Writing under the Hands of the Overseers of the Poor of the Place from whence he, she, or they shall remove, which shall be allow'd and subscribed by at least two Magistrates, owning and acknowledging him, her, or them properly to belong to, and to be Resident or Residents thereof, which Certificate shall be deliver'd by the Person or Persons having procur'd the same to one of the Overseers of the Poor of the Place whither he, she, or they shall so remove, who shall carefully preserve the same, and enter the Name, or Names of the Person or Persons so removing, in the Poor-Book of the Place, also the Place from whence he, she or they came, the Names of the Overseers signing, and of the Justices allowing the same, together with its Date, and if at any Time thereafter within twelve Months, it shall so happen, That any Person or Persons who shall have procured such Certificate, shall be likely to become Chargeable to such City, Town, Precinct or District whither he, she, or they shall so remove, or shall ask Relief therein as Poor, it shall and may be lawful for any two Magistrates on Complaint or Application of the Overseer or Overseers of the Poor thereof, and on sight of such Certificate, by Warrant under their Hands and Seals to remove such Person or Persons to the City, Town, District or Precinct from whence he, she or they so came, there to be taken Care of as the Poor thereof.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any such Person or Persons, shall neglect to procure such Certificate, and to deliver the same, to the Overseer of the Poor as herein before is directed, within a Months Time, after his, her, or their coming into such a City, Town, District or Precinct, such Person or Persons shall and may in manner aforesaid, be removed to the Place from whence he, she or they last came.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any Overseer or Overseers of the Poor shall have Reason to believe, That any

Person or Persons who is or are not Natives of the City, Town, District or Precinct wherein they are Overseers, or who has not before the Publication hereof liv'd therein One whole Year at one time, on a Freehold by him, her or them purchased, or on a Place hired for at least five Pounds yearly Rent in such Place, or who has not serv'd one Master or Mistress one full Year at one Time in such Place, or who has not serv'd an Apprenticeship by Indenture in such Place, or by himself, and on his own Account, executed some publick Annual Office in such Place, during one whole Year at one Time, or who has not been assess'd, and paid his or her Taxes for the Relief of the Poor of such Place, which may have been assess'd during one whole Year at one Time, before the Publication hereof, may become Chargeable to such City, Town, District or Precinct, such Overseer or Overseers shall and may apply to any two Magistrates, and inform them thereof, who are hereby directed and impower'd to issue their Warrant to a Constable, thereby commanding him to convene such Person or Persons before them at such Time and Place as the said Magistrates shall in their Warrant appoint, who upon Examination of the Matter, finding the Information to them given as aforesaid to be true and reasonable, shall order and direct such Person, or Persons by a certain Day, by them to be prefix'd, to remove to the Place of his, her or their former Settlement, and on neglect or refusal to comply with the said Order, shall issue their Warrant to a Constable, thereby commanding him, to convey such Person, or Persons, and to deliver him, her or them, to the Constable of the next City, Town, District, or Precinct, and so from Constable to Constable, until he, she or they be conveyed to the Place of his, her or their former Settlement as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons removed as aforesaid, shall return to the Place from whence he, she, or they were so removed, with intent to remain there, and shall not depart such Place within twenty four Hours, after Notice to him, her or them to that purpose given, by any one Magistrate. In that Case it shall and may be lawful for such Magistrate to order any Constable of the City, Town, District or Precinct, to whip such Person or Persons, not less than ten, nor more than fifteen Lashes on the bare Back, and then to send him, her or them back again to the Place whither he, she or they were first order'd and remov'd to in manner aforesaid, and so often as the Case shall happen. And if any Constable shall refuse to perform the Service herein directed, he shall forfeit the Sum of forty Shillings Proclamation Money, to the use of the Poor of such Place, and on refusal to pay the same, such Magistrate shall issue an Execution for it, and the Costs as in other Cases.

PROVIDED ALWAYS, That if any Person or Persons complain'd against, as aforesaid, shall enter into Bond, with two good and sufficient Sureties in the Sum of fifty Pounds to our Sovereign Lord the King, his Heirs and Successors, with Condition to endemnify, and save harmless the City, Town, District or Precinct from all Charge and Expence to which the same may be lyable from such Person or Persons being Resident there. Then, and in that Case, he, she or they shall not be remov'd as herein before is directed, any thing herein contained to the contrary thereof in anywise notwithstanding: Which

Bond shall be taken in presence of some Magistrate, and shall be by him delivered to the Overseers of the Poor of the City or Place thereby intended to be saved and kept harmless, by them to be kept during their being Overseers, and then to be delivered to their Successors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Overseers of any City, Town, District or Precinct in this Province, shall think the same injured by the removal of any Person or Persons thereto, by Order of the Magistrates as aforesaid. It shall and may be lawful for them to appeal from such Order to the next Court of *Quarter Sessions* of the County, which Court is hereby directed and impowered to hear and determine the same, and to make such Order therein as to them shall seem just and reasonable.

Bradford (1740) 418-421.

An ACT *for restraining the burning of the* Woods, Marshes, *and* Meadows.

WHEREAS by continual Experience, firing the Woods, Marshes, and Meadows is found very prejudicial and dangerous to the Inhabitants of this Province,

BE IT THEREFORE ENACTED by the Governor, Council, and Representatives in General Assembly met and conven'd; AND IT IS ENACTED by the Authority of the same, That if any Person or Persons whatsoever, after the Publication hereof, shall set Fire to his, her, or their own Woods, Marshes or Meadows, or to the Woods, Marshes, or Meadows in his, her, or their Possession, or in the Possession of any other Person at any Time whatsoever, by Means whereof any other Person or Persons shall be damnified in his, her, or their Possessions, Houses, Buildings, Fences or Property whatsoever, The Person or Persons, so having fired the same shall be, and he, she, or they are hereby made lyable to all such Damages as the Person or Persons so injured shall or may sustain thereby, And such Person or Persons shall and may maintain his, her, or their Action on the Case against such Person or Persons either before one or more Magistrates, if the Sum of the Damage shall be before him or them cognizable, or in such Court of this Province, as shall or may have cognizance thereof, wherein such Plaintiff shall recover the same with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, shall hereafter set Fire to any Woods,

Marshes, or Meadows, not his own Estate and not enclosed, such Person or Persons, so setting Fire to the same, shall for such Offence besides paying the Damages in manner above recited, forfeit the Sum of forty Shillings Proclamation Money to be recovered before any Magistrate by any Person who shall sue for the same, to his, or her own Use, with full Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the former Act made and passed in the third Year of the Reign of our late Sovereign Lord GEORGE, by the Grace of God of *Great-Britain,* &c. KING, Entituled, *An ACT to prevent unseasonable burning the Woods,* And every Article and Clause therein contained, be, and is hereby repealed to all Intents and Purposes whatsoever.

Bradford (1740) 422-423.

An ACT *to enable the Freeholders, in Conjunction with three Justices of the Peace, to choose a* Collector *for each respective County within this Province.*

WHEREAS no Law within this Province does direct the Choice of County Collectors; And it appears necessary that there should be a Collector for each respective County, within this Province, to receive from the Town Collectors, all such Money which is or shall be rais'd, and is or shall be by them receiv'd for the publick Use of each respective County, and to pay the same according to the Directions of the Justices and Freeholders.

BE IT THEREFORE ENACTED by the Governour, Council, and Assembly, that all the Freeholders elected and chosen by Virtue of an ACT, entitled *An ACT for raising of Money for building and repairing of Goals and Court-Houses,* within each respective County of this Province, or the major Part of them; together with the three Justices of the Peace, one being of the *Quorum,* shall meet yearly, and every Year, on the second Wednesday in *May,* at the Court-House, in each respective County within this Province: And then and there choose, and elect one Collector, which Collector when so appointed for the Time being shall have Power by Virtue of this Act, to receive, collect, sue for, and recover all such publick Money rais'd in the several Counties, respectively within this Province, that hath been, or shall be collected by any Person chosen by Virtue of this Act, or of an Act entitled *An ACT, for the more regular choosing and electing Assessors and Collectors* in the respective Towns,

and County's in this Province.

AND BE IT ENACTED, by the Authority aforesaid, That the Collectors appointed as aforesaid, shall render a Just and true Account, unto the Justices and Freeholders within each respective County of this Province, when thereunto required of all such publick Money, as shall be rais'd, and collected within the County wherein he is, or was Collector, who shall have for receiving and paying the same, Six Pence per Pound, and in Case the said Collectors, or any of them, shall neglect or refuse to render Account as aforesaid on reasonable Notice to them given by the Justices and Freeholders for the Time being; Or shall neglect or refuse to pay out such Sums as shall be collected by them as aforesaid, as the Duty of his Office may in any Case happen to require. Each of the said Collectors so offending shall for each Offence forfeit thirty Pounds Proclamation Money, the one Half to be apply'd for the Use of the County where such Offence is committed, the other Half to any Person, who shall sue for the same to Effect in any Court of Record in this Province, to be recovered with full Costs of Suit.

Bradford (1740) 423-424.

An ACT *for making current two Thousand Pounds in Bills of Credit, for victualing and transporting the* Troops *to be raised in this Colony, for* His Majesty's *Service on the intended* Expedition *to the* West-Indies.[1] *And for making Provision for sinking the same Sum, in interest Money in Lieu thereof.*

WHEREAS his Majesty hath determin'd to raise a Body of Troops, as well in this as in his other Colonies on the Continent of *America,* to joyn His Majesty's Troops to be sent from *Great-Britain* at a particular Rendezvouz appointed for that purpose in the West-Indies. AND WHEREAS his Majesty hath been pleas'd by his Royal Instructions to His Excellency our Governor, to recommend unto us the making Provision for the Victualing and Transporting the said Troops raised in this Province unto the said Place of Rendezvouz in the West-Indies. THEREFORE we the House of Representatives being heartily willing to render and do every Thing in our Power that may be acceptable to His Majesty, do pray that it may be enacted.

AND BE IT ENACTED by the Governor, Council, and Assembly, in General Assembly convened, And it is hereby enacted by the Authority of the same, That the Treasurers of this Province or either of them out of the Money which shall be by this Act directed to be lodged with the Treasurers for that Purpose, shall pay or cause to be paid unto *Andrew Johnston* and *John Eatton* Esquires, or either of them, for the *Eastern-Division*. And *Joseph Peace,* and *Peter Baynton* Esquires, or either of them for the *Western-Divison,* (who are hereby appointed Trustees for the Province of *New-Jersey*) such Sum or Sums of Money, from Time to Time, as shall be necessary for that Service, not exceeding in the Whole the Sum of Two Thousand Pounds, for Victualing and Transporting such of his Majesty's Subjects (who shall not appear to them to be bought Servants) as shall inlist themselves Volunteers into His Majesty's Service within this Province, unto such Place of Rendezvouz as His Majesty shall order them to be transported unto. And the said Treasurers or either of them shall take a Receipt signifying the particular Service the Money so paid was design'd for, and signed by the Persons receiving the same, And the said several Receipts when produced by the said respective Treasurers, and signed as aforesaid, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, their Heirs, Executors, or Administrators on Account of the several Payments so made and paid out of the Treasury as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Trustees aforesaid, or any two of them, and they are hereby commanded and required to provide Victuals, and hire Ships, or other Vessels when proper Application is made to them for that Purpose to transport the Troops raised in this Province to the Place appointed, or to be appointed by His Majesty; and to keep a Book, and make fair Entries of every Thing done by them in conformity hereto, and of all Money paid by them for the said Service, in order to account for the same when called thereunto, by the next or some future Assembly of this Province, to whom they are hereby made accountable.

AND WHEREAS, there may not be Interest Money in the Treasury sufficient to discharge the said Sum of Two Thousand Pounds before the time it will be wanted. AND Whereas no other Method can be fallen upon in this Province to produce such a sum of Money in so short a Time as it ought to be provided in, in order to give all possible Dispatch to the said Expedition, but by making current the Sum of Two Thousand Pounds in Bills already printed, and designed for the exchanging of ragged or torn Bills, Therefore;

BE IT ENACTED by the Authority aforesaid, That the Signers appointed to Sign the said Bills printed to exchange the ragged or torn Bills made current by an Act of Assembly of this Province, entitled, *An* ACT *the better to enable the Inhabitants of this Colony to support Government, discharge their Engagements in the Loan Offices, And for relieving their other Necessity's, by making current Twenty Thousand Pounds in Bills of Credit,* shall forthwith after the Publication hereof sign to the Value of Two Thousand Pounds in Bills already printed, and designed by the above recited Act to exchange ragged or torn Bills, and deliver One Thousand Pounds thereof to the Treasurer of the *Western Di-*

vision, and One Thousand Pounds the other Part thereof to the Treasurer of the *Eastern Division,* which said Treasurers or either of them, are hereby authorized and commanded to pay the same to the Trustees aforesaid when thereunto required; which Sum of Two Thousand Pounds signed as aforesaid, shall be, and is hereby made current in all Payments within this Province, and they the said Treasurers respectively, are hereby commanded to place back in Lieu thereof five hundred Pounds of the Interest Money arising by the different Loans of the Bills of Credit now current in this Province for each of the Years, *One Thousand seven Hundred and Forty Three, One Thousand seven Hundred and Forty Four, One Thousand seven Hundred and Forty Five, and One Thousand seven Hundred and Forty Six,* Or so much of the same as they shall have respectively paid away in manner aforesaid, of the Bills ordered to be signed by Virtue of this Act, which said Interest Money to the Value aforesaid, they the said Treasurers respectively shall lay before the Justices and Freeholders to be cancelled, and bundled up, and shall afterwards lay them before the General Assembly to be sunk in the same manner as the said Treasurer or Treasurers are directed by the said Act, to do with the ragged and torn Bills which they do, or shall receive in exchange for any other Part of the Five Thousand Pounds printed to exchange ragged and torn Bills,

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Money of the abovesaid two Thousand Pounds shall not be apply'd toward the victualling and transporting of the aforesaid Troops, that then it shall and may be lawful for the abovesaid Treasurer or Treasurers to apply such or so much of the said Money as shall remain in his, or their Hands for the exchanging of ragged and torn Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Trustees aforesaid, to retain in their own Hands out of the Money aforesaid, Five per Cent as Commissions on such Money, as shall be by them disbursed in manner aforesaid.

Bradford (1740) 424-427.

1. The expedition of 1740 to the West Indies, known as the War of Jenkins's Ear, was declared against Spain following attacks on British merchant ships. Three hundred Jerseymen participated in the expedition, after the legislature appropriated £ 2,000 to support the war.

An ACT *for raising of Money for finishing and compleating the* Goal *and* Court-House, *already erected at* Newark *in the County of* Essex.

WHEREAS the Goal and Court-House at *Newark* in and for the County of *Essex,* have been for some Time past, and still are out of repairs, and in order to have the said Goal made sufficient for the safe keeping of Prisoners, And the said Court-House commodious for the holding of Courts for the Administration of Justice in the said County of *Essex.* THE Justices and Freeholders of the said County have by Virtue of an ACT of the General Assembly of this Province, entitled *An ACT For raising of Money for building and repairing of Goals and Court-Houses, within each respective County of this Province, passed in the Twelfth and Thirteenth Years of the Reign of the late Queen ANNE agreed upon and ordered to be raised on the several Inhabitants of said County of* Essex, *the Sum of two hundred Pounds, for the Repairs of said Goal and Court-House pursuant to the Directions of the same Act of Assembly.* AND WHEREAS only Part of said two hundred Pounds has been assessed on some of the Inhabitants of said County (*to wit*) on the Inhabitants of *Newark* and *Acquackaning,* and the Quota or equal Proportion of said Sum of two hundred Pounds to be assessed, and levied on the Inhabitants of *Elizabeth-Town* within said County, hath not yet been assessed and levied on the Inhabitants of said *Elizabeth-Town.*

BE IT ENACTED by the Governor, Council and Assembly, and by the Authority of the same, That the Assessor of *Elizabeth-Town* aforesaid, chosen or appointed, or who shall be hereafter chosen or appointed pursuant to an Act of the General Assembly of this Province, entitled *An ACT for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties in this Province passed in the third Year of the Reign of the late King GEORGE the first,* shall within thirty Days after Publication of this Act equally assess on the Inhabitants of *Elizabeth-Town* aforesaid, an equal and just Proportion of the Tax aforesaid, and shall make a fair List of said Assessment and within Ten Days thereafter, shall deliver the same List to the Collector of *Elizabeth-Town* aforesaid, which Collector shall immediately deliver a true Copy thereof, to one of the Constables of said *Elizabeth-Town,* who is hereby required forthwith on Receipt thereof, to give Notice to the several Inhabitants of *Elizabeth-Town* aforesaid, of the Sum each one is to pay; which Sums shall be paid to said Collector within thirty Days after such Notice given by the Constable aforesaid, and upon nonpayment then the said Collector is hereby required to deliver a List of the Delinquents to any one Justice of the Peace of said County of *Essex,* who is hereby required forthwith to issue his Warrant or Warrants to one or more Constables of said *Elizabeth-Town,* commanding him or them to levy the same Sums by each Delinquent due on said Assessment, by Distress on the Goods and Chattels of each Delinquent, and expose the same to sale, to pay their respective Sums the said Collector within twenty Days after the Receipt of said Warrant or Warrants, and return the Overplus (if any be) to the Owner deducting twelve Pence to himself for each Distress, and three Pence for each Person named in the said Warrant, to the Justice for the Warrant.

AND BE IT ENACTED, by the Authority aforesaid, That all the Jus-

tices of the County of *Essex* or any three of them (one whereof being of the *Quorum*) together with the Freeholders of the several Towns and Precincts within said County chosen, or appointed pursuant to the Directions of said Act of Assembly made in the Twelfth and Thirteenth Years of the Reign of the said late Queen *ANNE,* or the Major Part of said Freeholders shall meet at the said Court-House at *Newark,* at such Time and Times as any three of the Justices of said County one whereof, being of the *Quorum* shall direct and appoint, giving eight Days Notice thereof, in each Town and Precinct within said County, and agree upon and order to be raised on the Inhabitants of said County, all such further Sum and Sums of Money for the compleating and finishing said Goal and Court-House, and keeping the same from Time to Time, in good and sufficient repair as to said Justices and the major Part of said Freeholders met as aforesaid shall be deemed necessary and expedient, which said Sum and Sums of Money shall be assessed, collected and levyed on the Inhabitants of the several Towns and Precincts within said County by the Assessors, Collectors and Constables of each respective Town and Precinct in said County, in the same manner as in this Act is before directed, each and every of which Assessment shall be made within thirty Days after each of said Agreements, of said Justices and Freeholders, and the said Collectors, Justices, and Constables are hereby required to observe and follow the same Directions, in and the same as in this Act is before directed and express'd for the collecting and about collecting and levying the equal and just Proportion of the said Tax aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Collector of each respective Town and Precinct within said County, shall within ten Days after the Receipt of the Money, or Money's, on each and every of the Assessments made as is herein before directed pay the said Sum and Sums by him so collected by Virtue of this Act, to the County Collector, of said County if any there then be, which said County Collector is hereby required to pay and answer out of the Money's so paid to him all such Warrant and Warrants as shall be drawn on him by the Managers appointed pursuant to said Act of Assembly, made in the twelfth and thirteenth Years of the said late Queen *ANNE.* And in case there shall not be at any Time or Times of the collecting of any of the Assessments aforesaid, a County Collector for said County, then the Collector for each respective Town and Precinct within said County shall pay and answer out of the Money's by them collected as aforesaid, all such Warrants as shall be drawn on them respectively by the Managers aforesaid.

AND BE IT ENACTED by the Authority aforesaid, That all the Assessors, Collectors and Managers aforesaid shall be Accountable to the said Justices and Freeholders from Time to Time, when called thereunto, and the allowance for the Pains and Trouble, shall be for the Assessor, nine Pence per Pound, the Collector six Pence per Pound, the Constable for giving Notice of the Sums and Time of payment two Pence per Pound, and the Managers, ten Pence per Pound.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if

any Person or Persons appointed or elected as aforesaid, or any Officer or Officers, in this Act herein before mentioned, shall neglect or refuse, to act, do and perform whatsoever is required of him, or them by this Act, such Person or Persons, Officer or Officers, so neglecting or refusing, shall for each Offence forfeit the Sum of Twenty Pounds, one half to be apply'd towards repairing the said Goal and Court-House at *Newark* in said County: The other Part to any Person that will sue for the same to be recovered with Costs of Suit by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, in which no Essoin, Protection, Priviledge, or Wager of Law, nor more than one Imparlance shall be allowed, And in case of Death, Want, Absence, or refusal of all or any of the Assessors or Collectors of all or any of the Towns or Precincts within said County, any three Justices of the Peace of said County (one whereof being of the *Quorum*) shall from Time to Time, as may need, appoint an Assessor or Assessors, Collector or Collectors, in his or their stead, who shall in Case of neglect or refusal also be lyable and subject to all the Penalties above mentioned.

Bradford (1740) 427-431.

An ACT *for naturalizing* Johannes Martinus Vanharlinghen.

WHEREAS it is for the manifest Benefit of this Province, that all due Encouragement should be given to Persons of different Nations, to transport themselves and Families to it, by investing them with all the Rights and Priviledges of any of His Majesty's natural free born Subjects within the same. AND WHEREAS *Johannes Martinus Vanharlinghen,* born under the Dominions of the States General of the united Provinces, has settled himself and his Effects in his Majesty's Province of *Nova-Caesarea,* or *New-Jersey,* and is greatly desireous of being admitted to the enjoyment of the Priviledges and Benefits which the natural and free born Subjects of this Province do enjoy; and as the said *Johannes Martinus Vanharlinghen* does profess the Protestant Religion, and hath given Testimony of his Duty, Loyalty and Affection to his present Majesty King *GEORGE* the second, and the Succession of the Crown in the Protestant Line, according to and in such Manner and Form as is prescribed by an Act of General Assembly of this Province, made in the Eighth Year of the Reign of his late Majesty King *GEORGE,* the first, entitled, *An ACT for securing of his*

Majesty's Government of New-Jersey.

BE IT THEREFORE ENACTED, by the Governor, Council and Assembly of this Province, and it is hereby enacted by the Authority of the same, That *Johannes Martinus Vanharlinghen* is, and shall be from henceforth deemed, taken and esteemed to be his Majesty's natural free born Subject of his Province of *Nova-Caesarea* or *New-Jersey,* to all Intents, Constructions and Purposes whatsoever, as if he had been born within the said Province, and shall and may, and his Heirs shall and may within this Province, take receive, do, enjoy, and be entitled unto the same immunities and Rights, of, in, and unto the Laws and Priviledges of this Province, as any of his Majesty's natural born Subjects can do, or ought to do and enjoy, and as fully and amply to all Intents, Constructions and Purposes whatsoever, as if he himself had been born within the same, any former Law, Act, Ordinance, Usage, or Custom to the contrary in any wise notwithstanding.

PROVIDED ALWAYS, And it is hereby enacted and declared, that nothing in this Act contained, shall be construed, deemed or taken, to enable or give Power or Priviledge to the said *Johannes Martinus Vanharlinghen* to be capable of being of his Majesty's Council or a Member of the Assembly of this Province, or one of the Judges of any of the Courts of Record, or one of his Majesty's Justices of the Peace in the said Province, any Thing in this Act, or any Law, Usage or Custom to the contrary, in any wise notwithstanding.

Bradford (1740) 431-432.

An ACT *for naturalizing* Peter Soulard.

WHEREAS it is for the manifest Benefit of this Province, That all due Encouragement should be given to Persons of different Nations to transport themselves and Families to it, and the investing them with the Rights and Priviledges of his Majesty's natural free born Subjects, may greatly contribute to the same. AND WHEREAS *Peter Soulard* a Native under the Dominion of the King of *France,* has transported and settled himself with his Effects in this his Majesty's Province of *Nova-Caesarea* or *New-Jersey,* and hath by his Petition prayed leave to bring in a Bill for naturalizing him, and thereby to invest him with all the Liberties, Priviledges and Benefits, which the natural and free born Subjects of his Majesty in this Province do enjoy. And as the said Petitioner does

profess the Protestant Religion, and has given Testimony of his Duty, Loyalty, and Affection to his present Majesty King *GEORGE* the Second, and the Succession of the Crown in the Protestant Line, according to and in such Manner and Form as is prescribed by An Act of the General Assembly of this Province, made in the Eighth Year of the Reign of his late Majesty King *GEORGE,* entitled *An Act for securing of His Majesty's Government of New-Jersey.*

BE IT THEREFORE ENACTED by the Governor, Council, and Assembly of this Province, and it is hereby enacted by the Authority of the same, That *Peter Soulard* is and shall be from henceforth deem'd, esteem'd and taken to be his Majesty's natural free born Subject of this his Province of *Nova-Caesarea* or *New-Jersey,* to all Intents, Constructions and Purposes whatsoever, as if he had been born within the same, and shall and may, and his Heirs shall and may within this Province, take receive, do, enjoy and be entitled unto the same Immunities and Rights of, in and unto the Laws and Priviledges of this Province, as any of his Majesty's natural free born Subjects can do, or ought to do and enjoy and as fully and amply to all Intents, Constructions and Purposes whatsoever, as if he had been born within the same. Any former Law, Act, Ordinance, Usage or Custom to the contrary thereof in any wise notwithstanding.

PROVIDED ALWAYS, That nothing herein contained shall be deemed, construed or taken to enable or to give Priviledge to the said *Peter Soulard* to have, hold, possess, or enjoy any Post or Office of Profit or Trust, within this Province, any Thing herein contained to the contrary thereof in any wise notwithstanding.

Bradford (1740) 432-433.

Twelfth Assembly, Second Session

2 Oct. - 4 Nov. 1741

Perth Amboy

All acts passed 4 Nov. 1741.

An ACT *for the Support of the Government of His Majesty's Province of* New-Jersey *for one Year, to commence the* Twenty-third *Day of* September, One Thousand Seven Hundred and Forty-one, *and to end the* Twenty-third *of* September, One Thousand Seven Hundred and Forty-two.

WHEREAS the Act for Supporting the Government of this His Majesty's Province, has been for some Time expired: AND WHEREAS the Interest-Money arising from the different Loans of this Province, was designed, by two different Acts, to be thereafter disposed of, and for the Support of Government of this Province, in such Sort, Manner and Form as the Governor, Council, and Assembly should direct: WE the House of Representatives of this Province, being willing and desirous to give all possible Demonstration of our Duty, Loyalty and Gratitude, by applying so much of the said Interest-Money, as is herein after directed, for the Support of this His Majesty's Government for the aforesaid *One Year,* do pray that it may be ENACTED;

AND BE IT ENACTED by the Governor, Council, and Assembly of this Province, and it is hereby Enacted and Declared, by and with the Authority of the same, That for Paying the Salaries of the Governor, for the time being, and other Officers appointed in the Administration of the Government of this Province, for *One Year,* to commence the *Twenty-third* Day of *September, One Thousand Seven Hundred and Forty-one,* and to end the *Twenty-third* Day of *September, One Thousand Seven Hundred and Forty-two,* there shall be, and there is hereby cheerfully and unanimously given unto His present Majesty, His Heirs and Successors, the Sum of *Fifteen Hundred Pounds,* Money according to the Proclamation of the late Queen ANNE, to be paid out of the Interest-Money that at any time heretofore hath, now doth, or at any time hereafter may arise, by the Loan of the Bills of Credit, which now are or hereafter may be current in this Province (*That is to say*);

TO His Excellency *LEWIS MORRIS,* Esq; or to the Governor or Commander in Chief of this Province for the time being, the Sum of *One Thousand Pounds,* Money aforesaid.

TO the Chief Justice of this Province, for the time being, the Sum of *Two Hundred Pounds,* Money aforesaid, for his Salary, for attending the Supream Courts, and going to and holding the Circuits Courts, and the Courts of Oyer and Terminer and General Goal-Delivery, and each of them, in each respective County in this Province, when there shall be Occasion for the Trial of any Cause, either Civil, Criminal, or Mixt, in any of the said Counties, either at the Time appointed or to be appointed for the holding the Circuits Courts, or at any other Time when there shall be Occasion for any such Trial in each of the said Counties, the County of *Cape-May* only excepted, the Causes of which County are to be tried at *Salem.*

TO the Second Judge of the Supream Court of this Province, for the time

being, the Sum of *Thirty Pounds,* Money aforesaid.

TO the Third Judge of the Supream Court of this Province, for the time being, the Sum of *Thirty Pounds,* Money aforesaid.

TO the Attorney-General of this Province, for the time being, the Sum of *Forty Pounds,* Money aforesaid.

TO each of the Treasurers of this Province, for the time being, the Sum of *Forty Pounds,* Money aforesaid.

TO the Clerk of the Council of this Province, for the time being, the Sum of *Thirty Pounds,* Money aforesaid.

TO *Richard Partridge,* Agent of this Province at the Court of *Great-Britain,* or to the Agent, for the time being, appointed by the House of Representatives, the Sum of *Eighty Pounds,* Money aforesaid.

TO the Door-Keeper of the Council of this Province, for the time being, the Sum of *Ten Pounds,* Money aforesaid.

ALL which said several Payments of the said several Sums above-mentioned, shall be made and paid to the said several Officers before-mentioned, for the said Term of *One Year,* by the Treasurers of this Province, or either of them, on Warrants to be produced to them, or either of them, and signed by the Governor or Commander in Chief, for the time being, in Council; and the Warrants so signed, with Indorsments thereon made, by the Persons to whom the same shall respectively be made payable, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, and their and either of their Heirs, Executors and Administrators, of and from so much of the said Interest-Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case his said Excellency *LEWIS MORRIS,* Esq; present Governor of this Province, shall, by Death or otherwise, cease to be Governor of the same; or that any other of the respective Officers herein before-mentioned, shall happen to die or otherwise be removed from their said respective Offices, at any Time after the passing of this Act, and before the *Twenty-third* Day of *September,* which shall be in the Year of our Lord, *One Thousand Seven Hundred and Forty-two,* that then and in such Case, it shall and may be lawful for the Treasurers of this Province for the Time being, and they or either of them, are hereby authorized, directed and commanded, to pay to his said Excellency *LEWIS MORRIS,* Esq; or to his Executors, Administrators or Assigns, or to his or their Orders; and to every other of the said respective Officers, or to their several Executors, Administrators or Assigns, or to their Orders, out of the said Sums of Money received, or to be received, by them, as aforesaid, so much thereof as at the Time of his said Excellency's ceasing to be Governor, as aforesaid, or the said respective Officers dying, or being otherwise removed from their Offices aforesaid, shall remain in Arrear and Un-paid to them, for his and their respective Salaries.

AND WHEREAS it is fitting and necessary, that the contingent Charges of this Government should from time to time, be honourably and punctually discharged: THEREFORE, for defraying the same, we the said House of Representatives do further pray, that it may be Enacted:

AND BE IT FURTHER ENACTED by the Governor, Council, and Assembly of this Province, and it is hereby Enacted by the Authority of the same, That the Treasurers of this Province, or either of them, out of the Interest Money now in the Treasury, or hereafter to be paid into the same, shall pay or cause to be paid unto his said Excellency, or to the Governor for the time being, (over and above his said Salary herein before-mentioned) the Sum of *Sixty Pounds,* for House-Rent, for the said Term of *One Year.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurers aforesaid, or either of them, shall pay the Sum of *Six Shillings per Diem,* unto each of the Council, for the time they or either of them have attended, or shall attend, at this or any other Sessions of General Assembly, during the said *One Year,* upon Warrants, by them to be produced, signed by the Governor in Council, expressing the Number of Days each of the said Council shall have so attended.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay unto the several Persons hereafter named, the several Sums following, *viz.*

TO the Clerk of the House of Representatives, for his Attendance, the Sum of *Eight Shillings per Diem,* for the Time he hath attended, or shall attend, at this or any other Sessions of General Assembly, during the said *One Year.* ALSO the Sum of *Twelve Pounds,* for entering the Minutes and Votes of last Sessions, buying a new Book for the Minutes, Pen, Ink, and Paper.

TO *Benjamin Franklin,* or any other Printer, hereafter appointed, for Printing the Minutes of the House of Representatives, and Laws of this Province: And to *John Hyndshaw,* or any other Book-binder, for binding such of the Books of Records of this Province as shall need the same, such Sums as *Andrew Johnston, Lewis Johnston, Richard Smith* and *Isaac Pearson,* or any Two of them, shall agree for.

TO *Andrew Robison,* or to the Serjeant at Arms for the time being, for his Attendance on the House of Representatives, this or any other Sessions during the said Term of *One Year,* the Sum of *Three Shillings per diem.*

TO *Peter Savory,* or to the Serjeant at Arms for the time being, for his Attendance on the Council in Manner aforesaid, the Sum of *Three Shillings per diem.*

TO *Zechariah Weeks,* or to the Door-keeper of the House of Representatives for the time being, for his Attendance in Manner aforesaid, the Sum of *Three Shillings per diem.*

TO *Joseph Warrell,* the King's Attorney-General, for his Services this Sessions, the Sum of *Six Pounds.*

TO the Executors of *John Parker,* for the Use of a Room, Fire-wood and Candle, &c. the Sum of *Twenty Shillings per Week,* during this present Sessions.

TO Mrs. *Sarjant,* for the Use of a Room, Fire and Candle, &c. for the Council, the Sum of *Fifteen Shillings per Week,* during this present Sessions.

TO *Andrew Johnston,* Esq; the Ballance of his Account, for Remitting the Agent's Salary, paying for the Statutes at large, and sundry other Disburs-

ments, the Sum of *Forty-three Pounds Twelve Shillings.* Also to the said *Andrew Johnston,* the Sum of *Eighty-eight Pounds Fourteen Shillings and Ten-pence half-penny,* to be remitted to *Richard Partridge,* Agent of this Province, being the Ballance of his Account of Disbursments to the *Twenty-first* Day of *July* last.

TO *Archibald Home,* Secretary, for Money disbursed by him for the Service of the Province, the Sum of *Seventeen Pounds Six Shillings and Two-pence:* also the Sum of *Thirty Pounds,* for his extraordinary Services to the Beginning of this Sessions.

TO Mrs. *Bard,* for the use of the Council-Chamber the last Sessions at *Burlington,* the Sum of *Twelve Shillings per Week.*

TO *Richard Smith,* jun. of *Burlington,* the Sum of *Nine Pounds Eighteen Shillings and Six-pence,* to pay for Carpenters Work, &c. to make the House convenient for the Assembly to sit in the last Sessions.

TO *William Petty,* Door-keeper, for his Attendance during that Session, the Sum of *Three Shillings per diem.*

TO Mr. *Lyell,* for drawing a Bill that Session, the Sum of *Five Pounds.*

TO *Samuel Bustil,* for Copying the Laws past at *Burlington* in the Year *Seventeen Hundred and Thirty-three,* which ought to have been done by *Michael Kearney,* deceased, the Sum of *Ten Pounds.*

TO the Treasurers of this Province, *Six-pence per Pound* for so much as they, or either of them, shall exchange of the ragged and torn Bills, during the Continuance of this Act.

ALL which said several Sums above-mentioned, shall be, and are hereby directed to be paid out of the Interest-Money, already paid or Payable into the Treasury, by the said Treasurers of this Province, or either of them, by Virtue of Warrants, to be signed by the Governor or Commander in Chief, for the time being, in Council. AND the said several Warrants, when produced by the said respective Treasurers, and Endorsements thereon made by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, their Executors and Administrators, on Account of the several Payments so made and paid out of the Treasury as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay the Sum of *Six Shillings per diem* to the Speaker, and every of the Members of the House of Representatives, for the Time they or either of them have attended or shall attend, at this or any other Sessions of General Assembly, during the said Term of *One Year,* upon a Certificate to be produced to the Treasurers, or either of them, by each of the said Members, signed by *Andrew Johnston, Lewis Johnston, Richard Smith* and *Isaac Pearson,* or any Three of them, expressing the Number of Days such Member shall have attended: And the said several Certificates, when produced by the said respective Treasurers, and Endorsements thereon made by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, their Execu-

tors and Administrators, on Account of the several Payments so made and paid out of the Treasury as aforesaid.

Franklin (1742) 1-7.

An ACT *to enable the Chief Justice and other Judges of the Supream Court, to appoint Commissioners in the several Counties of this Province, to take special Bail, and to administer Oaths and Affirmations in Causes depending in the Supream Court.*

FOR the greater Ease and Benefit of all Persons whatsoever entering into Recognizances of special Bail, and in their making Oaths and Affirmations in all Actions and Suits depending or to be depending in the Supream Court of this Province.

BE IT ENACTED by the Governor, Council, and Assembly, in General Assembly met, and it is hereby Enacted by the Authority of the same, That the Chief Justice and other Justices of the Supream Court of this Province, for the Time being, or any two of them, whereof the Chief Justice, for the time being, to be one, shall or may, by one or more Commission or Commissions, under the Seal of the said Supream Court, from time to time, as need shall require, empower such and so many Persons, as they shall think fit and necessary, in all and every the several Counties within this Province, to take and receive all and every such Recognizance or Recognizances of Bail or Bails as any Person or Persons shall be willing or desirous to acknowledge or make, before any of the Persons so empowered, in any Action or Suit, depending or hereafter to be depending in the said Supream Court, in such Manner and Form, and by such Recognizances or Bail-Pieces as the Justices of the said Supream Court have use to take the same; which said Recognizance or Recognizances of Bail or Bail-Piece so taken, as aforesaid, shall be transmitted to the proper Office of the Clerk of the said Supream Court, within the time allowed by the said Court for putting in special Bail in such Cause or Causes; which Clerk or his Deputy, upon Oath or Affirmation, by him to be administered, of the due taking of the Recognizance of Bail or Bail-Piece, by some credible Person present at the taking thereof, shall receive, file and docket the same, upon Payment of such Fees as now are or hereafter shall be allowed and established for such Services; which Recognizance of Bail or Bail-Piece, so taken and transmitted, shall be of like Effect,

as if the same were taken, *de bene esse,* before any of the Justices of the said Court: For the taking of every which Recognizance or Recognizances of Bail or Bail-Piece, the Person or Persons so empowered, shall receive only the Sum or Fee of *Two Shillings,* and no more.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Judges or Justices in the said Court, shall make such Rules and Orders, for the justifying such Bails and making the same absolute, as to them shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in Person, in the said Court, to justify him or themselves: But the same may, and is hereby directed to be determined by Affidavit or Affidavits, duly taken, before the said Commissioners, who are hereby empowered and required to take the same, and also to examine the Sureties upon Oath, or (if of the People called Quakers) Affirmation, touching the Value of their respective Estates, unless the Cognizor or Cognizors of such Bail do live within the Counties of *Middlesex* or *Burlington.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Person or Persons, who shall (before any of the Judges of the said Court, or before any Person or Persons, empowered, by Virtue of this Act as aforesaid, to take Bail or Bails) represent or personate any other Person or Persons, whereby the Person or Persons so represented and personated may be liable to the Payment of any Sum or Sums of Money, for Debt or Damages, to be recovered in the same Suit or Action wherein such Person or Persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed and taken to be Felons without Benefit of Clergy, and suffer the Pains of Death, and incur such Forfeitures and Penalties as Felons in other Cases convicted or attainted do, by the Laws of that Part of *Great Britain* called *England*, lose and forfeit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Commissioner, appointed by Virtue of this Act, shall have full Power and Authority to administer an Oath or Affirmation to any Person or Persons who shall be willing and desirous to make such Oath or Affirmation before them, in or concerning any Cause or Causes depending or to be depending in the said Supream Court: And every Affidavit made before such Commissioner or Commissioners, shall and is hereby declared to be as good and effectual, to all Intents and Purposes, as if the same were made before one of the Justices of the Supream Court.

Franklin (1742) 7-9.

An ACT *to prevent any Action under* Fifteen Pounds *being brought into the Supream Court of this Province.*

BE IT ENACTED by the Governor, Council, and Assembly of this Province, in General Assembly conven'd, and by the Authority of the same, That no Person or Persons whatsoever, after the Publication hereof, shall commence, sue or prosecute any Suit of Action whatsoever in the Supream Court of Judicature of this Province, wherein the true and real Cause of Action shall not amount to *Fifteen Pounds* Money according to the late Queen *Anne's* Proclamation (Causes wherein Titles of Land, Tenements, Hereditaments, or other real Estate, are any ways concerned, only excepted) and in Case any such Suit shall be so commenced, contrary to the Tenor of this Act, and wherein the Plaintiff, in such Suit, shall not, over and above his Cost of Suit, recover the said Sum of *Fifteen Pounds,* the said Plaintiff or Plaintiffs shall lose his, her or their Cost of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Suit or Action whatsoever, except as is herein before excepted, shall be removed from the County Courts of this Province, either by Writ of *Habeas Corpus,* or otherwise, save only by Writ of Error after Judgment, except the Sum or Value of the Suit or Action commenced amounts to the Sum of *Fifteen Pounds,* Money aforesaid; but in Case any Writ do issue for the Removal of such Action, the Court to which the same is directed, shall return thereon, that the Action or Actions depending against the Defendant is or are under *Fifteen Pounds,* which shall be sufficient in Lieu of the Body and the Cause, and such Court shall proceed as if no such Writ had been directed to them.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall hereafter bring a Writ of Error, on a Judgment obtained in any Court of Record in this Province, returnable to any superiour Court, such Person or Persons, before such Writ shall be allowed, shall give Security to pay double Costs to the other Party, in Case such Judgment should be affirmed; and in Default of such Security given and Notice thereof to the Defendant or Defendants in Error, or his or their Attorney, he, she or they may proceed to Execution on the said Judgment, the Writ of Error notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall be and continue in Force for the Space and Term of *Three Years* from and after the Publication hereof, and from thence to the End of the next Sessions of the General Assembly of this Province thereafter, and no longer.

Franklin (1742) 10-11.

An ACT *for Continuing an Act, entitled,* An *Act* for the Trial and Punishment of Persons guilty of Larceny under the Value of *Twenty Shillings.*

WHEREAS an Act of the General Assembly of this Colony, passed in the twelfth Year of His present Majesty's Reign, entitled, *An* Act *for the Trial and Punishment of Persons guilty of Larceny under the Value of Twenty Shillings,* will expire by its own Limitation at the End of this present Sessions of General Assembly.

BE IT ENACTED by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That the above-mentioned *Act* for the Trial and Punishment of Persons guilty of Larceny under the Value of Twenty Shillings, shall be and is hereby continued, and every Clause, Article and Thing therein contained, shall be and remain in force, any Thing to the contrary thereof in any wise notwithstanding.

Franklin (1742) 11.

An ACT *to prevent the Destroying and Murdering of Bastard Children.*

WHEREAS several leud Women that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children; and after, if the Child be found dead, the said women do allege, that the said Child was born dead; whereas it falleth out sometimes (altho' hardly it is to be proved) that the said Child or Children were murdered by the said Women their leud Mothers, or by their Assent or Procurement: For preventing of this great Mischief,

BE IT ENACTED by the Governor, Council, and Assembly, in General Assembly met, and it is hereby Enacted by the Authority of the same, That if any white or other Woman, not being a Slave, after *Seven* Months next ensuing the Publication of this Act, be delivered of any Issue of her Body, Male or Female, which being born alive, should by Law be a Bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the Death thereof, as that it may not come to light, whether it were born alive or not, but be concealed; in

every such Case the Mother so offending, shall suffer Death as in Case of Murder, except such Mother can make Proof, by one Witness at the least, that the Child (whose Death was by her so intended to be concealed) was born dead.

AND to the End this Act may be made publick, BE IT FURTHER ENACTED by the Authority aforesaid, That the same shall be publickly read Yearly, on some *Sunday* in *May,* in all Parish Churches, Chappels and Meeting-Houses within this Province, by the Clerk of such Parish Church, Chappel or Meeting, immediately after Divine Service, under the Penalty of *Twenty Shillings* for every Omission and Neglect therein; to be recovered with Costs, by the Informer, in an Action of Debt, wherein no Essoyn, Protection or Wager of Law, or more than one Imparlance shall be allowed.

Franklin (1742) 12-13.

An ACT *to annex Part of the County of* Essex *to the County of* Somerset, *and to ascertain the Bounds thereof.*

WHEREAS Part of the Lands herein after described, have for many Years been deemed and esteemed to be Part of the County of *Somerset,* and the Inhabitants thereof have paid the Taxes laid on them as such, and from its Situation and Contiguity to the said County, it is highly reasonable that it should be annexed thereto, for the Conveniency of the said Inhabitants: THEREFORE it is humbly proposed and prayed by the said Inhabitants, that it may be enacted, and,

BE IT ENACTED by the Governor, Council, and Assembly of the Province of *New-Jersey,* and it is hereby Enacted by Authority of the same, That from and after the Publication hereof, the Lines and Bounds of the said County of *Somerset,* shall be as follows, *viz.* Beginning at the South Branch of *Rariton* River, where the reputed Division Line between *East* and *West Jersey* strikes the same, along the Rear of *Rariton* Lots, until it meets with the North Branch of said River, thence up the same to a Fall of Water commonly called *Allamatunck,* from thence along the Bounds of *Morris* County, to *Passaick* River, thence down the same to the lower Corner of *William Dockwra's*[1] two Patents on the same River, and thence on a straight Line South-Easterly to the Head of *Green* Brook, and thence down the same Brook to *Bound* Brook, thence down said *Bound* Brook to the Place where it empties itself into *Rariton* River, thence

down *Rariton* River to the Place where the Road crosseth said River at Inian's Ferry, from thence along said old Road, which leads by *Jedidiah Higgins's* House, towards the Falls of *Delaware*, until it intersects the Division Line aforesaid, thence along the said Division Line to the South Branch of *Rariton* River aforesaid, where it first began; and Act or Acts of the General Assembly of this Province, or any Article, Clause or Thing in them or any of them contained, to the contrary thereof in any wise notwithstanding.

PROVIDED ALWAYS, That Nothing herein contained, shall be construed or taken to acquit any Person or Persons inhabiting within the Boundaries by this Act annexed to the said County of *Somerset,* from the Payment of all or any Tax or Taxes which have hitherto been assessed on them as Inhabitants of Part of the County of *Essex;* but such Tax or Taxes shall be paid, levied and recovered, as if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

Franklin (1742) 13-14.

1. William Dockwra was the business agent for East Jersey's Council of Proprietors in England from 1702, the year in which he surrendered East New Jersey's sovereignty to the crown.

An ACT *for Building, Rebuilding and Repairing Bridges in the County of* Essex.

WHEREAS the Precinct or District of *Achquachanak,* in the County of *Essex*, is, for a considerable Space in Length, bounded on the River *Passaick*, which divides the said County of *Essex* from *Morris* County and *Bergen* County, over which River *Passaick* several very large Bridges are already built, and more Bridges over the same River may hereafter be thought necessary to be built, the one half of the Expence and Charge whereof the Inhabitants of the said Precinct or District of *Achquachanack* are, by the General Laws of this Province, liable to, whose Situation being very particular, the Taxes on the said Inhabitants to the Purposes aforesaid, are thereby much greater than those to which the Inhabitants of the other Townships in the said County of *Essex* are subject, for whose equal Use, Conveniency and Advantage the said Bridges are and may be built and maintained: Whereupon the Inhabitants of the said Precinct or District of *Achquachanack,* by their humble Petition, have prayed for Relief in the Premises.

BE IT THEREFORE ENACTED by the Governor, Council and Assembly of the Province of *New-Jersey,* in General Assembly met and conven'd and it is hereby Enacted by the Authority of the same, That one Moiety or Half Part of the Expence and Charge of all and every Bridge and Bridges, which at any time hereafter shall be built over the said River *Passaick,* and one Moiety or half Part of the Expence and Charge, which shall be necessary for the rebuilding, repairing or maintaining all and every of the Bridges already built, or which shall or may hereafter be built and erected over the said River *Passaick*; as also the whole Charge of any other Bridge or Bridges already built, or that may be hereafter built, rebuilt, repaired, or amended, which requires Carpenters Work, in any Part of the said County of *Essex,* after the Publication of this Act, shall be a general Charge on the Inhabitants of the County of *Essex* aforesaid: And the Money for defraying all and every the said Expences, shall be, from time to time, hereafter assess'd, rais'd and levy'd on all the Inhabitants of the said County of *Essex,* after such Manner as is directed and appointed by Virtue of an Act of the General Assembly of this Province, made and pass'd in the *Twelfth* and *Thirteenth* Years of the Reign of Her late Majesty Queen *Anne,* entituled, *An Act for raising of Money for Building and Repairing of Goals and Court-Houses within each respective County of this Province,* and by such Assessors and Collectors as are or shall be appointed by Virtue of one other Act of General Assembly of this Province, made and pass'd in the *Third* Year of the Reign of His late Majesty King *George,* entituled, *An Act for the more regular chusing and electing Assessors and Collectors in the respective Towns and Counties in this Province.* AND that all and every Officer and Officers so appointed or hereafter to be appointed, who shall neglect, delay or refuse doing his or their Duty therein, by the said recited Acts required of, or enjoined on him or them, shall, for every such Neglect, Delay, or Refusal, forfeit and be subject to the same Fines, Forfeitures and Penalties, and shall be recovered in the like Manner, as in and by the same Acts is directed and appointed, and be apply'd towards the Building, Rebuilding, Repairing or Maintaining such Bridge or Bridges.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whenever Money shall be wanting and necessary for any of the Purposes herein before mention'd, the Overseers of the High-ways, in the Precinct or District where such Bridges shall want building, rebuilding or repairing, shall give Notice thereof in Writing to *Three* of the Justices of the Peace of the said County of *Essex* (one whereof being of the *Quorum*) and to every of the Freeholders and Surveyors of the High-ways chosen for each respective Township, Precinct or District in the said County of *Essex*, to meet together at such Time and Place, as they the said Overseers of the High-ways for the Precinct or Precincts, shall appoint, who, or the Majority of them met, shall then and there contract and agree with a proper Person or Persons, to build, rebuild, repair or amend any such Bridge or Bridges as are herein before-mentioned, for such Sum or Sums of Money as shall by them be thought proper, which Money, rais'd and to be assess'd as aforesaid, when collected, shall be paid to the Person or Persons employ'd and contracted with, as aforesaid, on an Order drawn on all or any of the Collectors of the Townships, Precincts or Districts in the said County of

Essex, by the aforesaid Justices of the Peace, Freeholders and Surveyors, or by the major Part of them, who so contracted; which, with the Undertaker's Receipt endors'd on said Order, shall be a full Discharge to the Collector or Collectors aforesaid, for so much of the Moneys by him or them collected.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Money assessed and collected by virtue of this Act, shall remain in the Hands of any Collector or Collectors, over and above what shall be applied to the Uses for which it was assessed and collected; such Collector or Collectors shall account for the same to his or their Successor or Successors; and such Money shall at all times be applied to the building, rebuilding and repairing such Bridge or Bridges as shall be necessary or wanting in any Part of the aforesaid County of *Essex.*

AND WHEREAS the Sum of *Thirty Pounds* is already assessed on the Township and Precinct of *Achquachanack,* for building a Bridge over said *Passaick* River to *Morris* County; BE IT ENACTED by the Authority aforesaid, That the Assessors and Collectors of the other Townships or Precincts within the County of *Essex,* shall immediately after the Publication of this Act, assess upon and collect from the Inhabitants of the said respective Townships, such Proportions or Shares of the said *Thirty Pounds,* as would have been their Proportions had the same been a general County Tax, and pay the same into the Hands of the Collector of the Precinct of *Achquachanack,* for the time being; and whatever Sum is assessed upon the said Precinct of *Achquachanack,* over and above its just Share and Proportion of the said *Thirty Pounds,* the same is hereby directed to be collected, and to remain in the Hands of the Collector of the said Precinct for the time being, to be hereafter applied to the Use of the said Precinct.

Franklin (1742) 14-17.

Twelfth Assembly, Third Session

16 Oct. - 25 Nov. 1742

Burlington

An ACT *for the Support of the Government of His Majesty's Province of* New-Jersey *for one Year, to commence the* twenty-third *Day of* September 1742, *and to end the* twenty-third *Day of* September 1743.

Passed 25 Nov. 1742.
Allinson, 124, title only. Text not found. No evidence that a session law was published.

Thirteenth Assembly, First Session

10 Oct. - 10 Dec. 1743

Perth Amboy

An ACT *to erect and establish Courts in the several Counties of this Province, for the Tryal of small Causes.*

WHEREAS an Act, entituled, *An Act to erect and establish Courts in the several Counties of this Province, for the Tryal of small Causes,* hath by three Years Experience, been found very beneficial to the Inhabitants of this Colony; and it being near expired by its own Limitation,

BE IT THEREFORE ENACTED, by the Governor, Council, and General Assembly, now met and assembled; and it is hereby Enacted by Authority of the same, That all Actions for Debts and other Demands, for, and under the real Value of *Five Pounds,* Money according to the Proclamation of the late Queen *ANNE,* except such Actions as are herein after excepted, shall, from and after the Publication of this Act, be, and are hereby made cognizable, before any one Justice of the Peace, of any of the Counties, Cities, or Towns-corporate, within this Province, in the County, City, or Town-coroprate, in which the Defendant shall be or reside: And the said Justices are hereby respectively impowered and required, upon Complaint to either of them made, for any such Debt or Demand, to issue a Warrant in the Nature of a Summons, or *Capias,* as the Case may require, directed to the Constable of the City, Township, Precinct, or District, where the Defendant dwells, or can be found, commanding him to bring, or cause such Defendant to come, with the Plaintiff, before him, at the Time and in the Manner following (that is to say) in case where such Process shall be in Nature of a *Capias,* forthwith, after the Service thereof; but where the Summons shall be issued, then, on some certain Day therein to be expressed, not less than five, nor exceeding twelve Days from the Date of such Process, and at the Time appointed, for Hearing any such Cause; or on such other Day as such Justice shall think reasonable to appoint, the said Justice shall proceed to hear and examine the Allegations and Evidences of the Plaintiff and Defendant, and give his Judgment thereupon in such Manner as shall appear to him agreeable with Equity and Justice, together with such Costs as are herein after provided.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Process against all Freeholders, that are Inhabitants, shall be by Summons only, which shall be signed by the Justice that shall grant it, and served on the Person of the Defendant, or that, or a Copy thereof, left at his House, in the Presence of one or more of his Family or Neighbours (who shall know the Contents thereof) at least five Days before the Time appointed for a Hearing; and in case the Defendant doth not appear at the Time and Place that shall be appointed in such Summons, then, on Oath or Affirmation made by the Constable, that the said Summons was duly served in Manner aforesaid, and no sufficient Reason appearing to the said Justice, why the said Defendant did not appear on the Day appointed in said Summons, the said Justice shall proceed to hear and determine any such Cause or Causes in the Defendant's Absence, and give Judgment, and award Execution thereupon, in the same Manner as if the Defendant

had been personally present: But if there shall appear any sufficient Reason why the said Defendant did not obey the said Summons, then the Justice shall and may, in his Discretion, defer the Hearing of the said Cause to such further Time as he shall think fit.

PROVIDED ALWAYS, and be it Enacted by the Authority aforesaid, That if any such Plaintiff so applying, and other Person for him or her, shall upon Oath or Affirmation, declare that he or she does sincerely believe, that if such Process be only by Summons against such Freeholder, he or she will be in Danger of losing the Debt thereby, or that he or she doth really and sincerely believe that such Freeholder will depart the County, City, or Town, or otherwise abscond, before such Time, then the said Justice shall issue out his *Capias* in such Manner as if the Defendant had not been a Freeholder; and, if upon Hearing their Allegations, such Defendant shall require a longer Time, and will give sufficient Security to appear and stand Tryal on the Day appointed, then the said Justice is hereby impowered to adjourn the Tryal of such Cause to any Day he shall think most convenient, not exceeding twelve Days from that time.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in every Action that shall hereafter be brought in this Province by virtue of this Act, where the real Debt or Demand exceeds the Sum of *Forty Shillings* Money aforesaid, it shall and may be lawful for either of the Parties to the Suit, to demand of the said Justice to be tried by a Jury; and upon such Demand, the said Justice is hereby required and commanded to issue a Warrant to the Constable of any of the Towns, Districts, or Precincts, commanding him to bring, or cause to come at such certain time as shall be in the Warrant expressed, six good and lawful Men of the Neighbourhood, being Freeholders, who appearing, the said Justice shall administer to each of them an Oath or Affirmation in the Words following, *viz. You shall well and truly try this Matter in Difference between* A.B. *Plaintiff and* C.D. *Defendant, and a true Verdict shall give according to Evidence.* And after the six Persons have taken the Oath or Affirmation aforesaid, they shall sit together, and the several Proofs and Allegations shall be delivered in Publick in their Presence; after which, they shall be kept together in some convenient private Place, without Meat, Drink, Fire or Lodging, till they all agree upon a Verdict, which shall be given in to the said Justice, who is hereby required to give Judgment agreeable to such Verdict, and to award Execution in the Manner herein after directed.

PROVIDED ALWAYS, That if any Plaintiff or Defendant in any such Suit, shall demand a Jury, and upon the Tryal of the said Cause, the Jury do find the Sum due to either Party to be under *Forty Shillings,* Money aforesaid; then, and in such Case, the Justice, before whom the said Cause shall be so tryed, shall give Judgment, that the said Party shall recover his Debt or Damage so found by the Jury; and further shall give Judgment, that the Person or Persons that did demand the Jury, shall pay all the Costs and Charges that have accrued by the Reason of Demanding the said Jury.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if the Plaintiff in any such Suit or Action, shall be nonsuited, or discontinue, or withdraw his Suit without the Leave of the Defendant, then Judgment shall be

given against him for the Costs; or if he shall appear to be indebted to the Defendant, then Judgment shall be given against him for the Debt or Demand, and Costs, as the Case may require: And whenever Judgment shall be given against either Plaintiff or Defendant in any of the before-mentioned Cases, the Justice that pronounced the said Judgment, shall grant Execution thereupon, directed to one of the Constables of the said County, City, or Town-corporate, commanding him to levy the Debt or Demand, and Cost (as the Case may require) on the Goods and Chattels of the Person against whom such Execution shall be granted; and for want of sufficient Effects whereon to levy the Execution, to take the Body of the Person against whom such Execution shall be granted, and him or her convey and deliver to the Keeper of the common Goal of the County: Which said Constable, after his taking such Goods or Chattels into his Custody (by virtue of such Execution) shall give Publick Notice by an Advertisement put up at the most publick Place of the Town or Precinct where such Goods shall be taken, of the Sorts of Goods, and of the Time and Place when they will be exposed to Sale, at least five Days before the Time appointed for selling them; and at the Time and Place so appointed for selling them, shall expose them to sale by Publick Vendue to the highest Bidder, and pay the Money according as shall be directed in the Warrant or Writ of Execution, and return the Overplus, if any be, to the Owner: And for want of sufficient Goods or Chattels, whereon to levy the Execution, the Constable, to whom any such Execution shall be directed, shall take the Body of the Person against whom any such Execution shall be granted, and convey and deliver him or her unto the Keeper of the Common Goal of that County, City, or Town-corporate; which said Goal-Keeper, is hereby commanded to keep such Prisoner in his safe Custody in the Common Goal until the Debt or Demand with the Costs shall be fully paid, or until he or she shall be from thence delivered by due Course of Law.

PROVIDED NEVERTHELESS, That no Execution of any Judgment, given by virtue of this Act, where the real Value of such Judgment shall exceed the Sum of *Forty Shillings,* Money aforesaid, shall issue against any Person in less than three Months after giving the said Judgment, unless the Party in whose Favour such Judgment is given, shall make it appear to the said Justice on Oath or Affirmation, that he or she is in Danger of losing the Debt, if such Delay be allowed; in which Case, the Justice shall issue his Warrant of Execution immediately, as herein before directed, unless the Party against whom such Judgment is given, shall give Security to the Party in whose Favour Judgment went, to pay the full of the Debt and Cost, at or before the Expiration of the said three Months.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if either of the Parties to any Cause determined by virtue of this Act, shall think him or themselves aggriev'd by any Judgment given as aforesaid, for the Sum of *Ten Shillings* or more, Money aforesaid, it shall and may be lawful for such Person or Persons, to appeal from any such Judgment to the next Court of Common Pleas to be held for the County, City, or Town-corporate, after the Judgment given: And the Justices are hereby respectively required to grant an Appeal upon the Conditions following, and no other (that is to say) The Party de-

manding an Appeal, shall enter into Bond, with at least one sufficient Security, in double the Debt and Cost, and sufficient to answer all Cost: The Condition of which Bond shall be, that the Appellant shall appear and prosecute the Appeal in the Court above, and shall stand the Award of the Court, and pay such further Costs as shall be taxed, in case the Judgment of the Justice is affirmed.

PROVIDED ALWAYS, That in every Cause wherein a Jury of six Men give a Verdict, there shall be no Appeal allowed; but it is the true Intent and Meaning of this Act, that the Judgment upon such Verdict, shall be final to all Intents and Purposes.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Justices shall cause fair Entries to be made, in Books by them to be kept for that Purpose, of the Names of the Plaintiff and Defendant, in all such Causes as shall come before them, with the Debt and Cost adjudged, and the Time when such Judgment was given; and in any Case where there shall be a Jury as aforesaid, he shall set down the Verdict by them given; and upon any Appeal that shall be granted, the Justice who pronounced the Judgment appealed from, shall send a Transcript of such Entry, under his Seal, to the Clerk of the Court to which such Appeal shall be made, on or before the first Day of the Court next following such Appeal; for which Transcript, the Justice shall be allowed *One Shilling,* and no more.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That at the Court to which any such Appeal shall be made, the Person so appealing, shall cause an Entry of his Suit to be made by the Clerk of such Court, and shall either have his Appearance entered, or give Bail to the Action, as the Nature of the Case may require; or on Neglect thereof, an Application of the Appellee to the Court, for that End, the Appellant's Default shall be recorded, the first Judgment affirmed, with reasonable Costs, and Execution shall be issued out of the Court against the Defendant's Body, Goods or Chattels, as is usual in other Cases: And in Case the Defendant shall appeal or give Bail as aforesaid, the Plaintiff or Defendant in the Appeal (as the Case may require) shall file his or her Declaration, and the Adverse-Party plead to issue in such Time as shall be directed by the Court; so always, that the Cause, if above *Forty Shillings,* be tryed by a Jury of the Country [*sic*], in the usual Manner, either at the Court, to which such Appeal is made, or the next Term at farthest, unless the Court, on Cause to them shown, shall think fit to give the Parties a farther Day: And as the Verdict shall be rendered in any of the said Causes, the Court shall give Judgment thereupon, as the Nature of the Case may require, with Costs of Suit.

PROVIDED ALSO, That none of the Justices, who by virtue of this Act shall have heard and determined any of the Causes aforesaid, out of Court, shall afterwards sit on the Hearing and Determining the same Cause on an Appeal made to any of the Courts of Common Pleas aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, shall commence, sue, or prosecute any Suit or Suits for any Debt or Demand made cognizable as aforesaid, in other Manner than is directed by this Act, and shall obtain a Verdict or Judgment therein, for Debt or Damages, which, without Cost of Suit, shall not amount to more

than *Five Pounds* Money aforesaid, not having caused an Oath or Affirmation to be made, before the Obtaining the Writ (and filed the same in the Clerk's Office) that he or they, so making Oath or Affirmation, did truly believe the Debt due, or Damage sustained, exceeded the Sum of *Five Pounds* Money aforesaid: He, she, or they so Prosecuting, shall not recover any Costs in such Suit, any Law, Usage or Custom to the Contrary in anywise notwithstanding.

PROVIDED ALSO, That neither this Act, nor any Thing herein contained, shall be deemed, construed, or understood to extend to Actions of Debt for Rent, to Actions of Replevin, or to Actions of Trespass on the Case for Trover and Conversion, or Slander; or to Actions of Trespass for Assault and Battery, or Imprisonment; or to such Actions, where the Titles of Land shall anyways come in Question.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no greater or other Fees shall be taxed or taken in Actions brought in the Manner by this Act directed, than as in this Act is appointed to be taken, *viz.*

JUSTICES FEES, For a Summons, *Six Pence.*

A Warrant to take into Custody, *One Shilling.*

A Judgment, *Nine Pence.*

Administring every Oath or Attestation, *Four Pence.*

A Summons for Evidence, *Six Pence.*

Every Execution, *One Shilling.*

Issuing the *Venire Facias* to Summon a Jury, *One Shilling.*

Swearing or Attesting the Jury, *Eighteen Pence.*

EVIDENCES attending on Summons or otherwise, *Two Shillings per* Day, and so in Proportion for a longer or shorter Time.

CONSTABLE for Serving every Warrant or Summons, *Eighteen Pence.*

Every Execution, *Eighteen Pence.*

Summoning every Jury, *Two Shillings and Six Pence.*

JURIES, for all Causes tryed, *One Shilling, per* Man.

All Causes when summoned, and the Cause not tryed, *Six Pence per* Man.

DRAWING a Bond on an Appeal, or any other Bond, to the Person drawing the same, *One Shilling.*

AND BE IT ENACTED, by the Authority aforesaid, That this Act, together with all Things therein contained, shall continue, and be in Force for five Years after Publication hereof, and from thence to the End of the next Sessions of General Assembly, and no longer.

Passed 17 Nov. 1743.
Franklin (1743) 21-28.

An ACT *subjecting Real Estates in the Province of* New-Jersey, *to the Payment of Debts, and directing the Sheriff in his Proceedings thereon.*

WHEREAS it is highly reasonable and just, that the Real Estate of every Person or Persons in this Province, should be subject to the Payment of his, her or their Debts, due to all and every of his, her or their Creditors, wheresoever resident.

BE IT THEREFORE ENACTED, by the Governor, Council, and Assembly, in General Assembly met and convened; and it is hereby Enacted by the Authority of the same, That from and after the Publication hereof, the Hereditaments, Real Estates, Houses, and Lands, situate or being in any Part of this Province, belonging to any Person or Persons whatsoever, indebted, shall be liable to, and chargeable with all just Debts, Duties, and Demands, of what Nature or Kind soever, owing by, or due from any such Person, to his Majesty, or any of his Subjects, and shall be, and are hereby made Chattels for the Satisfaction thereof, in like Manner as personal Estates within this Province are seized, sold, or disposed of, for the Satisfaction of Debts.

PROVIDED ALWAYS, That every Sheriff or other Officer to whom any Writ of *Fieri Facias,* or other Writ shall be directed, shall first seize, and take so much of the personal Estate of the Defendant or Defendants, as may be sufficient to satisfy the Sum justly due to the Plaintiff, with Costs of Suit, which shall be indorsed on the said Execution before the Sealing thereof, if so much within his Bailiwick he can find; and if so much he cannot so find, then, and in that Case, the Sheriff or other Officer, shall seize, sell, and dispose of so much, and no more (as near as may be) of the Hereditaments, Real Estate, Houses and Lands of the Defendant or Defendants, as will be sufficient to satisfy the Whole or the Residue, as the Case may require, of the Moneys so as aforesaid from him or them due, and on such Writs payable.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That before any Sale shall be made by any Sheriff or other Officer, of the Hereditaments, Real Estate, Houses or Lands of any Person or Persons, he shall first advertise the Time and Place of such intended Sale at least two Months before he shall make the same, in the City, Town, or Precinct, where the Premises are, or shall be, and in three or more of the most publick Places of the County wherein such Estate doth lay, and then and there, between the Hours of Twelve and Five in the Afternoon, shall sell the same to the highest Bidder.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Defendant and Defendants, whose Hereditaments, Real Estate, Houses or Lands shall or may hereafter be taken in Execution, shall and may have full and free Election by himself, his Attorney, his Heirs or Executors, at any Time twenty Days before Sale thereof is as aforesaid to be made, and signify in Writing to the Officer who is to make the same Sale, what Part or Portion of the same Hereditaments, Real Estate, Houses or Lands shall be sold (if a Part or

Dividend thereof may be sufficient) to satisfy the Moneys on such Execution due and payable as aforesaid, which Part (if that shall be sufficient) and no other, the Sheriff or other Officer shall on such Writ of Execution sell or dispose of.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any Lands, Houses or Hereditaments shall be sold in Manner aforesaid, the Sheriff or other Officer that sold the same, shall in his own Name make unto the Purchaser thereof, as good and sufficient a Conveyance for the Lands, Houses and Hereditaments, purchased as aforesaid, as the Owner of such Lands, Houses, and Hereditaments might or could have thereof made at or before the Time of the Judgment, therein reciting the Execution or Executions, or other Process, requiring such Sale to be made, by virtue whereof the Premises were sold as aforesaid; by which Deed, the Purchaser or Purchasers, shall be, and are hereby declared to be vested in as good and perfect an Estate, as the Owner of such Lands or Real Estate was seized of or entituled unto, at or before the said Judgment, and as fully, to all Intents and Purposes, as if the Person against whom such Writ of Execution shall be granted, had sold such Lands and Premises to such Purchaser or Purchasers, and signed, sealed, and delivered a good Deed for the same, and received the Consideration-Money himself.

AND WHEREAS other Judgments, Statutes, and Recognizances, besides that or those by virtue of which the Sale aforesaid is made, might affect the Real Estate aforesaid, if Provision be not made to remedy the same; whereas those who have not taken, or will not take out their Executions upon those, ought not in Reason to hinder such Persons who do take out their Executions, to have all the proper Effect thereof:

BE IT THEREFORE ENACTED, That the Purchaser, his Heirs and Assigns, shall hold the Premises purchased as aforesaid, free and clear of all other Judgments, Recognizances, Statutes-Merchant, and Statutes-Staple whatsoever, by virtue whereof no Execution has been executed upon the Real Estate so purchased, any Law, Usage, or Custom, to the Contrary, notwithstanding.

AND WHEREAS, by the Oversight, Neglect, or Unskilfulness of the Attorney who draws the Judgment upon which such Process as aforesaid do issue, the same Judgment may be liable to be reversed by Writ of Error; and in like Manner may the Process issued upon such Judgment be liable to be reversed for Error; and by Carelessness of Clerks, the same Judgment or Process may be liable to be embezzled or lost; by Reason of any one of which Things; the Sale made as aforesaid, might be liable to be avoided, and the fair Purchaser thereby exposed, not only to the Loss of all his Purchase Money, but to the Costs of a Suit in Ejectment against him for Recovering from him the Lands so bought by him, which Risques, if not some Way provided against, will deter Men from giving near the real Value for Lands exposed to Sale as aforesaid, may be a great Prejudice to the Defendant whose Lands are so exposed to Sale, by selling them at an under Rate, and may in Time render the Titles to Real Estates in this Province, very precarious, if some Remedy be not thereto provided:

FOR Remedy whereof, BE IT ENACTED, That no Process against Real Estate, shall issue, until one of the Judges of the Supream Court shall have inspected the Record of the Judgment, and thereon certified that he has inspected

the same, and no Error is therein apparent to him: and in like manner one of the said Judges shall inspect the Process to be issued, and certifie thereon as aforesaid, and the said Judgment and Process with such Certificates shall be Recorded in a Book by the Clerk of the Supream Court, to be kept for that Purpose, before sending such Process to any Sheriff or other Officer or Officers.

AND BE IT ENACTED by the Authority aforesaid, that if any Judgment or Process by Virtue of which such Sale shall be made as aforesaid, and certified, and recorded, as aforesaid, shall happen to be reversed for Error, yet the same Reversal shall not be given in Evidence, or be of Force against any *bona fide* Purchaser under the said Judgment or Process so certified and recorded as aforesaid: But the Purchaser, his Heirs, Executors Administrators, or Assigns, shall hold the Lands or other Thing so *bona fide* purchased, notwithstanding a Reversal of the Judgment or Process after his Purchase, and such Reversal shall only operate against the Plaintiff, his Heirs, Executors, and Administrators, to compel him or them to restore in Value to the Defendant for what he lost.

AND BE IT ENACTED, That the Record made in the said Book as aforesaid, of the Judgment, Process and Certificates, shall be as good Evidence of either of them, at all Times, as if the Originals were produced.

AND in the Case where sundry Executions or other Processes have issued, requiring the Sale of Real Estate, and sufficient cannot be levied of the personal and real Estate, to satisfy all the Sums commanded to be levied,

BE IT ENACTED, That such Priority and Preference as the Law gives in the Case of Executions against personal Estate only, shall be given in the Case aforesaid, and all Disputes on that Head shall thereby be regulated, adjudged, and determined.

AND BE IT ENACTED by the Authority aforesaid, That if any Sheriff or other Officer, shall, in any Matter or Thing, act or do contrary to his Duty hereby required and directed, or contrary to the Liberty and Election hereby given to the Defendant, or shall refuse to return the Overplus Money arising from such Sale, if any shall remain in his Hands, such Defendant, or Person injured thereby, shall and may maintain his, her, or their Action on the Case, against such Sheriff or other Officer, in any Court of Record within this Province, which shall or may have Cognizance of the same, wherein he, she, or they shall recover the Damage by him, her, or them sustained, with double Costs of Suit.

Passed 2 Dec. 1743.
Franklin (1743) 28-32.

An ACT *for continuing an Act, entituled,* An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.

WHEREAS an Act of the General Assembly of this Province, passed in the Thirteenth Year of his present Majesty's Reign, entituled, *An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves,* will expire by its own Limitation, at the End of this present Sessions of General Assembly: AND WHEREAS the said Act hath by Experience been found to be of great Benefit to the Inhabitants of this Province,

BE IT ENACTED by the Governor, Council, and Assembly; and it is hereby enacted by the Authority of the same, That the above-mentioned Act, entituled, *An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves,* shall be, and is hereby continued; and every Clause, Article, and Thing therein contained, shall be and remain in Force for the Space and Term of Five Years, from and after the Publication hereof, and from thence to the End of the next Session of General Assembly, and no longer; any Thing to the contrary thereof, in the said Act, in anywise notwithstanding.

Passed 17 Nov. 1743.
Franklin (1743) 32-33.

An ACT *for the Relief of poor distressed Prisoners for Debt.*

FOR the Relief of such unhappy insolvent Debtors, who may be willing to satisfy their Creditors so far forth as they are or may be able, We the House of Representatives do pray it may be Enacted, And

BE IT ENACTED by the Governor, Council, and General Assembly of this Colony, and by the Authority of the same, That any Person or Persons being in Prison upon the first Day of *December,* in the Year of our Lord *One Thousand Seven Hundred and Forty-three,* for Debt or Damages, or for, or upon any Action or Actions, or upon any mean Process for Account or Trespass on the Case, or other Action or Actions, or Process whatever, issuing out of

any Court of Law or Equity, or that shall be committed to Prison after that time who shall take the Oath or Affirmation herein after specified, and deliver a true and just Account of all their real and personal Estate whatsoever or wheresoever, shall and may be released and discharged from their Imprisonment by Order of the said Court, in manner hereafter mentioned.

AND that it shall and may be lawful to and for any Prisoner to exhibit or cause to be exhibited, a Petition to any Judge of the said Courts within this Colony, from whence the Process issued, upon which he, she, or they was or were taken on mean Process, or charged in Execution, certifying the Cause or Causes of his, her, or their Imprisonment, and an Account of his, her, or their whole real and personal Estate, with the Dates of their Deeds, Evidences, Vouchers and Securities, of all which, a Schedule shall be made and annexed to such Petition, and subscribed by the Prisoner in Presence of the said Court; which Schedule shall be immediately filed in the Courts as of Record, for the better Information of the Creditor or Creditors of such Debtor or Debtors.

AND that it shall and may be lawful for such Court to examine such Debtor or Debtors upon such Interrogatories touching the Lands, Tenements, Goods, Chattels, Debts, Bills, Bonds, Judgments, Books of Accounts, and such other Things, as may tend to disclose his, her, or their Estates, or their secret Grants and Conveyances, of his, her, or their Lands, Tenements, Goods, Money, and Debts, as the said Court shall think fit; and every Thing material discovered by such Examination, shall cause immediately to be added to the said Schedule, and to be signed by the Prisoner: And after such Examination, the Court or Courts may, and is, and are hereby required to administer or tender to the Prisoner an Oath or Affirmation to this Effect, *viz.*

I A.B. *do solemnly swear in the Presence of Almighty* GOD (or if of the People called Quakers then, *I* A.B. *do solemnly, sincerely, and truly declare and affirm*) *That the Account by me delivered, and examined upon by this Court, doth contain a full and true Account of all my real and personal Estate, Debts, Credits and Effects whatsoever and wheresoever, to the best of my Knowledge, which I or any in Trust for me have, or at the Time of my Imprisonment had, or am, or was in any Respect entituled unto, in Possession, Remainder, Reversion, Contingency, or Possibility (except the wearing Apparel and Bedding for me and my Family, and the Tools or Instruments of my Trade or Calling, not exceeding* Ten Pounds *of lawful Proclamation-Money of this Province in Value in the whole) And that I have not at any Time since my Imprisonment, or before, directly, or indirectly, sold, leased, assigned, or otherwise disposed of, or made over in Trust, for myself, or otherwise than is mentioned in such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other real or personal Estate, whereby to have or expect to have any Benefit or Profit to myself, or to defraud any of my Creditors, at whose Suit I am now confined, and to whom I am indebted.*

AND after the taking of such Oath or Affirmation and filing such Schedule aforesaid, the said Court shall remand the said Prisoner to Prison, and shall give Certificate thereof in Writing, signed by the Clerk of such Court, to the same Prisoner, to be served upon such Person or Persons, his or her Attorneys,

Executor, or Administrator, or to be left at the Place of the usual Abode of such Person or Persons, at whose Suit the Prisoner standeth charged and imprisoned, thereby appointing, as well the said Creditor or Creditors, or their Attorneys, as the said Debtor, to appear at the next Court to be holden for the same County, Division or Corporation, when, if it shall appear upon Oath or Affirmation, that the said Certificate was so served, or left, twenty Days or more before the said Court, then, the said Court being satisfied that the Persons so applying as aforesaid, are, or at the Time of filing said Schedule, were proper Objects of Relief, and as such ought to have the Benefit of this Act, and being also satisfied with the said Schedule, on assigning of the Lands, Goods, and Effects contained therein, to the Creditors as herein after mentioned, if the said Prisoner be then living, shall make an Order of Court, directed to the Sheriff or Goaler, commanding the said Sheriff or Goaler to let at Liberty, and Discharge the said Prisoner, unless such Creditor or Creditors do insist upon his, or her being detained in Prison, and do agree by Writing under his, her or their Hand or Hands, to pay and allow weekly a Sum not less than *Three Shillings and Sixpence per* Week unto the said Prisoner, to be paid weekly, so long as he or she shall continue in Prison, at his, her, or their Suit; on Failure of the Payment of which weekly Sum at any time, the said Prisoner shall forthwith, upon Application to the Court, be discharged by such Order as aforesaid; which Order shall be a sufficient Warrant and Discharge to the same Sheriff or Goaler, if imprisoned for Causes aforesaid, and no other; and no Action of Escape or other Action, shall be brought against them, or any of them, for the same, in anywise.

PROVIDED ALWAYS, That this Act shall not extend to discharge any Person out of Prison, who shall stand charged with any Debt to his Majesty, or charged, or indebted to any one Person, in a Sum exceeding *One Hundred* Pounds Money aforesaid, or more than *Two Hundred* Pounds in the whole, unless by Consent of every such Creditor, at whose Suit he shall stand charged in such Sum as aforesaid.

PROVIDED ALSO, That if any of the real Estate in the Schedule mentioned, do lie out of this Province, or any of the personal Estate by in the Hands of Persons living out of this Province, that then the Prisoner shall, before his Discharge, convey and assign to the Assignees by the Court to be appointed, in due Form of Law, all such real and personal Estate.

PROVIDED ALWAYS, That if any Person or Persons, for any of the Purposes herein mentioned, shall wilfully, falsely, and corruptly swear or affirm any Matter or Thing, and be thereof duly convict, he, she, or they, shall be adjudged guilty of wilful and corrupt Perjury, and shall suffer the Pains and Penalties thereof accordingly; and upon or after Conviction, the Court by which the said Person was convicted, shall forthwith, by Warrant, Order, or Rule of Court, cause the same Person to be committed to the Goal from whence, he, she, or they was discharged by Virtue of this Act; and being so committed, he, she or they shall by Virtue of this Act, be adjudged, deemed and esteemed, charged with all and every of the Processes and Actions with which he, she, or they stood charged, at the Time of his, her, or their Discharge aforesaid, as fully, and to all Intents and Purposes whatsoever, as if he, she, or they had

never been discharged by Virtue of this Act, any Law, Usage, or Custom to the contrary, or Thing in these Presents, notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the next Court, subsequent to the taking of such Oath or Affirmation, and filing of such Schedule as aforesaid, the Judges and Justices of the respective Courts from whence such Process issued, or the greater Part of them, shall have Power, by Rule or Order of Court made, be the said Prisoner alive or dead, to grant and assign, or otherwise to order and dispose of all such Lands, Tenements, Bills, Bonds, Judgments, or any of the Debts due, or to be due to and for the Benefit of the Debtor or Debtors, by any Person or Persons whatsoever, or in what Manner or Form soever, to the Use of the Creditor or Creditors, of the said Debtor or Debtors, to such Person or Persons, Creditor or Creditors, as the Majority of the Creditors in Value, by themselves, or their Attorneys, then appearing, shall chuse, and the same Court appoint Trustees for that Purpose: And in Case no Creditor appears, then to such as the Court shall appoint Trustees. And that the said Grant or Disposition of the said Lands and Debts to be made by the said Judges and Justices, or the major Part of them, of the respective Courts aforesaid, shall vest the Property, Right and Interest of the Estate real and personal in the said Schedule mentioned, in the Person or Persons of him, her, or them, to whom it shall be granted, assigned or ordered, by the said Court, as fully to all Intents and Purposes as the said Prisoner was vested with, or entitled unto the same, at or before the Time of his delivering in the Schedule aforesaid.

AND IT IS ENACTED, That after such Grant, Assignment or Disposition made by the said Court, that neither he, nor any other, save the Assignee or Assignees aforesaid, or his, her, or their Heirs, Executors, Administrators, or Assigns, shall have Power to sue for or recover any Part of the Estate real or personal, so to him or them assigned by the Court as aforesaid, nor to make any Release, Grant or Discharge thereof; but such Assignee or Assignees, or his, or their Heirs, Executors, Administrators, or Assigns, shall, by Virtue of this Act, have full Power and Authority, in his or their own Names, to commence, sue, and prosecute all and every such Actions and Action, for and concerning the same, that the said Prisoner might or could have had, before his or her delivering in the Schedule aforesaid.

AND IT IS HEREBY ALSO FURTHER ENACTED, That immediately after such Grant, Assignment, or Disposition made by the said Court as aforesaid, the Assignee or Assignees by the said Court appointed, shall cause an Advertisement or Advertisements to be set up on the most publick Place or Places of the County or Counties where the real Estate of the said Prisoner doth lie, or Debts are due, or any Part thereof, notifying, that at such Time and Place, in the said Advertisement or Advertisements named, the real and personal Estate of the Prisoner, in that County, will be exposed to Sale to the highest Bidder or Bidders; at which Time and Place so advertised, the said Assignee or Assignees shall sell as aforesaid, and by Deed or Deeds indented, or Assignments, convey such real and personal Estate of the said Prisoner, as lieth in that County, together with all Deeds, Writings, and Evidences, touching or concern-

ing the same.

AND BE IT ENACTED by the Authority aforesaid, That the Assignees aforesaid, so by the said Court appointed as aforesaid, shall within three Months after such their Appointment, make a Dividend amongst the Creditors of the said Prisoner, of the Produce made by the Sale of his real and personal Estate as aforesaid, to wit, to each Creditor a Sum in Proportion to the Quantity of his, her, or their Debts (which Debts are to be ascertained by the Oath or Affirmation of the Creditor or Creditors) provided the same Dividend do not exceed such Debts.

AND BE IT FURTHER ENACTED, That every such Grant, Bargain, Sale, Conveyance, Assignment and Disposition of the said Assignee or Assignees, of any Part of the real or personal Estate of the said Prisoner, shall be good and available in Law to all Constructions and Purposes, against the said Prisoner or Prisoners, his, her, or their Heirs, Executors, Administrators, and Assigns, and against all and every other Person and Persons, claiming, or to claim, by, from, or under such Prisoner or Prisoners.

AND BE IT FURTHER ENACTED, That the said Assignee or Assignees aforesaid, shall at the next Court after their Appointment as aforesaid, deliver in to the same next Court upon Oath or Affirmation, a full, true, and just Account signed, of the Sale or Sales of the real and personal Estate of the Prisoner, expressing to whom every Part thereof was sold, and for how much, with the Charges and Expences of the Sale, and showing the neat Proceeds of the same Sale: And in the same Account shall set forth the Debts due by the Prisoner to his Creditors, ascertained as aforesaid; and how much such Assignee or Assignees have paid, or are ready to pay to each Creditor in Proportion as aforesaid: And in case the Neat Proceeds have been sufficient to pay all the Creditors of the Prisoner, the full of the Debts due to them, with an overplus, then such Account shall set forth what that Overplus is, or wherein it consists, and shall have the same ready to pay or deliver to the said Prisoner, his Heirs, Executors, Administrators or Assigns; which Account so delivered in upon Oath or Affirmation, and signed, shall be filed, and remain of Record with the Clerk of the said Court, for the Use of the said Creditors and Prisoners; and which Duties on the said Assignee or Assignees by this Act enjoined, shall be performed, on the Pain of incurring a Contempt of a Rule of Court.

PROVIDED ALWAYS, That the Court, before permitting the Assignees to make Oath or Affirmation to the said Account, shall examine the several Articles of Charges and Expences of the Sale, and shall allow only so much thereof, as they shall conceive just and reasonable.

AND BE IT FURTHER ENACTED, That if upon the Sale aforesaid, it shall appear to the Assignees, that the real and personal Estate of the Prisoner will yield more than the Sum of his Debts, that when so much as is sufficient to pay the said whole Debts is sold, the Sale shall then stop, and the Remainder or Overplus, shall by the Assignees be conveyed to the Prisoner, his, her, or their Heirs, Executors, Administrators or Assigns, on Demand.

PROVIDED ALWAYS AND BE IT ENACTED by the Authority aforesaid, That the Discharge of any Person or Persons by Virtue of this Act, shall

not amount to free and discharge any other Person or Persons jointly and severally bound for, or liable to answer or satisfy the said Debt or any Part thereof, either as Principal or Surety: But that such other Person or Persons shall be liable to answer the said Debt and Damages in such manner to all Intents and Purposes, as they were before the Discharge of such Prisoner.

PROVIDED ALWAYS, That no Person or Persons, able of Body, and not having Children likely to become chargeable to the County, or any Part thereof, shall be entitled to the Benefit of this Act, unless he, she, or they shall signify their Willingness to make Satisfaction by Servitude; in which Cases it shall and may be lawful for the Court or Courts aforesaid respectively, to adjudge such Debtor or Debtors to render Satisfaction by Servitude for the Debt or Debts, or any Part thereof, due to the said Creditor or Creditors, and cause such Prisoner or Prisoners, to bind him, her, or themselves to be Servants by Indentures accordingly, for any Time not exceeding Seven Years; in which case such Prisoner or Prisoners shall and may be released and discharged from his, her or their Imprisonment: But if the said Creditor or Creditors shall not or will not accept of such Satisfaction for the Debt or Debts for which he, she or they are imprisoned, then the respective Courts shall and may discharge such Prisoner or Prisoners in Manner and Form aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall be sued or impleaded for any Matter or Thing done in Execution of this Act, and in Pursuance thereof, he or they may plead the general Issue, and give the special Matter in Evidence; and if the Plaintiff be Nonsuit, or Verdict do pass against him, such Defendant shall recover his double Costs.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt and Debts due or owing from the said Prisoner or Prisoners, and all and every Judgment or Judgments had and obtained, and Decree pronounced against him, her or them, shall stand and be good and effectual in the Law to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of the Prisoner or Prisoners so discharged as aforesaid, or which he, she, or they, or any other Person or Persons in Trust for him, her or them, at the Time of such Discharge, hath or have, or at any Time hereafter shall or may be any ways seized or possessed of, or intitled to, either in Law or Equity, except his, her, or their wearing Apparel, Bedding for his, her or their Families, and working Tools and Implements necessary for his, her or their Trade, not exceeding the Value of £ 10 in the whole: And it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged as aforesaid, his, her or their Executors or Administrators, to take out a new Execution against the Lands, Tenements, Goods and Chattels of such Prisoner or Prisoners (except as before excepted) for the Satisfaction of his, her or their Debts, in such Sort, Manner and Form as he, she or they might have done, if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution; any Act, Statute, Law or Custom to the contrary in anywise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Sheriff, Under-Sheriff, Goaler, Keeper of any Prison or Goal, or any other Person or Persons whatsoever, to whose Custody or Keeping any Person or Persons arrested shall be committed on any Account whatsoever, shall permit or suffer him, her or them so arrested, at his, her or their Will and Pleasure, to send for and have any Beer, Ale, Victuals, or other necessary Food, from what Place they please; and also to have and use Bedding, Linen, and other Things, as he, she, or they may think fit, without purloining or detaining the same, or any Part thereof, or enforcing or requiring him, her, or them, to pay for the having or using thereof, or putting any manner of Difficulty upon him, her or them, in using thereof or relating thereto.

AND for preventing Extortion or Exaction by any Sheriff, Goaler, Bailiff, or other Officer, having the Care and Keeping of any Goal or Prison in this Colony,

BE IT FURTHER ENACTED, by the Authority aforesaid, That it shall and may be lawful for the Justices of the respective Courts of this Colony, on Complaint to them respectively made, of any exorbitant Demand made by any Officer or Officers as aforesaid, for Meat, Drink, or other Necessaries had during the Confinement of any Prisoner or Prisoners, to hear and determine the same in a summary Way, and to make such Order thereupon, for redressing such Abuse, and punishing of such Officer or Officers complained of, and making Reparation to the Person or Persons injured, as they shall think fit, together with full Costs of such Complaint: And all Orders and Determinations which shall be made by the said Courts in such summary Way, shall have the same Force and Effect to all Intents and Purposes, as any other Orders of said Courts; and Obedience thereunto may be compelled by Attachments issued from the said Courts in like Manner as in other Cases is usual.

AND BE IT ENACTED, by the Authority aforesaid, that this Act, together with all Things therein contained, shall continue and be in Force for Five Years after Publication hereof, and from thence to the End of the next Session of Assembly, and no longer.

Passed 17 Nov. 1743.
Franklin (1743) 33-41.

An ACT *to impower the Freeholders chosen in each County of this Colony, or the major Part of them, in Con-*

junction with three Justices of the Peace, to direct the Method of Assessing the Inhabitants of each County; and to restrain the unnecessary Meetings of said Freeholders.

WHEREAS great Inconveniencies have happened in some Counties in this Colony, by Reason of the uncertain Methods taken in assessing Taxes on the Inhabitants of the said Counties, and by reason of the unnecessary Meetings of the said Justices and Freeholders: For Remedy thereof for the future,

BE IT ENACTED by the Governor, Council, and General Assembly of this Colony, now met and assembled; and it is hereby enacted by the Authority of the same, That as often as the Freeholders of any County in this Colony, chosen by Virtue of an Act, entituled, *An Act for raising of money for building and repairing of Goals and Court-Houses,* &c. or the major Part of them, in Conjunction with three Justices of the Peace of said County, one whereof being of the *Quorum,* shall order and appoint the Raising of any Sum or Sums of Money, that by former Acts of the General Assembly of this Colony, they are impowered to raise; the said Freeholders, or the major Part of them, in Conjunction with three Justices, one being of the *Quorum,* are hereby authorized and required, at the same time, to order and direct in Writing, the Assessors chosen by Virtue of an Act, entituled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties of this Province,* in what Manner or Method they shall assess the said Sum or Sums on the Inhabitants of such County, in Proportion to the Value of their respective Estates and Employments, as near as may be agreeable to Equity and good Conscience: And also to direct in Writing the Time of the said Assessors Meeting to assess such Sum or Sums, and the Time for collecting the same. And the Assessors and Collectors in each respective County in this Colony, are hereby required to govern themselves accordingly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall not be lawful for the Justices of the Peace within each and every County in this Colony, to call together the Freeholders aforesaid, any more than four Times in one Year, unless they do it by and with the Consent of the Majority of the Freeholders of the said County: And the first time of their said Meetings, shall be on the second Wednesday in *May* yearly, and every Year.

AND BE IT ENACTED, by the Authority aforesaid, That the said Justices and Freeholders shall at no time raise or cause to be raised, any Sum or Sums of Money, on any County for defraying their own Expences.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any Town or Precinct in each respective County in this Colony, shall fall short in paying their respective Quotas towards the County Tax, to the Collector of said County; that then such Deficiency shall be assessed and raised

upon such Town or Precinct where such Deficiency happens only, and upon no other Part of said County; any Law or Custom to the contrary notwithstanding.

Passed 2 Dec. 1743.
Franklin (1743) 42-43.

An ACT *for Preserving of Timber in the Eastern Division of the Colony of* New-Jersey, *and all Sorts of Trees in the Bounds of the Patent or Charter of the Township of* Bergen *that lies in Common.*

WHEREAS by Reason of the Great Quantities of Timber being frequently exported out of the Eastern Division of this Colony, the same is grown scarce, and if not timely prevented, there will not be enough left for the necessary Use of the said Eastern Division: For Remedy thereof for the future,

BE IT ENACTED, by the Governor, Council, and General Assembly of this Colony, now met and assembled; and it is hereby Enacted by the Authority of the same, That from and after the first Day of *July* next ensuing the Publication of this Act, the following Duties shall be collected, levied, and paid, for Logs or Timber, that shall or may be exported to any of his Majesty's Colonies upon the Continent of *America;* That is,

FOR all sorts of Logs and Timber that can or may be used in building or repairing of Ships, Boats, or any other sort of Vessels, Houses, or any other Buildings, the Sum of *Six Pence* for every solid Foot.

FOR all Planks or Boards of any kind that can or may be applied to the said Use or Uses, the Sum of *One Penny* for every square Foot.

FOR all Masts, Yards, Bowsprits, or any other Pieces or Parcels of Timber that can or may be applied to the said Use or Uses, the Sum of *One Shilling* for every solid Foot.

FOR every Thousand of Staves of the length of three Foot and under, the Sum of *Ten Shillings.*

FOR every Thousand of Staves above three Foot in length, and under three Foot ten Inches, the Sum of *Twenty Shillings.*

FOR every Thousand of Staves above three Foot ten Inches in length, and under Four Foot eight Inches, the Sum of *Twenty-five Shillings.*

AND for every Thousand of Staves four Foot eight Inches in length, and upwards, the Sum of *Thirty Shillings.*

AND for every Thousand of Heading of any sort, the Sum of *Twenty Shillings.*

AND for every Bolt that Staves or Heading can be made of, the Sum of *Six-pence* for every solid Foot.

AND the same respective Duties to be paid in Proportion for smaller Quantities of each of the above said sorts of Timber.

AND for the better and more effectual Collecting the several Duties aforesaid, and preventing the clandestine Exportation of the aforesaid Sorts of Timber, contrary to the Purport, true Intent and Meaning of this Act,

BE IT ENACTED by the Authority aforesaid, That all and every Owner of any Float or Floats, Raft or Rafts of Boards and Timber, and every Master or Owner of any Ship, Sloop, Boat, Flat, or any Vessel whatsoever, before he or they takes on board, or otherwise exports any of the abovesaid sorts of Timber, shall first enter the same with the Collector of the Customs of the Eastern Division of this Colony for the time being, or any other Person or Persons which shall or may be lawfully deputed for that Purpose, and pay to him or them the several and respective Duties before mentioned, to be applied towards Support of Government, in such manner as shall be hereafter appointed by Act or Acts of the General Assembly of this Colony, under the Penalty of the Forfeiture and Seizure of all such Timber aforesaid, that shall be exported or endeavoured to be exported, without first paying the several and respective Duties aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Collector of the Eastern Division of this Colony, or any of his Deputies; and he or they are hereby impowered to enter on board every Raft, Float, Ship, Sloop, Boat, Flat, or other Vessel, where he or they do suspect that any of the aforesaid Timber is, and there to make diligent Search for the same; and if he or they shall find any sort of the aforesaid Timber on board, and the Master or Owner thereof cannot produce a Certificate under the Hand of the said Collector or some of his Deputies, that he hath given Security for, or paid the aforesaid Duty or Duties, every such Master or Owner, for every such Offence, shall forfeit the Sum of *Twenty Pounds,* besides the Forfeiture of all such Timber as aforesaid, that is found on board: And if any such Master or Owner, or any other Person or Persons whatsoever, shall anyways assault, molest, misuse, disturb or hinder the said Collector, or the Deputies, or any other Person or Persons, aiding or assisting him or them in the Performance of the several Duties enjoined them by this Act, such Offender or Offenders shall each of them forfeit the Sum of *Twenty Pounds.* And if any Person or Persons shall export any sort of the Timber aforesaid, to any of the aforesaid neighbouring Colonies, contrary to the Purport, true Intent and Meaning of this Act, he or they, and all and every Person and Persons, who shall anyways assist or aid him or them in such Exportation, shall each of them forfeit the Value of such Timber, and *Ten Pounds* over and above such Value.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Penalties and Forfeitures incurred by Virtue of this Act, shall be applied one half towards the Support of the Government, in such manner as shall be appointed by Act or Acts of the General Assembly of this Colony, and the other half to the said Collector or any other Person or Persons who shall sue or prosecute for the same to Effect, in any Court of Record in this Province, by Bill,

Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, nor any more than one Imparlance shall be allowed. And the said Collector shall yearly and every Year render into the Treasury of the Eastern Division of this Colony, a true and just Account of all the Duties, Penalties, and Forfeitures aforesaid; and shall pay to the Treasurer of said Division, so much thereof as by this Act is appropriated for the Support of this Government, reserving out of the said Duties, *Ten per Cent.* for his Trouble of collecting and paying of the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Collector of his Majesty's Customs of the Eastern Division of this Colony for the time being; and he is hereby required, directed, authorized and impowered to appoint proper Persons in all such Places in the said Eastern Division of this Colony, that shall be most convenient and necessary, diligently to inspect and see that this Act be duly performed: And if the said Collector shall neglect or refuse to appoint such Persons as aforesaid; then, to the end that the good Intentions of this Act may not be frustrated, it shall and may be lawful for any two Justices of the Peace, one of them being of the *Quorum,* in the Neighbourhood, within each respective Town or County to which they belong, where such Officers shall or may be wanting: And they are hereby directed, authorized, impowered, and required, under their Hands and Seals to appoint a proper Person or Persons, who, when he or they are so appointed, shall have the same Power and Authority as to this Act, and every Article and Clause therein, as if they had been appointed by the said Collector as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons taking upon him or them the Duties enjoined by this Act, shall at any time or times, clandestinely combine with, or connive at any fraudulent Exportation of any Timber, contrary to the true Intent and Meaning of this Act; or shall refuse to perform the several Duties enjoined him or them by this Act, he or they so offending, shall forfeit the Sum of *Fifty Pounds* for each Offence, to be recovered and applied in manner aforesaid.

AND WHEREAS the Freeholders of the Corporation of the Township of *Bergen,* according to their Charter or Patent, have a large Quantity of Land and Swamp that lyeth in Common, so that the Circumstance of that Corporation is different from that of the rest of the Eastern Division of this Colony. AND WHEREAS several Persons from time to time have and still do cut, carry off, and waste the Timber on said Common, which by long Experience hath been found to be of great Damage, Loss, and Prejudice, to the Owners thereof:

BE IT THEREFORE ENACTED by the Authority aforesaid, That after the Publication of this Act, if any Person or Persons whatsoever, by any Pretence of a Right, or any other Person without any Pretence of a Right, shall presume to cut, carry away, convey or transport to any of the neighbouring Colonies, or to any of the neighbouring Towns, Precincts, or Counties within this Colony, any Timber, Wood, Underwood, Cedar, or any sort of Wood big or small; or any Person or Persons that shall presume to kill, girdle, or take off the Bark of any Tree or Trees, for Tanners or Cordwainers, in Pretence to car-

ry the same to any other Town, Division, Precinct, or County, or Colony, such Person or Persons so offending, shall forfeit for every Offence, the Sum or Sums following, *viz.*

FOR each Tree so cut, carried away, and transported as abovesaid, the Sum of *Twenty Shillings.*

FOR twenty-five large Poles, the Sum of *Twenty-five Shillings,* and for a greater or smaller Number in Proportion.

FOR One Hundred of small Poles or Sticks, the Sum of *Twenty-five Shillings,* and so for a greater or smaller Number, the same Proportion.

FOR every Load of any Waggon, Sled, or any other Carriage, of Bark, carried away and transported as abovesaid, the Sum of *Forty Shillings.*

FOR every Bushel of Charcoal so carried away and transported as abovesaid, the Sum of *One Shilling.*

AND it shall and may be lawful for any Person or Persons, to prosecute such Offender or Offenders, in any Court where the same shall be cognizable; and all such Fines shall be applied in the same Manner as in this Act before is directed, of the other several Fines.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the Owners of said Common, shall peel the Bark of any Tree or Trees, for his, her or their own Use, he or they shall first fell the same Tree or Trees to the Ground; and shall within one Year after such Peeling, cut up the said Tree or Trees for their own Use; and for every Tree so peeled, and not cut up as aforesaid, within one Year thereafter, the Person or Persons that peeled the same, shall pay for each Tree *Twenty Shillings,* to be recovered and applied in manner aforesaid.

PROVIDED, the Intent and Meaning of this Act, is not to deprive or debar any of the Owners of the Premises to make use of all sorts of Timber and Wood whatsoever, for their own Use or Uses upon the Premises, but only to debar any Person or Persons from transporting the same to any other County, Town, Precinct, or Colony, as is before mentioned, and from unnecessarily destroying the same.

PROVIDED ALWAYS, That nothing in this Act shall be construed or intended to hinder any Person or Persons from carrying Firewood to the neighbouring Colonies, as formerly, provided such Wood do not exceed the Length of four Foot (excepting within the Bounds of said Patent of *Bergen* Township that lies in Common) Any Thing in this Act to the contrary in anywise notwithstanding.

PROVIDED ALSO, That all Suits to be brought for the Penalties and Forfeitures mentioned in this Act, shall be brought and commenced in six Months time after the Offence committed, and not afterwards.

Passed 2 Dec. 1743.
Franklin (1743) 43-48.

An ACT *to encourage the direct Importation of Rum from the* British *Plantations in the* West-Indies, *and of such Wines as may lawfully be imported from the Places of their Growth, Product and Manufacture, into the Eastern Division of* New-Jersey.

WHEREAS the direct Importation of Rum from the *British* Plantations in the *West-Indies,* and such Wines as may lawfully be imported into this Colony, from the Places of their Product and Manufacture, would not only very much contribute towards the Increase of the Trade of this Colony, but would also be a Means of Supporting the Credit of the Currency thereof, and be a farther Means of Increasing the Inhabitants of the same,

BE IT THEREFORE ENACTED, by the Governor, Council, and General Assembly of this Colony, now met and convened; and it is hereby enacted by the Authority of the same, That from and after the first Day of *June, One Thousand Seven Hundred and Forty-four,* there shall be raised, levied, collected, and paid unto, and for the Use of his Majesty, his Heirs and Successors, towards the Support of this Government, the several Duties following, *viz.*

UPON all Rum or other distilled Liquors not directly imported from some of the *British* Islands in the *West-Indies,* into the Eastern Division of this Colony, *One Shilling per* Gallon.

AND upon all Wines imported from any of the Colonies on the Continent of *America,* not being of the Growth, Produce or Manufacture of such Colony, into the Eastern Division of this Colony, the Sum of *Four Pounds per* Pipe, and so in Proportion for a larger or smaller Quantity.

PROVIDED NEVERTHELESS, That it is the true Intent and Meaning of this Act, that all Wines imported from the Places of their Product and Manufacture, by Way of the *West-Indies,* shall be deemed and taken to be Wines imported directly from their said Places of Product and Manufacture; any Thing contained in this Act to the contrary in anywise notwithstanding.

AND for the better Raising, Levying, and Collecting the said Duties; IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, That upon the Importation of any such Goods as aforesaid, into the Eastern Division of this Colony, an Entry or Entries shall be made with the Collector or other proper Officer of the Customs in any of the Ports of the said Eastern Division: And that all and every the said Duties hereby imposed for and upon all Rum and Wines imported as aforesaid, shall be paid or secured to be paid by the Importers thereof, before the Landing of the same respectively.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That in case any of the said Commodities shall be landed or put on shore in any Part of the Eastern Division of this Colony, before due Entry be made thereof, at any of the Ports aforesaid, and before the Duties by this Act charged or chargeable thereupon, shall be duly paid or secured to be paid, or without a Warrant for

the Landing and Delivering the same, first signed by the Collector or other proper Officer of the Customs by him appointed, belonging to such Ports; all such Commodities as shall be so landed or put on shore, or the Value of the same, shall be forfeited. And all and every such Commodities as shall be so landed and put on shore contrary to the true Intent and Meaning of this Act, shall and may be seized by any Person or Persons by Virtue of a Warrant from any Justice of the Peace (which Warrant such Justice is hereby impowered and required to give upon Request) or by any Custom-House Officer or Officers, or any Person or Persons, him or them accompanying, aiding and assisting; and all and every such Forfeiture and Forfeitures, shall and may be prosecuted for, and recovered in any Court of Record within this Colony, at the Election of the Informer or Prosecutor, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance; any Law, Usage, or Custom to the contrary in anywise notwithstanding.

AND such Forfeiture and Forfeitures so recovered, shall be divided as follows: One half for the Use of his Majesty, his Heirs and Successors, to be paid into the Treasury of the said Eastern Division, and to be applied to the Support of the Government of this Colony, in such Manner as shall be appointed by Act or Acts of the General Assembly; and the other half to the Informer or Prosecutor, who shall prosecute the same to Effect.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall be aiding or assisting, in importing, bringing on shore, or landing, or shall receive into his, her, or their House or Custody, or anyways conceal any of the Commodities aforementioned, so imported, or landed, and brought on shore, contrary to the true Intent and Meaning of this Act; every such Person so offending, shall forfeit double the Value of such Goods to be estimated and computed according to the Market Price that each respective Commodity bears, at the Place where any such Seizures shall be made, to be sued for, recovered, and applyed in manner aforementioned.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall hinder, molest, or resist any Custom-House Officer, or their, or any of their Assistants, or any Person or Persons having a Warrant from a Justice of the Peace as aforesaid, in the due Execution of their Duty in seizing or securing any of the Commodities so imported as aforesaid, contrary to the true Intent and Meaning of this Act; he or they so offending, shall forfeit and pay the Sum of *Twenty Pounds,* to be sued for, recovered, and applyed in manner aforementioned: And if any Officer or Officers of the Customs, or their Assistants, or any Person or Persons, acting by a Warrant from a Justice of the Peace as aforesaid, shall be sued or prosecuted for any Thing done in Execution of his or their Duty, for the better and more effectual putting in Force this present Act; he or they may and shall plead the general Issue; and give this Act, and the special Matter in Evidence; and the Judges shall allow thereof.

AND if any Officer or Officers of the Customs, or any of their Assistants, after having taken upon him or them the Duties enjoined by this Act, shall willingly and knowingly connive at the fraudulent Importation, or Landing, and

Bringing on shore, of any of the Commodities aforementioned, contrary to the Purport and true Meaning of this Act; or if any Officer or Officers, or their Assistants, or any other Person or Persons (as shall take upon him or them to seize any of the said Commodities so imported as aforesaid) shall by Fraud or Collusion, desist from or delay the Prosecution thereof to Condemnation; he or they so conniving, desisting, or delaying, shall forfeit the Sum of *Fifty Pounds,* to be sued for, recovered, and applied in manner aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon all Suits and Prosecutions for the Importation of any of the Commodities before mentioned, contrary to the Purport and true Meaning of this Act; the Proof that the said Commodities were legally imported according to the true Intent of the said Act, shall be upon the Defendants.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Collector of his Majesty's Customs of the Eastern Division of this Colony for the time being; and he is hereby impowered to appoint proper Officers in all such Places in the said Eastern Division of this Province, as shall be most convenient, diligently to inspect and see that this Act be duly performed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for the better and more effectual carrying this Act into Execution, the Expence of Prosecuting any Offence against this Act, shall (on the Part of the Plaintiff) be paid and born out of the Shares and Part of the Penalties and Forfeitures so recovered, and hereby given and granted to his Majesty, his Heirs, and Successors, upon any Seizure, Condemnation, and Judgment, to be had and obtained for, or by Reason of any Fraud or Misbehaviour, against the true Intent and Meaning of this Act.

PROVIDED NEVERTHELESS, That all Suits and Prosecutions for any Office against this Act, shall be brought and commenced within six Months after such Offence committed.

Passed 2 Dec. 1743.
Franklin (1743) 49-52.

An ACT *for the Support of the Government of his Majesty's Colony of* New-Jersey, *for one Year, to commence the Twenty-third Day of* September, One Thousand Seven Hundred and Forty-three; *and to end the Twenty-third Day of* September, One Thousand Seven Hundred and Forty-four.

WHEREAS the Act for Supporting the Government of this His Majesty's Colony, has been for some time expired: AND WHEREAS the Interest-Money arising from the different Loans of this Colony, was designed by two different Acts, to be thereafter disposed of, and for the Support of Government of this Colony, in such Sort, Manner, and Form, as the Governor, Council, and General Assembly, should direct. We the House of Representatives of this Colony, being willing and desirous to give all possible Demonstration of our Duty, Loyalty, and Gratitude, by applying so much of the said Interest-Money as is herein after directed, for the Support of this his Majesty's Government, for the aforesaid one Year, do pray that it may be enacted:

AND BE IT ENACTED, by the Governor, Council, and General Assembly of this Colony, and it is hereby enacted and declared, by and with the Authority of the same, That for paying the Salaries of the Governor for the time being, and other Officers appointed in the Administration of the Government of this Colony for one Year, to commence the Twenty-third Day of *September, One Thousand Seven Hundred and Forty-three;* and to end the Twenty-third Day of *September, One Thousand Seven Hundred and Forty-four,* There shall be, and there is hereby cheerfully and unanimously given unto his present Majesty, his Heirs and Successors, the Sum of *One Thousand Four Hundred and Twenty Pounds,* Money according to the Proclamation of the late Queen *ANNE,* to be paid out of the Interest-Money that at any time heretofore hath, now doth, or at any time hereafter may arise, by the Loan of the Bills of Credit, which now are or hereafter may be current in this Colony (That is to say);

TO His Excellency *LEWIS MORRIS,* Esq; or to the Governor or Commander in chief of this Colony for the time being, the Sum of *One Thousand Pounds* Money aforesaid.

TO the Chief Justice of this Colony, for the time being, the Sum of *One Hundred Pounds* Money aforesaid, for his Salary for attending the Supreme Courts at *Perth-Amboy* and *Burlington.*

TO the Second Judge of the Supream Court of this Colony, for the time being, the Sum of *Thirty Pounds* Money aforesaid.

TO the Third Judge of the Supream Court of this Colony, for the time being, the Sum of *Thirty Pounds* Money aforesaid.

TO the Attorney-General of this Colony, for the time being, the Sum of *Forty Pounds* Money aforesaid.

TO each of the Treasurers of this Colony, for the time being, the Sum of *Forty Pounds* Money aforesaid.

TO the Clerk of the Council of this Colony, for the time being, the Sum of *Thirty Pounds* Money aforesaid.

TO *Richard Partridge,* Esq; Agent of this Colony at the Court of *Great Britain,* or to the Agent for the time being, appointed by the House of Representatives, the Sum of *Eighty Pounds* Money aforesaid.

TO the Door-keeper of the Council of this Colony, for the time being, the Sum of *Ten Pounds* Money aforesaid.

ALL which said several Payments of the said several Sums abovementioned, shall be made and paid to the said several Officers beforementioned, for

the said Term of one Year, by the Treasurers of this Colony, or either of them, on Warrants to be produced to them, or either of them, and signed by the Governor or Commander in chief, for the time being, in Council: And the Warrants so signed, with Indorsements thereon made, by the Persons to whom the same shall respectively be made payable, shall be sufficient Vouchers to discharge them the said Treasurers, or either of them, and their, and either of their Heirs, Executors and Administrators of and from so much of the said Interest-Money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case his said Excellency *LEWIS MORRIS,* Esq; present Governor of this Colony, shall by Death, or otherwise, cease to be Governor of the same; or that any other of the respective Officers herein before-mentioned, shall happen to die, or otherwise be removed from their said respective Offices, at any time, after the Passing of this Act, and before the Twenty-third Day of *September,* which shall be in theYear of our Lord, *One Thousand Seven Hundred and Forty-four;* That then, and in such case, it shall and may be lawful for the Treasurers of this Colony, for the time being; and they, or either of them, are hereby authorized, directed, and commanded, to pay to his said Excellency *LEWIS MORRIS,* Esq; or to his Executors, Administrators, or Assigns, or to his or their Orders; and to every other of the said respective Officers, or to their several Executors, Administrators, or Assigns, or to their Orders, out of the said Sums of Money received, or to be received by them as aforesaid, so much thereof, as at the Time of his said Excellency's ceasing to be Governor as aforesaid; or the said respective Officers dying, or being otherwise removed from their Offices aforesaid, shall remain in Arrear and Unpaid to them for his and their respective Salaries.

AND WHEREAS it is fitting and necessary that the contingent Charges of this Government should from time to time be honourably and punctually discharged; therefore for defraying the same, We the said House of Representatives do further pray that it may be enacted,

AND BE IT FURTHER ENACTED by the Governor, Council, and General Assembly of this Colony; and it is hereby Enacted by the Authority of the same, That the Treasurers of this Colony, or either of them, out of the Interest-Money now in the Treasury, or hereafter to be paid into the same, shall pay, or cause to be paid unto his said Excellency, or to the Governor, for the time being, over and above his said Salary, herein before mentioned, the Sum of *Sixty Pounds,* for House-Rent, for the said Term of one Year.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That there shall be paid unto the Chief Justice, or to any one of the Justices of the Supream Court of this Colony, *Ten Pounds* for each Time that he or either of them shall hold the Courts of *Nisi Prius,* and of Oyer and Terminer, and General Goal Delivery, when it shall be necessary that they be held at the same time, in the respective Counties of this Colony, either at the Times appointed, or that hereafter shall be appointed, for Holding the said Courts; provided there be a real Occasion for Holding the same: PROVIDED ALSO That not any Thing shall be paid to either of the Justices aforesaid, for Holding any of the abovesaid Courts, at the same time that the Supream Court is held at *Perth-*

Amboy and *Burlington.* PROVIDED ALWAYS, That no more than two of the said Courts of Oyer and Terminer, and General Goal-Delivery, be held in any one County in one Year, that shall be paid for by Virtue of this Act: One of them to be held, if there shall be Occasion, at the yearly Time of holding the Courts of *Nisi Prius,* and one other of said Courts of Oyer and Terminer, and General Goal-Delivery, if Application shall be made in Writing, signed by the major Part of the Freeholders chosen by the said County, in Conjunction with any three Justices of the Peace (*Quorum unus*) of said County, to any one of the Justices of the Supream Court. PROVIDED ALSO, That the Causes of the County of *Cape-May* be tryed at *Salem.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurers aforesaid, or either of them, shall pay the Sum of *Six Shillings per Diem,* unto each of the Council, for the Time they or either of them have attended, or shall attend, at this or any other Sessions of General Assembly, during the said one Year, upon Warrants by them to be produced, signed by the Governor in Council, expressing the Number of Days each of said Council shall have so attended.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay unto the several Persons hereafter named, the several Sums following, *viz.*

TO the Clerk of the House of Representatives, for his Attendance, the Sum of *Eight Shillings per Diem,* for the time he hath attended or shall attend, at this or any other Sessions of General Assembly, during the said one Year. ALSO the Sum of *Twelve Pounds,* for Entering the Minutes and Votes of this Session, fair in the Book, Copying the Laws and Minutes for the Printer, Pen, Ink, and Paper.

TO *William Bradford* of *Philadelphia,* or any other Printer hereafter appointed, for Printing the Minutes of the House of Representatives: And to *Benjamin Franklin,* or any other Printer hereafter appointed, for Printing the Laws of this Colony, such Sums as *Richard Smith,* jun. *Isaac Pearson,* and *Joseph Cooper,* or any two of them, shall agree for.

TO *Andrew Robinson,* or to the Serjeant at Arms, for the Time being, for his Attendance on the House of Representatives, this or any other Sessions during the said Term of One Year, the Sum of *Three Shillings per Diem.*

TO *Peter Savery,* or the Serjeant at Arms, for the Time being, for his Attendance on the Council in manner aforesaid, the Sum of *Three Shillings per Diem.*

TO *John Titus,* or to the Door-keeper of the House of Representatives, for the Time being, for his Attendance, in the Manner aforesaid, the Sum of *Three Shillings per Diem.*

TO the Heirs or Executors of *John Parker,* for the Use of a Room, Firewood, and Candle, for the Council, the Sum of *Twenty Shillings per* Week, during this present Session.

TO Col. *Hamilton,* to pay for the Use of a Room, Fire, and Candle, for the Council, the Sum of *Fifteen Shillings per* Week, during this present Session.

TO *Andrew Johnston,* Esq; the Sum of *Thirty-four Pounds Nineteen*

Shillings and Eight Pence, to be remitted to *Richard Partridge,* Esq; Agent of this Colony, in full for his Disbursements to the Twenty-third Day of *September* last.

TO *Archibald Home,* Esq; Secretary, for Money expended for the Colony, *Two Pounds Seventeen Shillings and Four Pence.*

TO *William Bradford,* of *New-York, Six Pounds Fifteen Shillings,* in full of his Account, allowed of by the House of Representatives, last Session.

TO the Treasurers of this Colony, *Six Pence per* Pound, for so much as they or either of them shall Exchange of the ragged and torn Bills of Credit, during the Continuance of this Act.

ALL which said several Sums above-mentioned, shall be, and are hereby directed to be paid out of the Interest-Money already paid or payable into the Treasury, by the said Treasurers of this Colony, or either of them, by Virtue of Warrants to be signed by the Governor, or Commander in chief, for the Time being, in Council: And the said several Warrants when produced by the said respective Treasurers, and Endorsements thereon made by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers to discharge them the said Treasurers or either of them, their Executors and Administrators, on Account of the several Payments so made and paid out of the Treasury as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurers, or either of them, shall pay the Sum of *Six Shillings per Diem,* to the Speaker, and every of the Members of the House of Representatives, for the Time they or either of them have attended or shall attend, at this or any other Sessions of General Assembly, during the said Term of one Year, upon a Certificate to be produced to the Treasurers, or either of them, by each of the said Members, signed by *Andrew Johnston, Samuel Nevill, Richard Smith,* and *Isaac Pearson,* or any three of them, expressing the Number of Days, such Member shall have attended: And the said several Certificates, when produced by the said respective Treasurers, and Endorsements thereon made by the Persons to whom the same shall be respectively made payable, shall be sufficient Vouchers, to discharge them the said Treasurers or either of them, their Executors and Administrators, on Account of the several Payments so made, and paid out of the Treasury as aforesaid.

Passed 5 Dec. 1743.
Franklin (1743) 53-58.

An ACT *to impower the Inhabitants of the County of* Middlesex, *to build a Bridge over* South-River, *in said County.*

BE IT ENACTED by the Governor, Council, and Assembly, in General Assembly now met and convened; and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for any three of the Justices of the Peace of the County aforesaid, one whereof being of the *Quorum,* in some convenient time after the Publication of this Act, to call together the Freeholders of the said County; and they are hereby required so to do, in order to view the Premises, and consult about Building a Bridge over said *South River,* in such Place and after such Manner as to the said Justices and Freeholders, or the major Part of them, shall seem most convenient.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if after such View and Consultation, the said Justices and Freeholders, or the major Part of them, shall think it necessary and convenient to build a new Bridge over said *South-River,* at the Place where *Edmund Bainbridge* now hath a Bridge over the same, or at any other Place between the Mill of *Andrew Johnston,* Esq; and the publick Bridge that is already built; that then, and in such case, it shall and may be lawful for the said Justices and Freeholders, or the major Part of them, and they are hereby impowered to order and direct the Building such Bridge and Causways, in such Place and after such Manner as they shall think proper.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Costs and Charges of Building, Rebuilding, and Repairing the said Bridge and Causway, or Causways, from the Upland thereto, shall be raised and assessed on the Inhabitants of the County of *Middlesex* aforesaid, in the same Manner as by Law is directed to be done, for Building, Rebuilding, and Repairing the Bridge that now is over the said River; any Law to the contrary in anywise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after the said Bridge and Causway, or Causways, shall be built and compleatly finished, then, and not before, the Surveyors or Commissioners of the Highways, or the major Part of them, chosen and appointed for the said County, upon an Order in Writing from the said Justices and Freeholders, shall, and are hereby impowered and required to lay out a Six-Rod-Road from the most convenient Part of the King's High-Road that now leads to and from the Bridge that is already built to the new Bridge so to be built and compleated, and from thence to the nearest and most convenient Part of said King's High-Road on the other Side of said Bridge; and shall make Return thereof, and cause the same to be entered on the publick Record. From and after which Return so made and recorded, so much of the King's old High-Road, from the Setting-out of the new Road to the Place where it shall enter the said old Road, shall be, and is hereby declared, null and void, as if the same had never been laid out; any Law to the

contrary in anywise notwithstanding.

PROVIDED ALWAYS, And it is hereby Declared, to be in the Power of the said Justices and Freeholders, if they see convenient, to agree with the said *Edmund Bainbridge,* for making the Bridge, already built by him, a Publick Bridge, instead of Building a new One as aforesaid: And when they have so agreed, to cause the said Six-Rod-Road, to be laid out to and from that Bridge, in manner aforesaid.

Passed 2 Dec. 1743.
Franklin (1743) 59-60.

An ACT *to impower the Inhabitants of the County of* Salem, *to erect and build a Bridge over* Salem *Creek.*

WHEREAS it hath been found by daily Experience to be very inconvenient and troublesome to the Inhabitants of the County of *Salem,* to pass from *Salem* into *Penn's Neck,* for want of a Bridge to pass over the said Creek; therefore,

BE IT ENACTED, by the Governor, Council, and General Assembly of this Colony; and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Inhabitants of the County of *Salem,* to erect and build a Bridge over *Salem* Creek, from *Stoney Island* in *Penn's Neck,* unto the Marsh formerly belonging to *Richard Woodnut,* deceased; which Bridge is to be built and repaired by Subscription of the Inhabitants of the County of *Salem.*

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That after the Publication hereof, the Inhabitants aforesaid, or any Part of them, shall have full Power and Authority to build, rebuild, and repair, as they shall think proper, the aforesaid Bridge, sufficient for a good Cart Road, without the Hindrance or Molestation of any Person or Persons whatsoever.

Passed 17 Nov. 1743.
Franklin (1743) 60-61.

An ACT *to impower the Inhabitants of the County of* Bergen *to erect and build a Draw or Swinging-Bridge over* Hackinsack River.

WHEREAS it hath been found by daily Experience to be very inconvenient and troublesome to the Inhabitants of said County of *Bergen;* and for Travellers from one County to another County, and to and from the neighbouring Colonies, and Carriages to pass and repass over said *Hackinsack River:* Therefore

BE IT ENACTED, by the Governor, Council, and General Assembly of this Colony; and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Inhabitants of the said County of *Bergen,* to erect and build a Bridge over said *Hackinsack River,* from the common Landing near *Peter Demarest's* House to the Landing near *Johannes Ackerman's* Mill; the said Bridge shall be a Draw or Swinging-Bridge, so that no Vessels may be stopped, and that they may pass and repass: Which Bridge is to be built, repaired, and maintained, by Subscription of the Inhabitants of said County of *Bergen.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after the Publication of this Act, the Inhabitants of the County aforesaid, or any Part of them, shall have full Power and Authority to build the aforesaid Bridge, in manner as above is mentioned, and that without any Hindrance or Molestation of any Person or Persons whatsoever.

Passed 17 Nov. 1743.
Franklin (1743) 61.

An ACT *concerning acknowledging Deeds in the Colony of* New-Jersey, *and declaring how the Estate or Right of a* Feme Covert *may be conveyed or extinguished.*

WHEREAS many of the Inhabitants of this Colony live at a great Distance from any of the Judges of the Supream Court, any of His Majesty's Council, or any of the Masters in Chancery, and there are several Counties in this Colony where none of the said Officers do dwell, and very seldom come into

them, by Reason whereof the People labour under considerable Inconveniencies for want of a Law for acknowledging Deeds and Conveyances of Land; therefore,

BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted, by the Authority of the same, that all Deeds, Evidences and Conveyances of Land, or other Real Estate, which have been heretofore acknowledged by the Grantor, or proved by one or more of the Witnesses, either before any of the Judges of the Supream Court, or one of His Majesty's Council, or any one of the Masters in Chancery, or any one of the Judges of the County Courts of Common Pleas, or any two Justices of the Peace, in any of the respective Counties of this Colony, and indorsed on, or written under the said Deed, and the Acknowledgment or Proof, signed by the Person taking the same, shall be deemed and esteemed to be sufficiently acknowledged or proved in order to be recorded or registered, and such Deeds, Evidences and Conveyances of Land, or other real Estate, so acknowledged or proved, may be Recorded or Registered in any Book which is or shall be kept for that Purpose, by any Person or Persons who is, or hereafter shall be, lawfully Impowered, to record or register Deeds or Conveyances of Land within this Colony.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that all Deeds and Conveyances of Land, or other real Estate hereafter to be acknowledged, shall be acknowledged by the Grantor, or proved by one or more of the Witnesses, either before one of the Judges of the Supream Court, or one of His Majesty's Council, or any one of the Masters in Chancery, or one of the Judges of the County Courts for holding of Pleas within the respective Counties of this Colony, and indorsed on or written under the said Deed, and the Acknowledgment or Proof signed by the Person taking the same, before they shall be Recorded or Registered; and that all Deeds, Evidences and Conveyances of Land, or other real Estate, so acknowledged or proved, may be recorded or registered in any Book which is, or shall be kept for that Purpose, by any Person or Persons who is, or hereafter shall be, lawfully Impowered to Record or Register Deeds or Conveyances of Land within this Colony.

AND BE IT ENACTED by the Authority aforesaid, that all Deeds or Conveyances made, or to be made, by a Man and his Wife, of the Estate of the Wife, or Right of Dower of the Wife, acknowledged or to be acknowledged, proved, or to be proved, in manner aforesaid, to have been Executed by the Husband, and acknowledged or to be acknowledged by the Wife, on private Examination apart from her Husband, before any one of the Justices of the Supream Court, any one of His Majesty's Council, or any one of the Masters in Chancery, or any one of the Judges of the County Courts for holding of Pleas, within this Province, to have been Executed by her freely, without any Threats or Compulsion of her Husband, and such Acknowledgment and Proof indorsed on, or wrote under, such Deed or Conveyance, and signed by the Person taking the same, shall and may be recorded or registered as aforesaid; and such Deed or Conveyance acknowledged and proved as aforesaid, shall be good and sufficient to convey the Lands, Estate or Rights thereby intended to be conveyed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if

such *Feme Covert* be in *Great-Britain* or *Ireland,* or in any of His Majesty's Colonies, then the Acknowledgement of such *Feme Covert* made or to be made as aforesaid, of any Deed or Conveyance of the Estate or Right of the Wife, and a Certificate under the Seals of the Cities of *London* or *Edinburgh,* in the Kingdom of *Great-Britain,* or under the Seal of the City of *Dublin,* in the Kingdom of *Ireland,* or under the Great Seal of any of His Majesty's Colonies, that such *Feme Covert* did, upon private Examination, acknowledge before the Keeper or Keepers of either of the Seals herein mentioned, that she executed such Deed or Conveyance voluntarily and without Threat or Compulsion, shall be sufficient Evidence of the Execution and Acknowledgment of such Deed or Deeds, and such Deed or Deeds so acknowledged and certified, shall be good and sufficient to convey the Lands, Estate or Rights thereby intended to be conveyed.

PROVIDED ALWAYS, and it is hereby Declared, that nothing in this Act contained, is meant or intended to enable any *Feme Covert* under the Age of Twenty one Years, to sell and Dispose of any Land, Estate or Right whatsoever.

PROVIDED ALSO, and it is Declared, that it is not the meaning of this Act, to enable any *Feme Covert,* who is a Tenant in Tail, to Bar her Issue by any Conveyance or Method by this Act directed.

PROVIDED ALSO, and it is hereby Declared, that nothing in this Act shall enable any *Feme Covert,* seized of any Estate in Fee Simple, by the Gift, Devise or Conveyance of her former Husband, or Husbands, his or any of his Ancestors, to convey the same, during the Life of her Issue by such former Husband, from whom or whose Ancestors she had the same, or while the Issue of such her Issue are in being.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that all Deeds, Evidences and Conveyances of Land, or other real Estate, proved or acknowledged as aforesaid, and all Copies thereof, taken from any Book of Record or Register where the same is recorded or registered, and signed as a true Copy by any Person or Persons who is, or hereafter shall be, lawfully Impowered to record or register Deeds and Conveyances of Land within this Colony, and proved in Court to be a true Copy, by some Person who has compared the same with the Record or Register, and Exemplifications or Duplicates of Deeds, and of the Certificates of Proofs or Acknowledgments thereof made as aforesaid, certified under any of the Seals herein mentioned, shall be good and sufficient Evidence in any Court of Record in this Colony: Any usage to the contrary notwithstanding.

PROVIDED ALWAYS, that neither this Act, nor any thing herein contained, shall be in Force till His Majesty's Royal assent be had thereunto.

Passed 2 Dec. 1743.
Bradford (1749) 3-6.

An *ACT* for ascertaining the Fees to be taken by the several Officers in the Colony of *New-Jersey*.

Passed 2 Dec. 1743
Disallowed 28 June 1749
Allinson, 138, title only. Text not found.
"This Act had a suspending Clause. . . ."—**Allinson.**

Thirteenth Assembly, Second Session

22 June - 3 July 1744

Burlington

No acts passed.

Fourteenth Assembly, First Session

18-25 Aug. 1744

Perth Amboy

4 Oct. - 12 Nov. 1744

Burlington

14 Nov. - 8 Dec. 1744

Trenton

Allinson (138) ascribes these laws to the Thirteenth Assembly, Second Session, and gives the dates as 22 June - Dec. 1744. That session ended 3 July 1744 with no laws passed.

An *ACT* to encourage the destroying of Crows, Blackbirds, Squirrels and Woodpeckers in the Counties of *Gloucester, Salem and Cape May.*[1]

WHEREAS Crows, Blackbirds, Squirrels and Woodpeckers have proved very prejudicial to the Inhabitants of the Counties of *Gloucester, Salem* and *Cape May* for preventing of which

BE IT ENACTED by the Governor Council and General Assembly of the Colony of New Jersey, and it is hereby Enacted by the Authority of the same, That the Justices of the Peace and Freeholders chosen yearly in each Town and Precinct of the said Counties for raising of money for Building of Goals and Court Houses, shall also direct the raising of such Sum or Sums of money as shall be found necessary for the defraying the Charge of killing of Crows, Blackbirds, Squirrels and Woodpeckers,which money so directed to be raised shall be Assessed and Collected by the Assessors and Collectors annually chosen by the Act Entituled *An Act for the more regular Choosing and Electing Assessors and Collectors in the respective Towns and Counties of this Province,* in such manner as in and by the Act Entituled *An Act to impower the Freeholders chosen in each County of this Colony or the major part of them in conjunction with three Justices of the peace to direct the method of assessing the Inhabitants of each County* pass'd in the Seventeenth year of the reign of King *George* the Second, is directed & appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that every Person or Persons who shall kill any Crows, Blackbirds, Squirrels or Woodpeckers within any of the County's aforesaid, and shall carry the heads of the same to any Justice of the Peace, such Justice of the Peace on examination being satisfied that such Crows, Blackbirds, Squirrels or Woodpeckers were killed in that County after the Publication of this Act, shall give him or them a Certificate (after he had cut off the Ears and Bills) to the Collector of the respective Town District or County or any of them who upon Sight thereof shall pay to the Person producing such Certificate the Sum of *four pence* for each Crow, *Two pence* for each Woodpecker or Squirrel, and *three pence* for each dozen of Blackbirds.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any Certificate for Crows, Woodpeckers, Squirrels or Blackbirds killed according to the directions of this Act shall be Offered in payment by any Person or Persons killing the same, for his or their Rate Taxed according to the directions of this Act, It shall and may be lawfull for the Collector or Collectors aforesaid and they are hereby requir[ed] to receive the same in lieu of so much money as is Certified in the said Certificate, by any Justice of the Peace as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if the Justices, Freeholders, Assessors or Collectors aforesaid, or any of them, shall refuse or wilfully neglect to perform the respective Duty or Duties, Service or Services required of them, or either of them by this Act, Each Person so Offend-

ing shall forfeit *fourty Shillings* current money of this Colony for each such neglect or refusal of his Duty, to be recovered by Action of Debt, with full Costs of Suit, in any Court within this Colony where the same is Cognizable by any Person that will Sue for the Same; one half of the said Forfeiture to the use of the Person that will sue for the same to effect, the other half to be paid to the said Collector of the County where it shall be recovered for the use of said County.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that this Act together with all things therein contained shall continue and be in force for three years after the Publication hereof and from thence to the end of next Sessions of General Assembly, and no longer.

Date of passage undertermined; Allinson gives it as 8 Dec. 1744, but Assembly Journal does not so record. No evidence that session laws were published.

Nj-Ms.

1. Monmouth County was added by Council amendment but later deleted before final approval.

An Act *for naturalizing* Ludwick Hadn, Jacob Utrz, Frederick Tendle Spick, Adam Hoeshield, Michael Tilheaver, Peter Dofgel, Hans Michael Milner, Johannes Hoffman, Matthias Houshilt, Johannes Trimmer, Adam Bellesfelt, Johan William Bellesfelt, Peter Bellesfelt, Johannes Henry Snug, Bastiyan Kes, Johan Chris Smith, Junior, Filliep Snieder, Hendrick Winter, Johan Diel Berg, Adam Diels, Hendrick Diels, Matthias Trimmer and Matthias Sharpentin.

Allinson, 138, title only. Text not found.

Fifteenth Assembly, First Session

4 Apr. - 6 Aug. 1745

Perth Amboy

16-24 Aug. 1745

Trenton

An ACT for applying Two Thousand Pounds of the Interest Money now in the Treasury, arising from the Loans of the Bills of Credit, for His Majesty's Service.

Passed 1 June 1745.
Allinson, 139, title only. Text not found. No evidence that session law was published.

Fifteenth Assembly, Second Session

24 Sept.- 3 Oct. 1745

Burlington

4 Oct. - 28 Oct. 1745

Trenton

No acts passed.